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House of Representatives

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. CARSON of Indiana).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 29, 2008.

I hereby appoint the Honorable ANDRÉ CARSON to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

INTRODUCTION OF PUBLIC HEALTH RESOLUTION

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. ROYBAL-ALLARD) for 5 minutes.

Ms. ROYBAL-ALLARD. Mr. Speaker, the future health of America is at a crossroad, requiring us to make a critical decision. Will we choose the road that promises a healthier future for all Americans or will we choose to continue down the path that has led the United States to lag behind 28 United Nations countries in life expectancy?

Incredibly, the United States annually spends $2.2 trillion on health care, more than any other nation. Seventy-five percent of that health care budget is spent largely on preventable chronic disease conditions. Yet the United States has the highest rate of preventable deaths among the majority of industrialized nations. Even more troubling is the fact that the number of people in the United States with preventable chronic diseases continues to rise steadily.

If unchecked, public health experts agree that nearly half of our population will suffer from at least one chronic disease by the year 2025.

Mr. Speaker, we can no longer ignore the science that links nearly 60 percent of premature deaths in our country to preventable environmental conditions, to social circumstances or to negative behavioral choices. We have known for almost a decade, for example, that being overweight and physically inactive accounts for more than 300,000 premature deaths each year in the United States, second only to tobacco-related deaths.

While we continue to ignore this preventable reality, our Nation's obesity epidemic shows no sign of abating. It may very well be that today's children will be the first in a generation to have shorter, less healthy lives than their parents.

However, there is good news. The road to a healthy future often requires only simple, small choices that have proven to be effective in reducing the incidence and severity of many chronic diseases. They include better eating habits, exercising more and taking an aspirin every day.

Unfortunately, these proven preventative strategies fail to reach large numbers of people at risk for chronic diseases. One reason for failure is our health system continues to prioritize medical care based on disease treatment rather than health care focused on prevention and on the control of diseases before they become more costly and difficult to treat.

Next year, as a new Congress and as a new administration work to fix our broken health care system, it is imperative we prioritize disease prevention and public health in the formulation of any health policy.

For that reason, I am introducing a resolution today calling for an increased Federal commitment to prevention and public health. I am pleased to be joined in this effort by my co-chairs from the Study Group on Public Health: Representatives JIM MCGOVERN and KAY GRANGER; Representative JIM MORAN from the Prevention Caucus; and Representative DIANA DEGETTE of the Diabetes Caucus.

Mr. Speaker, the future health of our country is at a critical point in our history. New research has shown that investing in clinical- and community-level prevention saves lives and significantly reduces health care costs.

It is, therefore, essential that the road we choose to a timely, accessible, effective, and affordable health care system includes a focus on public health and prevention. Both are key elements to reaching our goal of a strong and healthy nation.

I urge my colleagues to support this resolution.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 36 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CARNAHAN) at noon.

PRAYER

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

Lord, is it what people say or what others say about us that mirrors our

truth? Is a person or a nation measured by words written or spoken or by ordinary deeds?

Is it what people say in prayer or on blogs or in the media that is most revealing? Or does silent and routine work truly record our deepest meaning?

The Scriptures seem to reveal You, Lord, as One who truly listens to people; yet our words tell You nothing. For You see all we do and fail to do. You even read human hearts.

You alone are the most high. You do not change. It is we who change as a nation, as a people; sometimes unknowingly, sometimes reluctantly, sometimes freely.

So have mercy on us, Lord, and reveal to us truth, now and forever.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from New York (Mrs. LOWEY) come forward and lead the House in the Pledge of Allegiance.

Mrs. LOWEY led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

S. 3352. An act to temporarily extend the programs under the Higher Education Act of 1965.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 28, 2008.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 28, 2008, at 9:50 a.m.:

That the Senate agreed to the House amendment to the Senate amendment to the House amendments to the Senate amendment H.R. 3221

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 28, 2008.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 28, 2008, at 11:35 a.m.:

That the Senate agreed to without amendment H.Con. Res. 395

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled joint resolution was signed by Speaker pro tempore HOYER on Monday, July 28, 2008:

H.J. Res. 93, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

WAR PROFITEERS

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

Mr. POE. Mr. Speaker, I bring you news from Iraq and the war profiteers that make money off this war.

According to the Inspector General for Iraq Reconstruction and as reported by the Washington Post, a California contractor ''was paid $142 million to build prisons, fire and police stations that were never built or finished.''

The Inspector General states, ''Millions of dollars in waste are associated with incomplete, terminated and abandoned projects.''

The biggest fiasco was an incomplete prison that was so poorly constructed that the floors are collapsing. This facility is totally useless to the United States and Iraqi governments.

Mr. Speaker, it seems to me this is yet another example of incompetence, waste, and possible fraud against America.

If crimes have been committed, the Justice Department needs to prosecute anyone that steals money from America during this time of war, because the long arm of American law even reaches crooked contractors in Iraq.

And where shall we send these people? To the well-built Guantanamo Bay Prison where we house war criminals.

And that's just the way it is.

TERRORIST BOMBINGS

(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, over the weekend the world was reminded that we face a global war on terrorism. Terrorists murdered or maimed hundreds of innocent civilians in India, Turkey, and most recently, yesterday in Iraq. These attacks, which numbered well over a dozen, are a stark reminder of the hideous nature of the enemy, who have declared war on modern civilization.

The groups responsible for these attacks are not always the same people. However, their motives in disrupting peace and prosperity and taking the lives of innocent individuals are the same as those who seek to kill American families. That is why we must stand together with our allies against such heinous attacks.

I want to express my deepest sympathies to the people of India, Turkey, and Iraq. If we are to defeat those who will murder innocent civilians and destroy the prosperity of free Nations, then we must work together. Despite their best efforts, our enemy's brazen disregard for innocent life will only strengthen our resolve.

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

FREE FLOW OF INFORMATION ACT

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

Mr. PENCE. Mr. Speaker, freedom is not the business of the Republican Party or the Democratic Party alone. It is not the business of liberals or conservatives alone. Freedom is the work of every American and every Member of Congress.

It was in that spirit that 3 years ago, I authored the Free Flow of Information Act with my colleague Congressman RICK BOUCHER from Virginia. The bill provides a qualified privilege to shield confidential sources from disclosure except in cases where national security or classified information is at issue.

Last year, the House proved that freedom is not an issue alone in the province of the left or the right by passing the measure with an overwhelming bipartisan vote.

Last week, the Washington Post and Washington Times proved the same. Newspapers with great liberal and conservative traditions alike have endorsed this vital legislation.

We learned this morning that the Senate may consider the Free Flow of Information Act as soon as tomorrow, and so I respectfully rise to encourage our colleagues in the other body to remember, freedom is not the business of Republicans or Democrats, liberals or

conservatives. Freedom is the work of every American and every Member Congress.

I urge my Senate colleagues to do like the House did, come together in a bipartisan manner and put this stitch in a tear in the first amendment, freedom of the press.

EMERGENCY DISASTER AID FOR THE MIDWEST

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

Mr. LATHAM. Mr. Speaker, last week I argued on the floor that the House should not leave for its 5-week August break until we pass emergency disaster funding for the Midwest. We have been told by the House and Senate leadership that there simply isn't enough time to get the job done before we leave. I say, Why not? The history of this House is replete with time after time—in hours—passing bills to help for national disasters.

Instead, today, we're going to do 38 bills on the floor of the House, things like naming a post office in New York; things like supporting the goals and ideals of National Apple Month and the Apple Crunch; congratulating University of Florida quarterback Tim Tebow for winning the Heisman Trophy; congratulating the University of Tennessee for winning the national championship.

Isn't it ironic that the Democrat leadership less than 2 weeks ago found time for a 4-day tour of the gulf to pat themselves on the back on disaster aid and don't have time for the Midwest?

We should not leave here without passing disaster aid for the Midwest, and anyone who votes for adjournment should be held accountable.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 25, 2008.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on July 25, 2008, at 2:11 p.m. and said to contain a message from the President whereby he submits a copy of an Executive Order filed earlier with the Federal Register with respect to Zimbabwe.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

BLOCKING PROPERTY OF ADDITIONAL PERSONS UNDERMINING DEMOCRATIC PROCESSES OR INSTITUTIONS IN ZIMBABWE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–138)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act, as amended (50 U.S.C. 1701 et seq.) (IEEPA), I hereby report that I have issued an Executive Order (the ''order'') that expands the scope of the national emergency declared in Executive Order 13288 of March 6, 2003, which was relied upon for additional steps taken in Executive Order 13391 of November 22, 2005, and takes additional steps with respect to that national emergency.

In Executive Order 13288, I found that the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions constituted an unusual and extraordinary threat to the foreign policy of the United States and declared a national emergency to deal with that threat. Executive Order 13288 blocks the property and interests in property of the persons listed in its Annex and permits the designation of any person or entity owned or controlled by, or acting or purporting to act directly or indirectly for or on behalf of, any person listed in that Annex.

Executive Order 13391 took additional steps to address the national emergency declared in Executive Order 13288 and amended the provisions of that earlier order. Executive Order 13391 blocks the property of the persons and entities listed in its Annex and permits the designation of any person or entity determined: to have engaged in actions or policies to undermine Zimbabwe's democratic processes or institutions; to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, such actions or policies or any person whose property and interests in property are blocked pursuant to Executive Order 13288, as amended; to be or have been an immediate family member of any person whose property and interests in property are blocked pursuant to Executive Order 13288, as amended; or to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to Executive Order 13288, as amended.

I have now determined that the continued actions and policies of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions, manifested most recently in the fundamentally undemocratic election held on June 27, 2008, to commit acts of violence and other human rights abuses against political opponents, and to engage in public corruption, including the misuse of public authority, warrant an expansion of the existing national emergency and the existing sanctions with respect to Zimbabwe. The order supplements the designation criteria set forth in Executive Order 13288, as amended by Executive Order 13391, and provides additional criteria for designation of any person determined by the Secretary of the Treasury, after consultation with the Secretary of State: to be a senior official of the Government of Zimbabwe; to be owned or controlled by, directly or indirectly, the Government of Zimbabwe or an official or officials of the Government of Zimbabwe; to be responsible for, or to have participated in, human rights abuses related to political repression in Zimbabwe; to be engaged in, or to have engaged in, activities facilitating public corruption by senior officials of the Government of Zimbabwe; or to have materially assisted, sponsored, or provided financial, material, logistical, or technical support for, or goods or services in support of, the Government of Zimbabwe, any senior official thereof, or any person whose property and interests in property are blocked pursuant to Executive Order 13288, Executive Order 13391, or the order.

The order also restates existing designation authority to block the property and interests in property of persons determined to have engaged in actions or policies to undermine Zimbabwe's democratic processes or institutions. Finally, the order restates existing derivative designation authority and adds derivative designation authority to block the property and interests in property of persons determined by the Secretary of the Treasury, after consultation with the Secretary of State, to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, or to be a spouse or dependent child of, any person whose property and interests in property are blocked pursuant to Executive Order 13288, Executive Order 13391, or the order.

In the order, I delegated to the Secretary of the Treasury, after consultation with the Secretary of State, the authority to take such actions, including the promulgation of rules and regulations, as may be necessary to carry out the purposes of the order.

I am enclosing a copy of the Executive Order I have issued.

GEORGE W. BUSH.
THE WHITE HOUSE, *July 25, 2008.*

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 after 6:30 p.m. today.

□ 1215

CHARLES L. BRIEANT, JR. FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6340) to designate the Federal building and United States Courthouse located at 300 Quarropas Street in White Plains, New York, as the ''Charles L. Brieant, Jr. Federal Building and United States Courthouse,'' as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6340

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

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 300 Quarropas Street in White Plains, New York, shall be known and designated as the ''Charles L. Brieant, Jr., Federal Building and United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the ''Charles L. Brieant, Jr., Federal Building and United States Courthouse''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to exclude extraneous material on H.R. 6340.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume and I am happy to yield to the gentlewoman from New York, who is the author of the bill.

Mrs. LOWEY. Mr. Speaker, it is a pleasure for me to express my appreciation to my good friend and colleague, ELEANOR HOLMES NORTON, and I want to thank Chairman OBERSTAR for his support of this bill and for his help bringing it to the floor today.

Mr. Speaker, I rise in support of this legislation, which would designate the Federal building and United States Courthouse in White Plains, New York, as the ''Charles L. Brieant, Jr. Federal Building and United States Courthouse.''

Federal Judge Charles Brieant, Jr., a graduate of Columbia University and Columbia Law School, served in the United States Army Air Force during World War II. Appointed to the Federal judiciary by President Nixon in 1971, Judge Brieant rose to the high-profile post of Chief Judge of the influential U.S. District Court for the Southern District of New York, a court well regarded for its legal prowess and well-reasoned decisions. His thoughtful interpretation of the law often earned great praise, and the United States Supreme Court agreed with Judge Brieant's rulings six times.

Additionally, Judge Brieant received many awards and honors, including the Servant of Justice Award from the Guild of St. Ives in 1998 and the Edward Weinfeld Award for Distinguished Contributions to the Administration of Justice in 2006.

Mr. Speaker, Judge Brieant can lay claim to hundreds of court decisions, many of which have impacted the lives of ordinary New Yorkers in extraordinary ways.

Judge Brieant is survived by his wife Virginia, their four children, nine grandchildren and two great-grandchildren.

Judge Brieant deserves our admiration and recognition for his selfless commitment to the law and public service. In fact, beyond the bench, Judge Brieant was instrumental in the construction of the very building we seek to name in his honor.

I urge my colleagues to join me in honoring this great American by passing this legislation.

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

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

H.R. 6340 designates the Federal building and United States Courthouse located in White Plains, New York, as the ''Charles L. Brieant, Jr. Federal Building and United States Courthouse.''

Charles Brieant served as the Chief Judge of the United States District Court for the Southern District of New York from 1986 until 1993. His original appointment to the bench by President Nixon in 1971 began a 36-year career with the Southern District Court.

Prior to his service on the Federal bench, Judge Brieant served honorably in the United States Army Air Force during World War II. After his service in the Armed Forces, Judge Brieant returned to Columbia University, where he had begun his college education before being called into the service, and graduated in 1947. He received his law degree in 1949 and began a life of public service, working as a town justice, assistant district attorney, town supervisor, and a county legislator.

It is fitting that we give Judge Brieant's name to the courthouse where he served for so many years. Judge Brieant worked for many years to help build the courthouse in White Plains and another in Manhattan. He was particularly proud of the White Plains courthouse which opened in 1995. His work helped ensure that new courthouses would meet the needs of the court for many years.

As we honor him today by naming this Federal building and courthouse, we ensure that Judge Brieant, who passed away just last week, will not be forgotten. Judge Brieant leaves behind his wife of 60 years, Virginia Brieant, three daughters and a son, nine grandchildren and two great-grandchildren.

We hope that the naming of this courthouse will bring comfort to his family in their time of loss, and honor his legacy of service to the court.

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

Ms. NORTON. I thank the gentleman for his statement in support of the Judge Brieant bill. The gentlelady and my colleague covered the matter extensively. I have only to add that this was a very distinguished judge who enjoyed the respect of both sides of the aisle.

I commend the gentlelady for her bill; this is very well deserved. We're very pleased in our subcommittee to be able to bring it forward.

Mr. Speaker, I rise in strong support of H.R. 6340 and commend Congresswoman LOWEY for her staunch support for this bill, which has broad bi-partisan support.

Federal Judge Charles Brieant, Jr. born in 1923 in Ossining, New York and who recently died on July 20, 2008.

He graduated from Columbia University and Columbia Law School. From 1943 until 1946 he served in the United States Army Air Force. He began his career practicing in White Plains, New York, while serving as Water Commissioner for the town of Ossining, New York.

Judge Brieant was elected Ossining Town Justice in 1952 before serving as Village Attorney for Briarcliff Manor, New York. From 1960 through 1963 he served as Town Supervisor for Ossining.

In 1970, he was elected to Westchester County legislature and one year later was nominated to serve on the District Court for the Southern District of New York by President Richard Nixon. He served as Chief Judge for the Southern District from 1986 to 1993. Judge Brieant took senior status on May 31, 2007. During his distinguished career Judge Brieant received many awards and honors including the Servant of Justice Award from the Guild of St. Ives in 1998 and the Edward Weinfeld Award for Distinguished Contributions to the Administration of Justice in 2006.

It is most fitting and proper that we honor the outstanding public career of this imminent jurist.

Ms. NORTON. 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 the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 6340, 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. BOOZMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

DEPARTMENT OF HOMELAND SECURITY COMPONENT PRIVACY OFFICER ACT OF 2008

Mr. THOMPSON of Mississippi. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5170) to amend the Homeland Security Act of 2002 to provide for a privacy official within each component of the Department of Homeland Security, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5170

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 ''Department of Homeland Security Component Privacy Officer Act of 2008''.

SEC. 2. ESTABLISHMENT OF PRIVACY OFFICIAL WITHIN EACH COMPONENT OF DEPARTMENT OF HOMELAND SECURITY.

(a) IN GENERAL.—Subtitle C of title II of the Homeland Security Act of 2002 (6 U.S.C. 141 et seq.) is amended by inserting after section 222 the following new section:

''SEC. 222A. PRIVACY OFFICIALS.

''(a) DESIGNATION.—

''(1) IN GENERAL.—For each component of the Department under paragraph (2), the Secretary shall, in consultation with the head of the component, designate a full-time privacy official, who shall report directly to the senior official appointed under section 222. Each such component privacy official shall have primary responsibility for its component in implementing the privacy policy for the Department established by the senior official appointed under section 222.

''(2) COMPONENTS.—The components of the Department referred to in this subparagraph are as follows:

''(A) The Transportation Security Administration.

''(B) The Bureau of Citizenship and Immigration Services.

''(C) Customs and Border Protection.

''(D) Immigration and Customs Enforcement.

''(E) The Federal Emergency Management Agency.

''(F) The Coast Guard.

''(G) The Directorate of Science and Technology.

''(H) The Office of Intelligence and Analysis.

''(I) The Directorate for National Protection and Programs.

''(b) RESPONSIBILITIES.—Each privacy official designated under subsection (a) shall report directly to both the head of the official's component and the senior official appointed under section 222, and shall have the following responsibilities with respect to the component:

''(1) Serve as such senior official's main point of contact at the component to implement the polices and directives of such senior official in carrying out section 222.

''(2) Advise the head of that component on privacy considerations when any law, regulation, program, policy, procedure, or guideline is proposed, developed, or implemented.

''(3) Assure that the use of technologies by the component sustain or enhance privacy protections relating to the use, collection, and disclosure of personal information within the component.

''(4) Identify privacy issues related to component programs and apply appropriate privacy policies in accordance with Federal privacy law and Departmental policies developed to ensure that the component protects the privacy of individuals affected by its activities.

''(5) Monitor the component's compliance with all applicable Federal privacy laws and regulations, implement corrective, remedial, and preventive actions and notify the senior official appointed under section 222 of privacy issues or non-compliance, whenever necessary.

''(6) Ensure that personal information contained in Privacy Act systems of records is handled in full compliance with section 552a of title 5, United States Code.

''(7) Assist in drafting and reviewing privacy impact assessments, privacy threshold assessments, and system of records notices, in conjunction with and under the direction of the senior official appointed under section 222, for any new or substantially changed program or technology that collects, maintains, or disseminates personally identifiable information within the official's component.

''(8) Assist in drafting and reviewing privacy impact assessments, privacy threshold assessments, and system of records notices in conjunction with and under the direction of the senior official appointed under section 222, for proposed rulemakings and regulations within the component.

''(9) Conduct supervision of programs, regulations, policies, procedures, or guidelines to ensure the component's protection of privacy and, as necessary, promulgate guidelines and conduct oversight to ensure the protection of privacy.

''(10) Implement and monitor privacy training for component employees and contractors in coordination with the senior official appointed under section 222.

''(11) Provide the senior official appointed under section 222 with written materials and information regarding the relevant activities of the component, including privacy violations and abuse, that are needed by the senior official to successfully prepare the reports the senior official submits to Congress and prepares on behalf of the Department.

''(12) Any other responsibilities assigned by the Secretary or the senior official appointed under section 222.

''(c) ROLE OF COMPONENT HEADS.—The head of a component identified in subsection (a)(2) shall ensure that the privacy official designated under subsection (a) for that component—

''(1) has the information, material, and resources necessary to fulfill the responsibilities of such official under this section;

''(2) is advised of proposed policy changes and the development of new programs, rules, regulations, procedures, or guidelines during the planning stage and is included in the decision-making process; and

''(3) is given access to material and personnel the privacy official deems necessary to carry out the official's responsibilities.

''(d) LIMITATION.—Nothing in this section shall be considered to abrogate the role and responsibilities of the senior official appointed under section 222.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item related to section 222 the following new item:

''Sec. 222A. Privacy officials.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from Florida (Mr. BILIRAKIS) each will control 20 minutes.

The Chair recognizes the gentleman from Mississippi.

GENERAL LEAVE

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in support of this measure and yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of H.R. 5170, the Department of Homeland Security Component Privacy Officer Act of 2008.

The Department's Chief Privacy Officer was the first ever statutorily created Federal Privacy Officer. The creation of this Office served as the ''gold standard'' for other Federal agencies to follow.

Along those same lines, this bill advances the committee's authorization process by improving DHS and making it the first Federal agency to have statutorily created privacy officers in its component agencies. Hopefully, this will put the Department at the forefront of individual privacy protection.

Under the current structure, the Chief Privacy Officer has to rely on component agencies—such as TSA, Customs and Border Protection and FEMA—for information concerning programs and policy that impact privacy rights. Sometimes this information is shared, sometimes it's not. When it's not, the risk includes spending valuable taxpayer funds on programs that may become stalled or cancelled due to privacy concerns or missteps.

The component agencies are the pulse of the Department of Homeland Security. Most homeland security efforts stem from component agency actions. Privacy officers need to be where the action is happening, not waiting for a phone call after decisions have already been made.

Establishing privacy officers in the component agencies that make up the Department of Homeland Security is the first step in ensuring that privacy protections are in place at the beginning of the process.

Under the leadership of Management, Investigations and Oversight Subcommittee chairman, Mr. CARNEY, this legislation is informed by Government Accountability Office findings, internal discussions with the Department's Office of Privacy, and publications released by the DHS Chief Privacy Officer.

H.R. 5170 requires the component privacy officers to, among other things,

serve as the main point of contact between their component head and the DHS Chief Privacy Officer; draft and review Privacy Impact Assessments and Federal Register notices published by their component; monitor the component's compliance with all applicable Federal privacy laws and regulations; and conduct supervision of programs, regulations, policies, procedures or guidelines to ensure the component's protection of privacy.

As a result, Mr. Speaker, of the committee's oversight and its commitment to the authorization process, this bill would ensure that privacy considerations are integrated into the decision-making process at all of the DHS components.

I urge my colleagues to join me in supporting this legislation that is not only critical to privacy rights, but the security of our country as well.

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

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

I rise today in support of H.R. 5170, the Department of Homeland Security Component Privacy Officer Act, sponsored by my committee colleague, Chris Carney.

H.R. 5170 would direct the Secretary of Homeland Security to designate a full-time privacy official within components of the Department. These components include the Transportation Security Administration, Citizenship and Immigration Services, Customs and Border Protection, Immigration and Customs Enforcement, FEMA, the Coast Guard, the Science and Technology Directorate, the Office of Intelligence and Analysis, and NPPD.

The bill provides that each component privacy official will report directly to the Department's Chief Privacy Officer. Each component privacy officer shall have primary responsibility for implementing the Department's privacy policy within its component.

The bill provides for a dual direct report relationship to both the privacy official's component head and the Department's Chief Privacy Officer in carrying out his or her duties.

I think we all can agree that protecting the privacy of our Nation's citizens is of great importance, and that privacy considerations should be integrated into the decision-making process at all DHS components.

□ 1230

I am pleased that the Department has already recognized the importance of privacy protection. In November, 2007, Secretary Chertoff signed a DHS memorandum entitled Designation of Component Level Privacy Officers. This memorandum calls for the designation of full-time component privacy officers at CBP, ICE, FEMA, the Bureau of Citizen and Immigration Services, the Office of Intelligence and Analysis, and the Science and Technology Directorate. Both TSA, US–VISIT, and the Bureau of Citizen and Immigration Services had their own privacy officials for some time.

H.R. 5170 takes the additional step of statutorily mandating component privacy officials. The approach this bill takes certainly has much merit, though I hope that we can address some of the Department's concerns about the impacts the bill's mandates may have on the ability of the next Secretary to manage the administration of the Department as the legislative process moves on.

Mr. Speaker, having said that, I intend to support H.R. 5170 and encourage all our colleagues to do the same.

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

Mr. THOMPSON of Mississippi. Mr. Speaker, I have no further requests for time, and if the gentleman from Florida has no speakers, then I am prepared to close after the gentleman closes.

Mr. BILIRAKIS. Mr. Speaker, before I yield back the balance of my time, I just want to emphasize how important I believe it is for the House to consider both an authorization and appropriations bill for the Department of Homeland Security this year. Every Republican member of the Committee on Homeland Security has signed a letter to the Speaker, Speaker PELOSI, urging her to bring the fiscal year 2009 DHS Appropriations bill, which the Appropriations Committee has already approved, to the floor immediately. And I will add that the chairman has done an outstanding job. We would respectfully renew that request today.

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

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, public trust in the Department's ability to protect personal privacy rights is abysmally low.

Recently, the Department's Inspector General determined that the Science and Technology Directorate's ADVISE program should be cancelled due to privacy concerns. This determination was made after the Department had spent $42 billion on the program. We also learned that the chief privacy officer was not brought into the process until almost 2 years after the system had been deployed.

This bill would put a privacy officer in the Science and Technology Directorate. Moreover, the Automated Targeting System, which is a Customs and Border Protection program, has been heavily criticized by privacy advocates. Again, this was a program that was operated for some time in the dark without proper safeguards and departmental oversight. Under this bill CBP would get a privacy officer too.

Quite frankly, Mr. Speaker, there has been a litany of DHS programs that have been cancelled, delayed, or discontinued due to privacy concerns. Almost all of these were the products of Department Component Agencies that do not have a privacy officer within their ranks.

H.R. 5170 will ensure that privacy protections and appropriate safeguards are part and parcel of how each component develops its policies and programs.

I urge my colleagues to support 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 Mississippi (Mr. THOMPSON) that the House suspend the rules and pass the bill, H.R. 5170, 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. BILIRAKIS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

HOMELAND SECURITY NETWORK DEFENSE AND ACCOUNTABILITY ACT OF 2008

Mr. THOMPSON of Mississippi. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5983) to amend the Homeland Security Act of 2002 to enhance the information security of the Department of Homeland Security, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5983

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 ''Homeland Security Network Defense and Accountability Act of 2008''.

SEC. 2. AUTHORITY OF CHIEF INFORMATION OFFICER; QUALIFICATIONS FOR APPOINTMENT.

Section 703(a) of the Homeland Security Act of 2002 (6 U.S.C. 343(a)) is amended—

(1) by inserting before the first sentence the following:

''(1) AUTHORITIES AND DUTIES.—The Secretary shall delegate to the Chief Information Officer such authority necessary for the development, approval, implementation, integration, and oversight of policies, procedures, processes, activities, funding, and systems of the Department relating to the management of information and information infrastructure for the Department, including the management of all related mission applications, information resources, and personnel.

''(2) LINE AUTHORITY.—''; and

(2) by adding at the end the following new paragraphs:

''(3) QUALIFICATIONS FOR APPOINTMENT.—An individual may not be appointed as Chief Information Officer unless the individual has—

''(A) demonstrated ability in and knowledge of information technology and information security; and

''(B) not less than 5 years of executive leadership and management experience in information technology and information security in the public or private sector.

''(4) FUNCTIONS.—The Chief Information Officer shall—

''(A) establish and maintain an incident response team that provides a continuous, real-time capability within the Department of Homeland Security to—

''(i) detect, respond to, contain, investigate, attribute, and mitigate any computer incident, as defined by the National Institute of Standards and Technology, that could violate or pose an imminent threat of violation of computer security policies, acceptable use policies, or standard security practices of the Department; and

''(ii) deliver timely notice of any incident to individuals responsible for information infrastructure of the Department, and to the United States Computer Emergency Readiness Team;

''(B) establish, maintain, and update a network architecture, including a diagram detailing how security controls are positioned throughout the information infrastructure of the Department to maintain the confidentiality, integrity, availability, accountability, and assurance of electronic information; and

''(C) ensure that vulnerability assessments are conducted on a regular basis for any Department information infrastructure connected to the Internet or another external network, and that vulnerabilities are mitigated in a timely fashion.''.

SEC. 3. ATTACK-BASED TESTING PROTOCOLS.

Section 703 of the Homeland Security Act of 2002 (6 U.S.C. 343) is amended by adding at the end the following new subsection:

''(c) ATTACK-BASED TESTING PROTOCOLS.—The Chief Information Officer, in consultation with the Inspector General, the Assistant Secretary for Cybersecurity, and the heads of other appropriate Federal agencies, shall—

''(1) establish security control testing protocols that ensure that the Department's information infrastructure is effectively protected against known attacks against and exploitations of Federal and contractor information infrastructure;

''(2) oversee the deployment of such protocols throughout the information infrastructure of the Department; and

''(3) update such protocols on a regular basis.''.

SEC. 4. INSPECTOR GENERAL REVIEWS OF INFORMATION INFRASTRUCTURE.

Section 703 of the Homeland Security Act of 2002 (6 U.S.C. 343) is further amended by adding at the end the following new subsection:

''(d) INSPECTOR GENERAL REVIEWS.—

''(1) IN GENERAL.—The Inspector General of the Department shall use authority under the Inspector General Act of 1978 (5 App. U.S.C.) to conduct announced and unannounced performance reviews and programmatic reviews of the information infrastructure of the Department to determine the effectiveness of security policies and controls of the Department.

''(2) PERFORMANCE REVIEWS.—Performance reviews under this subsection shall test and validate a system's security controls using the protocols created under subsection (c), beginning not later than 270 days after the date of enactment of the Homeland Security Network Defense and Accountability Act of 2008.

''(3) PROGRAMMATIC REVIEWS.—Programmatic reviews under this subsection shall—

''(A) determine whether an agency of the Department is complying with policies, processes, and procedures established by the Chief Information Officer; and

''(B) focus on risk assessment, risk management, and risk mitigation, with primary regard to the implementation of best practices such as authentication, access control (including remote access), intrusion detection and prevention, data protection and integrity, and any other controls that the Inspector General considers necessary.

''(4) INFORMATION SECURITY REPORT.—The Inspector General shall submit a security report containing the results of each review under this subsection and prioritized recommendations for improving security controls based on that review, including recommendations regarding funding changes and personnel management, to—

''(A) the Secretary;

''(B) the Chief Information Officer; and

''(C) the head of the Department component that was the subject of the review, and other appropriate individuals responsible for the information infrastructure of such agency.

''(5) CORRECTIVE ACTION REPORT.—

''(A) IN GENERAL.—Within 60 days after receiving a security report under paragraph (4), the head of the Department component that was the subject of the review and the Chief Information Officer shall jointly submit a corrective action report to the Secretary and the Inspector General.

''(B) CONTENTS.—The corrective action report—

''(i) shall contain a plan for addressing recommendations and mitigating vulnerabilities contained in the security report, including a timeline and budget for implementing such plan; and

''(ii) shall note any matters in disagreement between the head of the Department component and the Chief Information Officer.

''(6) REPORTS TO CONGRESS.—

''(A) ANNUAL REPORTS.—In conjunction with the reporting requirements of section 3545 of title 44, United States Code, the Inspector General shall submit an annual report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate—

''(i) summarizing the performance and programmatic reviews performed during the preceding fiscal year, the results of those reviews, and any actions that remain to be taken under plans included in corrective action reports under paragraph (5); and

''(ii) describing the effectiveness of the testing protocols developed under subsection (c) in reducing successful exploitations of the Department's information infrastructure.

''(B) SECURITY REPORTS AND CORRECTIVE ACTION REPORTS.—The Inspector General shall make all security reports and corrective action reports available to any member of the Committee on Homeland Security of the House of Representatives, any member of the Committee on Homeland Security and Governmental Affairs of the Senate, and the Comptroller General of the United States, upon request.''.

SEC. 5. INFORMATION INFRASTRUCTURE DEFINED.

Section 703 of the Homeland Security Act of 2002 (6 U.S.C. 343) is further amended by adding at the end the following:

''(e) INFORMATION INFRASTRUCTURE DEFINED.—In this section, the term 'information infrastructure' means systems and assets used in processing, transmitting, receiving, or storing information electronically.''.

SEC. 6. NETWORK SERVICE PROVIDERS.

(a) IN GENERAL.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.) is amended by adding at the end the following new section:

''SEC. 836. REQUIREMENTS FOR NETWORK SERVICE PROVIDERS.

''(a) COMPATIBILITY DETERMINATION.—Before entering into or renewing a covered contract, the Secretary, acting through the Chief Information Officer, must determine that the contractor has an internal information systems security policy that complies with the Department's information security requirements for risk assessment, risk management, and risk mitigation, with primary regard to the implementation of best practices such as authentication, access control (including remote access), intrusion detection and prevention, data protection and integrity, and any other policies that the Secretary considers necessary to ensure the security of the Department's information infrastructure.

''(b) CONTRACT REQUIREMENTS REGARDING SECURITY.—The Secretary shall include in each covered contract provisions requiring the contractor to—

''(1) implement and regularly update the internal information systems security policy required under subsection (a);

''(2) maintain the capability to provide contracted services on a continuing and ongoing basis to the Department in the event of unplanned or disruptive event; and

''(3) deliver timely notice of any internal computer incident, as defined by the National Institute of Standards and Technology, that could violate or pose an imminent threat of violation of computer security policies, acceptable use policies, or standard security practices at the Department, to the United States Computer Emergency Readiness Team and the incident response team established under section 703(a)(4).

''(c) CONTRACT REQUIREMENTS REGARDING SUBCONTRACTING.—The Secretary shall include in each covered contract—

''(1) a requirement that the contractor develop and implement a plan for the award of subcontracts, as appropriate, to small business concerns and disadvantaged business concerns in accordance with other applicable requirements, including the terms of such plan, as appropriate; and

''(2) a requirement that the contractor submit to the Secretary, during performance of the contract, periodic reports describing the extent to which the contractor has complied with such plan, including specification (by total dollar amount and by percentage of the total dollar value of the contract) of the value of subcontracts awarded at all tiers of subcontracting to small business concerns, including socially and economically disadvantaged small businesses concerns, small business concerns owned and controlled by service-disabled veterans, HUBZone small business concerns, small business concerns eligible to be awarded contracts pursuant to section 8(a) of the Small Business Act (15 U.S.C. 637(a)), and Historically Black Colleges and Universities and Hispanic-serving institutions, tribal colleges and universities, and other minority institutions.

''(d) EXISTING CONTRACTS.—The Secretary shall, to the extent practicable under the terms of existing contracts, require each contractor who provides covered information services under a contract in effect on the date of the enactment of the Homeland Security Network Defense and Accountability Act of 2008 to comply with the requirements described in subsection (b).

''(e) DEFINITIONS.—For purposes of this section:

''(1) SOCIALLY AND ECONOMICALLY DISADVANTAGED SMALL BUSINESSES CONCERN, SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS, AND HUBZONE SMALL BUSINESS CONCERN.—The terms 'socially and economically disadvantaged small

businesses concern', 'small business concern owned and controlled by service-disabled veterans', and 'HUBZone small business concern' have the meanings given such terms under the Small Business Act (15 U.S.C. 631 et seq.).

''(2) CONTRACTOR.—The term 'contractor' includes each subcontractor of a contractor.

''(3) COVERED CONTRACT.—The term 'covered contract' means a contract entered into or renewed after the date of the enactment of the Homeland Security Network Defense and Accountability Act of 2008 for the provision of covered information services.

''(4) COVERED INFORMATION SERVICES.—The term 'covered information services' means creation, management, maintenance, control, or operation of information networks or Internet Web sites for the Department.

''(5) HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—The term 'Historically Black Colleges and Universities' means part B institutions under title III of the Higher Education Act of 1965 (20 U.S.C. 1061).

''(6) HISPANIC-SERVING INSTITUTION.—The term 'Hispanic-serving institution' has the meaning given such term under title V of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5)).

''(7) INFORMATION INFRASTRUCTURE.—The term 'information infrastructure' has the meaning that term has under section 703.

''(8) TRIBAL COLLEGES AND UNIVERSITIES.—The term 'tribal colleges and universities' has the meaning given such term under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.).''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 835 the following new item:

''Sec. 836. Requirements for network service providers.''.

(c) REPORT.—Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall transmit to the Committee on Homeland Security of the House of Representatives and the Homeland Security and Governmental Affairs Committee of the Senate a report describing—

(1) the progress in implementing requirements issued by the Office of Management and Budget for encryption, authentication, Internet Protocol version 6, and Trusted Internet Connections, including a timeline for completion;

(2) a plan, including an estimated budget and a timeline, to investigate breaches against the Department of Homeland Security's information infrastructure for purposes of counterintelligence assessment, attribution, and response;

(3) a proposal to increase threat information sharing with cleared and uncleared contractors and provide specialized damage assessment training to private sector information security professionals; and

(4) a process to coordinate the Department of Homeland Security's information infrastructure protection activities.

SEC. 7. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed as affecting in any manner the application of the Federal Information Management Security Act of 2002 (44 U.S.C. 3541 et seq.), to the Department of Homeland Security, including all requirements and deadlines in that Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from Florida (Mr. BILIRAKIS) each will control 20 minutes.

The Chair recognizes the gentleman from Mississippi.

GENERAL LEAVE

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in support of this measure and yield myself as much time as I may consume.

Keeping our Federal and critical infrastructure network secure is an issue of national security. The United States and its allies face a significant and growing threat to our information technology systems. The acquisition of our government's information by outsiders undermines our strength as a Nation. Over time the theft of critical information from government computers could cost the United States our advantage over our adversaries.

This legislation is the result of extensive oversight work undertaken by the chairman of the Subcommittee on Emerging Threats, Science and Technology, Mr. LANGEVIN.

An organization is only as strong as the integrity and reliability of the information that it keeps. H.R. 5983, a piece of the DHS authorization package, seeks to improve cybersecurity at DHS by ensuring that DHS's defenses of information systems are robust and by holding individuals at all levels accountable for mitigating vulnerabilities.

H.R. 5983, which was approved by voice vote in the committee, Mr. Speaker, is composed of five important provisions:

First, it establishes authorities and qualifications for the Chief Information Officer position at the Department. Through our oversight work, Mr. Speaker, we have observed how lack of an information security background can hamper the CIO's understanding and ultimately efforts to secure DHS' networks.

Second, the bill establishes specific operational security practices for the CIO, including a continuous real-time cyber incident response capability, network security architecture, and vulnerability assessments. These are fundamental elements for a comprehensive information security program.

Third, H.R. 5983 establishes testing protocols to reduce the number of vulnerability exploitations throughout the Department's networks. Time and again we have heard the current Federal information security requirements do not go far enough to actually ''operationalize'' security to reduce the number of successful attacks. Under H.R. 5983 security will be ''operationalized'' at DHS, a Federal agency that has a critical homeland security mission and is the receptacle of highly sensitive information.

Fourth, Mr. Speaker, the bill requires the Secretary of Homeland Security to determine if the internal security policy of a contractor who provides network services to DHS is consistent with the agency's requirements. This is a standard operating procedure for all private sector companies. It should be also for DHS as well.

Finally, Mr. Speaker, this bill seeks a formal report from the Secretary of Homeland Security on meeting the deadlines established by the Office of Management and Budget for Trusted Internet Connections, encryption and authentication mandates. These are critical for the Department's efforts to improve information security. It is unclear whether proper deadlines are being met.

I encourage my colleagues to support the Homeland Security Network Defense and Accountability Act of 2008.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, July 24, 2008.

Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security, Ford House Office Building, Washington, DC.

DEAR CHAIRMAN THOMPSON: I am writing about H.R. 5983, the Homeland Security Network Defense and Accountability Act of 2008, which the Homeland Security Committee ordered reported to the House on June 26, 2008.

I appreciate your effort to consult with the Committee on Oversight and Government Reform regarding H.R. 5983. In particular, I appreciate your willingness to strike the provision of the bill addressing the Freedom of Information Act and for agreeing to add rule of construction with regard to application of the Federal Information Management Security Act (FISMA) to the Department of Homeland Security.

In the interest of expediting consideration of H.R. 5983, and in recognition of your efforts to address my concerns, the Oversight Committee will not request a sequential referral of this bill. I would, however, request your support for the appointment of conferees on the Oversight Committee should H.R. 5983 or a similar Senate bill be considered in conference with the Senate.

Moreover, I believe it is important to identify additional provisions in H.R. 5983 that are of particular concern to me.

Specifically, H.R. 5983 creates new responsibilities that might cause confusion with existing requirements under FISMA. Although these requirements do not necessarily contradict FISMA, I am concerned that when the Department seeks to implement these new requirements there may be uncertainty as to which law takes precedence. The unique set of requirements created in H.R. 5983 does not appear to align with current governmentwide requirements.

In addition, I am concerned that H.R. 5983 puts too much responsibility with the Department's Inspector General. In my view, primary responsibility for performance reviews and testing should reside with the Department.

Again, thank you for your efforts to address my concerns with H.R. 5983. Although I still have reservations about a few provisions, I look forward to working with you to resolve these matters and develop policies that benefit the federal government as a whole.

This letter should not be construed as a waiver of the Oversight Committee's legislative jurisdiction over subjects addressed in H.R. 5983 that fall within the jurisdiction of the Oversight Committee.

Please include our exchange of letters on this matter in the Homeland Security Committee Report on H.R. 5983 and in the Congressional Record during consideration of this legislation on the House floor.

Sincerely,

HENRY A. WAXMAN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, July 24, 2008.

Hon. HENRY A. WAXMAN,
Chairman, Committee on Oversight and Government Reform, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 5983, the ''Homeland Security Network Defense and Accountability Act of 2008'', introduced on May 7, 2008, by Congressman James R. Langevin.

I appreciate your willingness to work cooperatively on this legislation. I acknowledge that H.R. 5983 contains provisions that fall under the jurisdictional interests of the Committee on Oversight and Government Reform. I appreciate your agreement to not seek a sequential referral of this legislation and I acknowledge that your decision to forgo a sequential referral does not waive, alter, or otherwise affect the jurisdiction of the Committee on Oversight and Government Reform.

Further, I recognize that your Committee reserves the right to seek appointment of conferees on the bill for the portions of the bill that are within your jurisdiction, and I agree to support such a request.

I will ensure that this exchange of letters in included in the Committee's report on H.R. 5983 and in the Congressional Record during floor consideration of H.R. 5983. I look forward to working with you on this legislation and other matters of great importance to this nation.

Sincerely,

BENNIE G. THOMPSON,
Chairman.

INFORMATION TECHNOLOGY
ASSOCIATION OF AMERICA,
Arlington, VA, June 25, 2008.

Hon. JAMES R. LANGEVIN,
Chairman, the Homeland Security Subcommittee on Emerging Threats, Cybersecurity, Science, and Technology, House of Representatives, Washington, DC.

On behalf of the more than 350 members of the Information Technology Association of America (ITAA), I am writing to express our support for the overall objective of H.R. 5983. As you know, IT AA has long been an outspoken supporter of many Congressional initiatives to improve federal information security practices and we commend the committee's efforts to specifically address information security at the Department of Homeland Security.

We would like to take this opportunity to note that Sec 836(c) has significant requirements to develop and implement plans for the awarding of subcontracts to small businesses and disadvantaged businesses. This is duplicative of existing law and we feel it is unnecessary to require it in the context of this Bill.

Should you have any questions on these comments or our perspective, please feel free to contact Audrey Plonk or Jennifer Kerber. Thank you for your attention to our concerns.

Sincerely,

PHILIP J. BOND,
President and CEO.

NEW YORK STATE OFFICE OF CYBER
SECURITY & CRITICAL INFRASTRUCTURE, COORDINATION,
Albany, NY, May 30, 2008.

Re House Bill: H.R. 5983.

Hon. BENNIE THOMPSON,
Chairman, Emerging Threats, Cybersecurity, S&T Subcommittee Committee on Homeland Security, House of Representatives, Washington, DC.

DEAR CHAIRMAN THOMPSON: The New York State Office of Cyber Security and Critical Infrastructure Coordination (CSCIC) supports H.R. 5983, which amends the Homeland Security Act of 2002 to enhance the information security of the Department of Homeland Security.

It is our view that amending the Act to institutionalize the responsibility for ensuring that the Department's information infrastructure is protected from cyber and other threats to the maximum extent practicable is a crucial step in improving the nation's security. All too often the responsibility for securing our cyber infrastructure gets lost in the myriad of operational activities at the expense of security. It is essential that these vital cyber responsibilities are institutionalized if we are to be as cyber prepared as possible.

Thank you for providing CSCIC with an opportunity to comment on this Bill. Please do not hesitate to contact me if you wish to discuss the Bill further as it advances through the legislative process.

Sincerely,

WILLIAM F. PELGRIN.

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

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

I rise today in support of H.R. 5983, the Homeland Security Network Defense and Accountability Act, sponsored by my committee colleague Congressman JAMES LANGEVIN.

H.R. 5983 includes several provisions designated to enhance the information security of the Department of Homeland Security and improve oversight of contractors that provide network services to the Department.

Specifically, the bill requires the Chief Information Officer at the Department to have 5 years of executive leadership and information technology experience. The bill also mandates that all contractors and service providers for the Department have compatible information security policies and programs.

Additionally, the bill directs the Department's Inspector General to develop appropriate security protocols for the Department and to annually test various aspects of the Department against these protocols as well as Federal Information Security Management Act requirements. The bill requires procurement officers to review contractors' security postures prior to awarding a contract and directs the Inspector General to conduct both performance and programmatic reviews of the Department's computer network. The bill does not exempt the Department from Federal Information Security Management Act requirements but directs DHS to focus its efforts on elements that will improve its overall security posture.

DHS has expressed some concerns about the potential impact of the added responsibilities under the bill, particularly on the Department's ability to recruit and retain qualified individuals to fill these important positions. I hope that we can address these concerns as the legislative process moves forward.

Mr. Speaker, I urge all of my colleagues to support passage of H.R. 5983 to strengthen the security of information at the Department.

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

Mr. THOMPSON of Mississippi. Mr. Speaker, I have no further requests for time, and if the gentleman from Florida has no more speakers, then I am prepared to close after the gentleman closes.

Mr. BILIRAKIS. Mr. Speaker, before I yield back the balance of my time, I just want to emphasize how important I believe it is for the House to consider both an authorization and appropriations bill for the Department of Homeland Security this year. Every Republican member of the Committee on Homeland Security has signed a letter to Speaker PELOSI urging her to bring the fiscal year 2009 DHS appropriations bill, which the Appropriations Committee has already approved under the fine leadership of our chairman, and our chairman has done an outstanding job.

And, Mr. Chairman, I want to say something else. You have been so fair to my colleagues and me this year, and I really enjoy serving on your committee.

So if we could get those bills to the floor immediately, my colleagues and I would appreciate it.

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

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5983 is the product of extensive oversight by Chairman LANGEVIN and the other members of the Emerging Threats, Science and Technology Subcommittee.

After hearing from hundreds of experts on how best to improve information security, reviewing best practices in the public and private sectors, and investigating cyber incidents across the public and private sectors, Chairman LANGEVIN authored the Homeland Security Network Defense and Accountability Act.

H.R. 5983 will ensure that a qualified leader serves as the Chief Information Officer and has direction on what specific operational security practices should be implemented to make DHS's information security defenses robust.

□ 1245

This legislation seeks to make DHS the gold standard when it comes to information security. After all, Mr. Speaker, how can DHS legitimately be the lead Federal agency for cybersecurity and infrastructure protection when it doesn't have its own house in order.

I am pleased to include H.R. 5983 in the package of DHS authorization bills that the Committee on Homeland Security has approved on a bipartisan basis. I urge my colleagues to support me in passing this critical piece of legislation.

Mr. LANGEVIN. Mr. Speaker, I rise in strong support of the Homeland Security Network Defense and Accountability Act of 2008, H.R. 5983. The United States and its allies face a significant and growing threat to our information technology, IT, systems and assets, and to the integrity of our information. The acquisition of this information by outsiders threatens to undermine and over time could cost the United States our advantage over our adversaries. This is a critical national security issue that we can no longer ignore.

As chairman of the Homeland Security Subcommittee on Emerging Threats, Cybersecurity and Science and Technology, I have prioritized this issue in the 110th Congress. I have held seven hearings on cybersecurity issues, heard from hundreds of experts on how best to tackle these problems, reviewed information security best practices in the public and private sectors, investigated cyber incidents across the spectrum—from the State and Commerce Departments to our nation's electric grid—and uncovered and assisted law enforcement in investigating breaches at the Department of Homeland Security. It has become clear that an organization is only as strong as the integrity and reliability of the information that it keeps.

The legislation we're considering today represents a critical step toward improving the cybersecurity posture at the Department of Homeland Security by addressing two key issues: ensuring a robust defense-in-depth of our information systems, and holding individuals at all levels accountable for mitigating vulnerabilities.

This measure is composed of several important provisions. First, it establishes authorities and qualifications for the Chief Information Officer, CIO, position at the Department. In a number of hearings, I have heard concerns that the lack of an information security background can hamper the CIO's understanding and efforts to secure the Department's networks. We cannot allow future Presidents to repeat the mistakes made by this Administration in appointing unqualified individuals to this important office.

Second, the bill establishes specific operational security practices for the CIO, including a continuous, real-time cyber incident response capability, a network architecture emphasizing the positioning of security controls, and vulnerability assessments for each external-facing information infrastructure. These are fundamental elements of a comprehensive information security program.

Third, the bill establishes testing protocols to reduce the number of vulnerability exploitations throughout the Department's networks. Time and again we have heard that the Federal Information Security Management Act—or FISMA—does not operationalize security, and does not effectively reduce the number of successful attacks. We must change this, and we can do so by bringing together the heads of appropriate federal agencies to mitigate known attacks against our governmental infrastructure.

The fourth major provision of the bill requires the DHS Secretary to determine if the internal security policy of a contractor who provides network services to the Department is consistent with the Department's requirements. Again, this is standard operating procedure for all private sector companies; it should be so for the Federal Government as well.

Finally, this bill seeks a formal report from the Secretary on meeting the deadlines established by the Office of Management and Budget, OMB, for Trusted Internet Connections, TIC, encryption and authentication mandates. These are critical for the Department's efforts in information security, and I am not confident that the proper deadlines are being met.

I encourage my colleagues to support the Homeland Security Network Defense and Accountability Act of 2008 and thank Chairman THOMPSON for his leadership in bringing this important measure to the floor.

Mr. THOMPSON of Mississippi. 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 Mississippi (Mr. THOMPSON) that the House suspend the rules and pass the bill, H.R. 5983, 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. BILIRAKIS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

NEXT GENERATION RADIATION SCREENING ACT OF 2008

Mr. THOMPSON of Mississippi. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5531) to amend the Homeland Security Act of 2002 to clarify criteria for certification relating to advanced spectroscopic portal monitors, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5531

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 ''Next Generation Radiation Screening Act of 2008''.

SEC. 2. MEMORANDUM OF UNDERSTANDING REGARDING ADVANCED SPECTROSCOPIC PORTAL MONITORS.

(a) IN GENERAL.—Title XIX of the Homeland Security Act of 2002 is amended by adding at the end the following new sections:

''SEC. 1908. ADVANCED SPECTROSCOPIC PORTAL MONITORS.

''(a) FINDINGS.—Congress finds the following:

''(1) The consequences of radiological or nuclear terrorism would be catastrophic.

''(2) A system such as the Advanced Spectroscopic Portal (ASP) is intended to improve the process of screening passengers and cargo to prevent the illicit transport of radiological and nuclear material.

''(3) A system such as the ASP can always be improved, even after it is deployed.

''(4) There is no upper limit to the functionality that can be incorporated into an engineering project of this magnitude.

''(5) Delaying deployment of the ASP to increase functionality beyond what is minimally required for deployment may limit the ability of the United States to screen passengers and cargo for radiological and nuclear material.

''(6) There are operational differences between primary and secondary screening procedures. Consideration should be given to the implication these differences have on the minimum functionality for systems deployed for use in primary and secondary screening procedures.

''(b) AGREEMENT ON FUNCTIONALITY OF ADVANCED SPECTROSCOPIC PORTAL MONITORS.—The Director of the Domestic Nuclear Detection Office and the Commissioner of Customs and Border Protection shall enter into an agreement regarding the minimum required functionality for the deployment of ASP by United States Customs and Border Protection (CBP).

''(c) REPORT TO CONGRESS.—Not later than 60 days after the date of the enactment of this section, the Secretary shall provide Congress with the signed memorandum of understanding between the Office and CBP.

''SEC. 1909. CRITERIA FOR CERTIFICATION.

''(a) FINDINGS.—Congress finds the following:

''(1) In developing criteria for Advanced Spectroscopic Portal (ASP) performance, special consideration should be given to the unique challenges associated with detecting the presence of illicit radiological or nuclear material that may be masked by the presence of radiation from naturally occurring radioactive material or legitimate radioactive sources such as those associated with medical or industrial use of radiation.

''(2) Title IV of division E of the Consolidated Appropriations Act, 2008 (Public Law 110–161) requires the Secretary to submit to Congress a report certifying that 'a significant increase in operational effectiveness will be achieved' with the ASP before 'funds appropriated under this heading shall be obligated for full-scale procurement of Advanced Spectroscopic Portal Monitors', and requires that 'the Secretary shall submit separate and distinct certifications prior to the procurement of Advanced Spectroscopic Portal Monitors for primary and secondary deployment that address the unique requirements for operational effectiveness of each type of deployment.'.

''(b) SPECIFICATION OF SIGNIFICANT INCREASE IN OPERATIONAL EFFECTIVENESS.—

''(1) IN GENERAL.—The Secretary shall, in accordance with the requirements of title IV of division E of the Consolidated Appropriations Act, 2008, and in consultation with the National Academies, develop quantitative metrics that demonstrate any significant increased operational effectiveness (or lack thereof) of deploying the ASP in Primary and Secondary Screening sites, as determined by United States Customs and Border Protection (CBP).

''(2) METRICS.—The metrics referred to in paragraph (1) shall include the following:

''(A) A quantitative definition of 'significant increase in operational effectiveness'.

''(B) All relevant threat materials.

''(C) All relevant masking scenarios.

''(D) Cost benefit analysis in accordance with the Federal Accounting Standards Advisory Board Generally Accepted Accounting Principles.

''(E) Any other measure the Director and the Commissioner determine appropriate.

''(c) CONSIDERATION OF EXTERNAL REVIEWS IN THE DECISION TO CERTIFY.—In determining whether or not to certify that the ASP shows a significant increase in operational effectiveness, the Secretary may consider the following:

''(1) Relevant reports on the ASP from the Government Accountability Office.

''(2) An assessment of the ASP by the Independent Review Team led by the Homeland Security Institute.

''(3) An assessment of the ASP in consultation with the National Academies.

''(4) Any other information the Secretary determines relevant.

''SEC. 1910. AUTHORIZATION OF SECURING THE CITIES INITIATIVE.

''(a) FINDINGS.—Congress finds the following:

''(1) The Securing the Cities Initiative of the Department uses next generation radiation detection technology to detect the transport of nuclear and radiological material in urban areas by terrorists or other unauthorized individuals.

''(2) The technology used by partners in the Securing the Cities Initiative leverages Advanced Spectroscopic Portal (ASP) technology used at ports of entry.

''(3) The Securing the Cities Initiative has fostered unprecedented collaboration and coordination among its Federal, State, and local partners.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Director of the Domestic Nuclear Detection Office of the Department $40,000,000 for fiscal year 2009 and such sums as may be necessary for each subsequent fiscal year for the Securing the Cities Initiative.''.

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 1907 the following new items:

''Sec. 1908. Advanced spectroscopic portal monitors.

''Sec. 1909. Criteria for certification.

''Sec. 1910. Authorization of Securing the Cities Initiative.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from Florida (Mr. BILIRAKIS) will each control 20 minutes.

The Chair recognizes the gentleman from Mississippi.

GENERAL LEAVE

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in support of this measure, and yield myself such time as I may consume.

I rise today to express my strong support for H.R. 5531, the Next Generation Radiation Screening Act of 2008, and I ask my colleagues to support this bill. I would like to congratulate Ranking Member KING for offering this legislation. I thank him for continuing to work in a bipartisan manner in accepting some of our recommendations to improve the bill in his amendment in the nature of a substitute, which passed out of our committee unanimously.

This legislation reflects the committee's oversight of next generation radiation portal monitors. It fits well within our package of DHS authorization bills, since H.R. 5531 will greatly improve DHS's operational effectiveness in the areas of border and port security, domestic preparedness, and nuclear detection.

Specifically, H.R. 5531 will put in motion a plan to deploy next generation radiological detection technology at our ports of entry to help more effectively and more efficiently scan cargo as it enters the United States. Al Qaeda and other terrorist groups, as well as rogue nations, have made clear their plans to obtain fissile material and aspirations to detonate a radiological or nuclear device in the United States.

Events around the world continue to sharpen our focus on this growing threat. Just last year, it was reported that Pakistan was expanding its nuclear program, constructing new facilities capable of producing weapons grade plutonium. In November of last year, three men were arrested in Slovakia for illegally possessing highly enriched uranium. That same month, a coordinated attack took place in South Africa's most secretive nuclear facility, where a laptop containing sensitive information was stolen, only to be recovered during a shoot-out with guards.

It is imperative that we implement the best, most effective technology at our disposal to protect the American people from attack. This bipartisan legislation requires firm benchmarks for the Domestic Nuclear Detection Office to measure progress and to ensure that only the best technology is installed at our borders.

It also requires the Secretary of Homeland Security to clearly define what he considers a significant increase in operational effectiveness, the standard required by law to procure and deploy Advanced Spectroscopic Portals, or ASPs.

The Department expects to complete its certification this fall. H.R. 5531 will ensure the certification criteria are clearly laid out and quantified before a final decision is made. The bill also authorizes $40 million for the Securing the Cities Initiative, which my committee strongly supports. The initiative employs the concept of defense in-depth, and deploys an array of detection technologies, both stationary and mobile, throughout New York City, for added layers of security.

This initiative shows what is possible when Federal, State, and local authorities cooperate. Certainly, it is a model that can be replicated in other major U.S. cities.

H.R. 5531 will ensure that both the ASP program and the Securing the Cities Initiative are operationally effective and cost-effective too. I urge my colleagues to support this important legislation.

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

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

I rise today in support of H.R. 5531, the Next Generation Screening Act, sponsored by my Homeland Security Committee ranking member, PETER KING. Since 2003, the Department of Homeland Security has deployed radiation detectors at our Nation's ports of entry. The Department has also engaged in an aggressive research and development program to test, evaluate, and deploy the next generation of radiation detection technology to detect and identify radioactive material.

This technology, known as the Advanced Spectroscopic Portals, has the potential to provide improved detection capabilities, while reducing the number of nuisance alarms caused by the legitimate transport of non-threat-related radioactive material, such as cat litter and fertilizer.

H.R. 5531 requires the Director of the Domestic Nuclear Detection Office and Commissioner of U.S. Customs and Border Protection to enter into an agreement regarding the minimum standards of operational functionality in order to deploy ASP systems. This legislation also clarifies what is meant by previously passed statute.

Last year's omnibus appropriations bill stated the Secretary shall submit separate and distinct certifications prior to the procurement of Advanced Spectroscopic Portal monitors for primary and secondary deployment that address the unique requirements for operational effectiveness for each type of deployment. H.R. 5531 requires the Secretary to develop a quantitative definition of significant increase in operational effectiveness and develop appropriate metrics for measuring this effectiveness.

In addition to authorizing the ASP program, this bill also authorizes the Securing the Cities Initiative, a pilot program to prevent the illicit transport of radiological material in the New York City metropolitan area. The Securing the Cities Initiative has fostered unprecedented collaboration and coordination among its Federal, State, and local partners, and has advanced the security of the New York metropolitan region.

The bill authorizes $40 million for the initiative, the same amount that was appropriated in fiscal year 2008 to ensure its continuation in fiscal year 2009.

Mr. Speaker, I urge all of my colleagues to join me in supporting this important bill.

I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I have no further speakers, and if the gentleman from Florida is prepared to close, I am prepared to go after him.

Mr. BILIRAKIS. Mr. Speaker, before I yield back the remaining time, I just want to emphasize how important I believe it is for the House to consider both an authorization and appropriations bill for the Department of Homeland Security this year.

I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

In closing, I once again want to express my strong support for H.R. 5531, the Next Generation Radiation Screening Act of 2008. I again thank Ranking Member KING for offering this legislation and for continuing to work in a bipartisan manner as we move legislation to make our country more secure.

This bill will help to ensure the state-of-the-art technology that allows our Customs and Border Protection officers to effectively and efficiently scan cargo is procured and deployed. This was the promise of the Advanced Spectroscopic Portal Monitors program.

We have to make sure that the ASP delivers and provides significant improvement of operational effectiveness. Al Qaeda and other terrorist groups are interested in attacking us with dirty bombs, and we must do everything we can to find and intercept these materials. That means looking for materials not just at our borders and ports, but inside the United States too, and that is why authorizing the Securing the Cities Initiative is so important.

I am proud to support this critical bill that also advances the important process of providing congressional input to improve the Department. H.R. 5531 represents an important step in protecting the country from nuclear terrorism, and I urge my colleagues to support it.

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 Mississippi (Mr. THOMPSON) that the House suspend the rules and pass the bill, H.R. 5531, 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. BILIRAKIS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

AUTHORIZING COAST GUARD MOBILE BIOMETRIC IDENTIFICATION PROGRAM

Mr. THOMPSON of Mississippi. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2490) to require the Secretary of Homeland Security to conduct a pilot program for the mobile biometric identification in the maritime environment of aliens unlawfully attempting to enter the United States, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2490

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

SECTION 1. MARITIME BIOMETRIC IDENTIFICATION.

(a) IN GENERAL.—Within one year after the date of the enactment of this Act, the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall conduct, in the maritime environment, a program for the mobile biometric identification of suspected individuals, including terrorists, to enhance border security and for other purposes.

(b) REQUIREMENTS.—The Secretary shall ensure the program required in this section is coordinated with other biometric identification programs within the Department of Homeland Security.

(c) COST ANALYSIS.—Within 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Appropriations and Homeland Security of the House of Representatives and the Committees on Appropriations and Homeland Security and Governmental Affairs of the Senate an analysis of the cost of expanding the Coast Guard's biometric identification capabilities for use by the Coast Guards Deployable Operations Group, cutters, stations, and other deployable maritime teams considered appropriate by the Secretary, and any other appropriate Department of Homeland Security maritime vessels and units. The analysis may include a tiered plan for the deployment of this program that gives priority to vessels and units more likely to encounter individuals suspected of making illegal border crossings through the maritime environment.

(d) DEFINITION.—For the purposes of this section, the term ''biometric identification'' means use of fingerprint and digital photography images.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from Florida (Mr. BILIRAKIS) will each control 20 minutes.

The Chair recognizes the gentleman from Mississippi.

GENERAL LEAVE

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in support of this measure, and yield myself such time as I may consume.

H.R. 2490 is an important milestone in protecting our Nation's maritime security. This bill authorizes a program that has been conducted by the Coast Guard since November of 2006. The Biometric Identification at Sea Pilot Project has allowed the Coast Guard to collect biometrics from individuals interdicted in the Caribbean to run them against terrorists and criminal data bases.

Under this program, the Coast Guard has collected biometric information from over 1,100 individuals, using state-of-the-art handheld scanners. As a result, over 250 individuals with criminal records have been identified, and 72 have been brought ashore for prosecution under U.S. laws.

This program breaks the cycle of migrants with criminal histories being returned to their country of origin without prosecution. It also has proven itself to be an effective partnership between the Coast Guard and Federal law enforcement.

I would note that these provisions also are carried on H.R. 2830, the FY 2009 U.S. Coast Guard Authorization, a measure that was approved by the House in April of 2008.

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I am pleased that this is being considered today as one of the key provisions that we have included in our DHS authorization package. I urge passage of this important legislation, which will significantly improve the security of our Nation's maritime environment.

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

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

I rise today in support of legislation I have introduced, H.R. 2490, which would codify and expand a Coast Guard pilot program to collect biometric information on aliens interdicted at sea. I want to thank Homeland Security Committee Chairman BENNIE THOMPSON for his willingness to move this bill through our committee and to the floor for consideration today. I also want to thank PETER KING, our ranking member, for his support of this measure and his determined effort to strengthen our homeland security, first as chairman of our committee and now as ranking member. I am honored to serve with both of these great men.

The House unanimously adopted H.R. 2490 as an amendment to the Coast Guard Authorization Act several months ago. However, I believe it is important for this body to act on H.R. 2490 independently, given the uncertain prospect for enactment of the Coast Guard bill in this Congress.

My bill requires the Coast Guard to move forward on its biometrics at sea effort within 1 year and provide a cost analysis to Congress on expanding these capabilities to other Coast Guard and Department of Homeland Security vessels and units. As part of this analysis, my bill also encourages DHS to give priority to expanding mobile biometric collection capability to assets and areas that are most likely to encounter illegal border crossings in the maritime environment.

The efforts of the Coast Guard in this area show great promise. Since the collection of limited biometrics on individuals interdicted at sea began, the Coast Guard has collected biometric data from 1,530 migrants, resulting in nearly 30 matches against databases of wanted criminals, immigration violators and others who have previously encountered government authorities. Instead of being released to repeat their dangerous and illegal behavior, these individuals are now detained and prosecuted. The U.S. Attorney's Office in San Juan, Puerto Rico, has prosecuted more than 118 individuals for violations of U.S. immigration laws and other offenses based substantially

on information obtained through the biometrics program.

The Coast Guard reports that illegal migration in the Mono Pass, an area between the Dominican Republic and Puerto Rico, has been reduced by 50 percent in just the past year as a result of the biometrics program. By leveraging its relationships with DHS, the Coast Guard now has access to millions of fingerprint files it can use to positively identify individuals encountered at sea, those who are without identification and are suspected of attempting to illegally enter the United States.

Now that the Coast Guard has determined the most effective way to collect biometrics at sea, the Department of Homeland Security needs to determine the most appropriate way to move forward and expand this effort as cost effectively as possible, which is what my bill requires. Given the success of existing efforts on biometrics by the Coast Guard, I believe that it is imperative that we move forward on this bill so that these efforts are cost effective and will do the most good.

Mr. Speaker, it is clear that the collection of biometrics at sea by the Coast Guard is already helping greatly deter illegal migration and prevent the capture and release of dangerous individuals so we are not releasing them anymore, and that is very important.

I urge all of my colleagues to help further that effort by voting for this bill.

Mr. Speaker, before I yield back the balance of my time, I urge this House to consider both the authorization and appropriations bills this year, the Homeland Security authorization and appropriations bills.

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

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all I would like to congratulate Mr. BILIRAKIS on what is a good bill. We enjoyed working with him on it. I look forward to working with him on future bills.

I support H.R. 2490, Mr. Speaker, because it breaks the cycle of migrants with criminal histories being returned to their country of origin without prosecution. This bill also requires the Secretary of Homeland Security to analyze the cost of expanding the biometrics program outside the Caribbean.

Every day, the United States Coast Guard men and women are valiantly protecting our Nation's 95,000 miles of shoreline with aging infrastructure. This legislation will provide them with the additional high-tech tools they so desperately need.

For these reasons, I urge my colleagues to join me in supporting H.R. 2490.

Mr. Speaker, I yield back the balance of my time, and urge support of this legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. THOMPSON) that the House suspend the rules and pass the bill, H.R. 2490, 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. BILIRAKIS. 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.

REDUCING OVER-CLASSIFICATION ACT OF 2008

Ms. HARMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4806) to require the Secretary of Homeland Security to develop a strategy to prevent the over-classification of homeland security and other information and to promote the sharing of unclassified homeland security and other information, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4806

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 ''Reducing Over-Classification Act of 2008''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) A key conclusion in the Final Report of the National Commission on Terrorist Attacks Upon the United States (commonly known as the ''9/11 Commission'') was the need to prevent over-classification by the Federal Government.

(2) The 9/11 Commission and others have observed that the over-classification of homeland security information interferes with accurate, actionable, and timely homeland security information sharing, increases the cost of information security, and needlessly limits public access to information.

(3) The over-classification problem, which has worsened since the 9/11 attacks, causes considerable confusion about what information can be shared with whom both internally at the Department of Homeland Security and with its external partners. This problem negatively impacts the dissemination of homeland security information to the Department's State, local, tribal, and territorial homeland security and law enforcement partners, private sector customers, and the public.

(4) Excessive government secrecy stands in the way of a safer and more secure homeland. This trend is antithetical to the creation and operation of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), and must be halted and reversed.

(5) To do so, the Department should start with the understanding that all departmental information that is not properly classified, or marked as controlled unclassified information and otherwise exempt from disclosure, should be made available to members of the public pursuant to section 552 of title 5, United States Code (commonly referred to as the ''Freedom of Information Act'').

(6) The Department should also develop and administer policies, procedures, and programs that promote compliance with applicable laws, executive orders, and other authorities pertaining to the proper use of classification markings and the United States National Archives and Records Administration policies implementing them.

SEC. 3. OVER-CLASSIFICATION PREVENTION WITHIN THE DEPARTMENT OF HOMELAND SECURITY.

Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following new section:

''SEC. 210F. OVER-CLASSIFICATION PREVENTION PROGRAM.

''(a) IN GENERAL.—The Secretary shall develop and administer policies, procedures, and programs within the Department to prevent the over-classification of homeland security information, terrorism information, weapons of mass destruction information, and other information within the scope of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) that must be disseminated to prevent and to collectively respond to acts of terrorism. The Secretary shall coordinate with the Archivist of the United States and consult with representatives of State, local, tribal, and territorial government and law enforcement, organizations with expertise in civil rights, civil liberties, and government oversight, and the private sector, as appropriate, to develop such policies, procedures, and programs.

''(b) REQUIREMENTS.—Not later than one year after the date of the enactment of the Reducing Over-Classification Act of 2008, the Secretary, in administering the policies, procedures, and programs required under subsection (a), shall—

''(1) create, in consultation with the Archivist of the United States, standard classified and unclassified formats for finished intelligence products created by the Department, consistent with any government-wide standards, practices or procedures for similar products;

''(2) require that all finished intelligence products created by the Department be simultaneously prepared in the standard unclassified format, provided that such an unclassified product would reasonably be expected to be of any benefit to a State, local, tribal or territorial government, law enforcement agency or other emergency response provider, or the private sector, based on input provided by the Interagency Threat Assessment and Coordination Group Detail established under section 210D;

''(3) ensure that such policies, procedures, and programs protect the national security as well as the information privacy rights and legal rights of United States persons pursuant to all applicable law and policy, including the privacy guidelines for the information sharing environment established pursuant to section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), as appropriate;

''(4) establish an ongoing auditing mechanism administered by the Inspector General of the Department or other appropriate senior Department official that randomly selects, on a periodic basis, classified information from each component of the Department that generates finished intelligence products to—

''(A) assess whether applicable classification policies, procedures, rules, and regulations have been followed;

''(B) describe any problems with the administration of the applicable classification

policies, procedures, rules, and regulations, including specific non-compliance issues;

''(C) recommend improvements in awareness and training to address any problems identified in subparagraph (B); and

''(D) report at least annually to the Committee on Homeland Security of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the public, in an appropriate format, on the findings of the Inspector General's audits under this section;

''(5) establish a process whereby employees may challenge original classification decisions made by Department employees or contractors and be rewarded with specific incentives for successful challenges resulting in the removal of classification markings or the downgrading of them;

''(6) inform employees and contractors that failure to comply with the policies, procedures, and programs established under this section could subject them to a series of penalties; and

''(7) institute a series of penalties for employees and contractors who repeatedly fail to comply with the policies, procedures, and programs established under this section after having received both notice of their noncompliance and appropriate training or retraining to address such noncompliance.

''(c) FINISHED INTELLIGENCE PRODUCT DEFINED.—The term 'finished intelligence product' means a document in which an intelligence analyst has evaluated, interpreted, integrated, or placed into context raw intelligence or information.''.

SEC. 4. ENFORCEMENT OF OVER-CLASSIFICATION PREVENTION WITHIN THE DEPARTMENT OF HOMELAND SECURITY.

Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is further amended by adding at the end the following new section:

''SEC. 210G. ENFORCEMENT OF OVER-CLASSIFICATION PREVENTION PROGRAMS.

''(a) PERSONAL IDENTIFIERS.—The Secretary shall—

''(1) assess the technologies available or in use at the Department by which an electronic personal identification number or other electronic identifying marker can be assigned to each Department employee and contractor with original classification authority in order to—

''(A) track which documents have been classified by a particular employee or contractor;

''(B) determine the circumstances when such documents have been shared;

''(C) identify and address over-classification problems, including the misapplication of classification markings to documents that do not merit such markings; and

''(D) assess the information sharing impact of any such problems or misuse;

''(2) develop an implementation plan for a Department standard for such technology with appropriate benchmarks, a timetable for its completion, and cost estimate for the creation and implementation of a system of electronic personal identification numbers or other electronic identifying markers for all relevant Department employees and contractors; and

''(3) upon completion of the implementation plan described in paragraph (2), or not later than 180 days after the date of the enactment of the Reducing Over-Classification Act of 2008, whichever is earlier, the Secretary shall provide a copy of the plan to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

''(b) TRAINING.—The Secretary, in coordination with the Archivist of the United States, shall—

''(1) require annual training for each Department employee and contractor with classification authority or those responsible for analysis, dissemination, preparation, production, receiving, publishing, or otherwise communicating written classified information, including training to—

''(A) educate each employee and contractor about—

''(i) the Department's requirement that all classified finished intelligence products that they create be simultaneously prepared in unclassified form in a standard format prescribed by the Department, provided that the unclassified product would reasonably be expected to be of any benefit to a State, local, tribal, or territorial government, law enforcement agency, or other emergency response provider, or the private sector, based on input provided by the Interagency Threat Assessment and Coordination Group Detail established under section 210D;

''(ii) the proper use of classification markings, including portion markings; and

''(iii) the consequences of over-classification and other improper uses of classification markings, including the misapplication of classification markings to documents that do not merit such markings, and of failing to comply with the Department's policies and procedures established under or pursuant to this section, including the negative consequences for the individual's personnel evaluation, homeland security, information sharing, and the overall success of the Department's missions;

''(B) serve as a prerequisite, once completed successfully, as evidenced by an appropriate certificate, for—

''(i) obtaining classification authority; and

''(ii) renewing such authority annually; and

''(C) count as a positive factor, once completed successfully, in the Department's employment, evaluation, and promotion decisions; and

''(2) ensure that such program is conducted efficiently, in conjunction with any other security, intelligence, or other training programs required by the Department to reduce the costs and administrative burdens associated with the additional training required by this section.

''(c) DETAILEE PROGRAM.—The Secretary shall—

''(1) implement a Departmental detailee program to detail Departmental personnel to the National Archives and Records Administration for one year, for the purpose of—

''(A) training and educational benefit for the Department personnel assigned so that they may better understand the policies, procedures and laws governing original classification authorities;

''(B) bolstering the ability of the National Archives and Records Administration to conduct its oversight authorities over the Department and other Departments and agencies; and

''(C) ensuring that the policies and procedures established by the Secretary remain consistent with those established by the Archivist of the United States;

''(2) ensure that the program established under paragraph (1) includes at least one individual for each Department office with delegated original classification authority; and

''(3) in coordination with the Archivist of the United States, report to Congress not later than 90 days after the conclusion of the first year of the program established under paragraph (1), on—

''(A) the advisability of expanding the program on a government-wide basis, whereby other departments and agencies would send detailees to the National Archives and Records Administration; and

''(B) the administrative and monetary costs of full compliance with this section.

''(d) SUNSET OF DETAILEE PROGRAM.—Except as otherwise provided by law, subsection (c) shall cease to have effect on December 31, 2012.

''(e) FINISHED INTELLIGENCE PRODUCT DEFINED.—The term 'finished intelligence product' has the meaning given the term in section 210F(c).''.

SEC. 5. TECHNICAL AMENDMENT.

The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101(b)) is amended by adding after the item relating to section 210E the following new items:

''Sec. 210F. Over-classification prevention program.

''Sec. 210G. Enforcement of over-classification prevention programs.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. HARMAN) and the gentleman from Florida (Mr. BILIRAKIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. HARMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Ms. HARMAN. Mr. Speaker, I yield myself such time as I may consume, and I would like to include in the RECORD an exchange of letters between the distinguished chairmen of the Committees on Homeland Security and Oversight and Government Reform.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, July 24, 2008.

Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security, Ford House Office Building, Washington, DC.

DEAR CHAIRMAN THOMPSON: I am writing about H.R. 4806, the Reducing Over-Classification Act of 2008, which the Homeland Security Committee ordered reported to the House on June 26, 2008.

I appreciate your effort to consult with the Committee on Oversight and Government Reform regarding H.R. 4806. In particular, I appreciate your willingness to work with me to move a governmentwide over-classification bill, H.R. 6575, to the House floor so that H.R. 4806 and H.R. 6575 can be considered during the same week.

In the interest of expediting consideration of H.R. 4806 and in recognition of your efforts to address my concerns, the Oversight Committee will not request a sequential referral of this bill. I would, however, request your support for the appointment of conferees from the Oversight Committee should H.R. 4806 or a similar Senate bill be considered in conference with the Senate.

Notwithstanding the Oversight Committee's agreement to forgo a sequential referral, I believe it is important to reiterate my general concern about H.R. 4806 as it applies to the Department of Homeland Security.

H.R. 4806 creates procedures for the Department to follow in order to reduce the over-classification of information. Several

congressional investigations and the 9/11 Commission have emphasized, however, that over-classification is a governmentwide problem that requires a governmentwide solution. Accordingly, I favor an approach that requires all agencies to follow the same classification protocols and encourages the sharing of information between agencies and with the public to the maximum extent possible.

Again, thank you for your efforts to address my concerns with H.R. 4806. I look forward to working with you to reduce the significant problem of over-classification throughout the federal government.

This letter should not be construed as a waiver of the Oversight Committee's legislative jurisdiction over subjects addressed in H.R. 4806 that fall within the jurisdiction of the Oversight Committee.

Please include our exchange of letters on this matter in the Homeland Security Committee Report on H.R. 4806 and in the Congressional Record during consideration of this legislation on the House floor.

Sincerely,

HENRY WAXMAN,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON HOMELAND SECURITY,
Washington, DC, July 24, 2008.

Hon. HENRY A. WAXMAN,
Chairman, Committee on Oversight and Government Reform, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN WAXMAN: Thank you for your letter regarding H.R. 4806, the ''Reducing Over-Classification Act of 2007,'' introduced by Congresswoman Jane Harman on December 18, 2007.

I appreciate your willingness to work cooperatively on this legislation. I acknowledge that H.R. 4806 contains provisions that fall under the jurisdictional interests of the Committee on Oversight and Government Reform. I appreciate your agreement to not seek a sequential referral of this legislation and I acknowledge that your decision to forgo a sequential referral does not waive, alter, or otherwise affect the jurisdiction of the Committee on Oversight and Government Reform.

Further, I recognize that your Committee reserves the right to seek appointment of conferees on the bill for the portions of the bill that are within your jurisdiction, and I agree to support such a request.

I will ensure that this exchange of letters is included in the Committee's report on H.R. 4806 and in the Congressional Record during floor consideration of H.R. 4806. I look forward to working with you on this legislation and other matters of great importance to this nation.

Sincerely,

BENNIE G. THOMPSON,
Chairman.

Mr. Speaker, I am pleased to manage the time for four outstanding bipartisan bills that are the product of work by the Homeland Security Committee's Intelligence Subcommittee, which I chair. I am also pleased to have witnessed the debate on four bills just previously which are the product of the Homeland Security Committee and which I believe merit strong support by the full House. They are excellent bills. They are bipartisan. The members of the committee and the staff are to be commended for putting forward good policy, even in these toxic times. The bills before us now, Mr. Speaker, tackle the challenge of information sharing in novel ways, and they too enjoy wide support.

During my 8 years as a member of the House Permanent Select Committee on Intelligence, four years as ranking member, I became incredibly frustrated with the rampant over-classification and selective declassification of intelligence. I believe, Mr. Speaker, that my colleagues on both sides of the aisle in that committee felt the same way. This administration has elevated the practice of over-classification and selective declassification to an art form and today this problem has spread throughout the government, including recently established Department of Homeland Security.

Information and materials should, in my view, be classified for one primary reason: to protect sources and methods. It is no exaggeration that people die and our ability to monitor certain targets can be compromised if sources and methods are revealed; but, Mr. Speaker, classifying information for the wrong reasons, that would be to protect turf or to avoid embarrassment, is wrong. In fact, this practice can do great harm if it bars local law enforcement, America's first preventers, from accessing the information they need to prevent or disrupt a potential terrorist attack.

Mr. Speaker, the next attack in the United States will not be stopped because a bureaucrat in Washington, DC found out about it in advance. It will be the cop on the beat who is familiar with the rhythms and nuances of his or her own neighborhood who will foil that attack. H.R. 4806, the Reducing Over-Classification Act of 2008, is an attempt to stop turf protection and embarrassment protection as well as to establish a gold standard for DHS when it comes to classification practices.

As I mentioned, the bill was marked up and approved on a unanimous basis by both our subcommittee and the full committee in June. The bill will require that all classified intelligence products created at DHS be simultaneously created in a standard unclassified format, and this is unprecedented, if such a product would help both police and sheriff's officers keep us safe. Furthermore, the bill requires portion marking, the identification of paragraphs in a document that are classified, permitting the remainder of the document to remain unclassified, so that information reaches the first preventers who need it.

The bill will promote accountability by requiring the Secretary of DHS to create an auditing mechanism for the Inspector General of DHS to randomly sample classified intelligence products and identify problems that exist in those samples. Here again, this is a way to get at over-classification.

Finally, the legislation requires the Secretary to establish penalties for staff who repeatedly fail to comply with applicable classification policies, despite notice of their noncompliance and an opportunity to undergo retraining.

Mr. Speaker, technology is another part of the solution to over-classification, and so our legislation directs the Secretary to develop a plan to track electronically how and where information classified by DHS is disseminated so that misuse can be prevented.

Finally, it requires an extensive annual training on the proper use of the classification regime. This training will serve as a prerequisite to obtaining classification authority and to renewing it each year. In other words, this means that not everyone can classify material. You have to be properly trained, and if you abuse your position, you may not get to continue to be in that role.

These changes, in addition to helping local law enforcement push important information out to the public. A major key to homeland security is personal preparedness. The public has a right to know non-classified information, and this bill promotes that right. It enjoys support by privacy and civil liberty groups. I want you to know, Mr. Speaker, I am working with our colleague, Mr. WAXMAN, to see whether I can help him craft legislation to apply these principles government-wide.

Mr. Speaker, on behalf of first preventers and first responders everywhere, I urge passage of this essential legislation.

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

□ 1315

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

I rise today in support of H.R. 4806, the Reducing Over-Classification Act sponsored by my Homeland Security colleague, Representative JANE HARMAN, the distinguished subcommittee Chair on Intelligence.

H.R. 4806 requires the Secretary of Homeland Security to develop and administer policies, procedures, and programs to prevent the over-classification of homeland security information. This bill requires the Department of Homeland Security to continue its current practice of producing unclassified versions of the majority of its classified products.

For example, just last month when the Department produced its classified periodic review of border security issues facing the United States, it produced an unclassified version as well. The bill specified that law enforcement agencies, emergency first responders, and private sector customers should benefit from these products, thus reinforcing the Department's commitment to State and local entities. Hopefully, this will encourage the widest possible dissemination of these unclassified products to better inform our frontline agencies.

Mr. Speaker, H.R. 4806 will further strengthen ongoing efforts to prevent the over-classification of homeland security information, and I look forward to its passage.

I reserve the balance of my time

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

Mr. BILIRAKIS. Mr. Speaker, I would like to reiterate that we need the appropriations and the authorization Homeland Security bills on the floor this year.

I yield back the balance of my time.

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

I want to thank Mr. BILIRAKIS for his generous comments and for his strong support of this legislation. I think this is landmark legislation. I think our committee will get enormous attention for finally trying to attack this insidious problem of overclassification, and I very much appreciate his personal support.

I also want to tell him that I have watched him raise this issue about authorization and appropriation, the need for both actions, by this House. I agree with him. I think we need an authorization of this bill this year. And it is my understanding that all of the individual bills we are debating this afternoon will be included in that authorization bill. So I thank him for pointing out the need for us to act.

In conclusion, Mr. Speaker, of the bills that I am managing on the floor this afternoon, this is the one that I feel most strongly about. This is the one that will make the biggest difference. If we can get classification right at the Department of Homeland Security, a new department, we can then get it right in the rest of the government.

As I mentioned earlier, I am working with Mr. WAXMAN and others on his committee to see whether we can craft a bill that manages properly all the equities involved in taking this approach governmentwide, but I hope we can work that out. I think this bill sets the right precedent. I urge its passage by the full House.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. HARMAN) that the House suspend the rules and pass the bill, H.R. 4806, 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. BILIRAKIS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

IMPROVING PUBLIC ACCESS TO DOCUMENTS ACT OF 2008

Ms. HARMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6193) to require the Secretary of Homeland Security to develop and administer policies, procedures, and programs to promote the implementation of the Controlled Unclassified Information Framework applicable to unclassified information that is homeland security information, terrorism information, weapons of mass destruction information and other information within the scope of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6193

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 ''Improving Public Access to Documents Act of 2008''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The proliferation and widespread use of ''sensitive but unclassified'' (SBU) control markings by the Federal Government interferes with accurate, actionable, and timely homeland security information sharing, increases the cost of information security, and needlessly limits public access to information.

(2) The control markings problem, which has worsened since the 9/11 attacks, causes considerable confusion about what information can be shared with whom both internally at the Department of Homeland Security and with its external partners. This problem negatively impacts the dissemination of homeland security information to the Department's State, local, tribal, and territorial homeland security and law enforcement partners, private sector customers, and the public.

(3) Overuse of ''sensitive but unclassified'' markings stands in the way of a safer and more secure homeland. This trend is antithetical to the creation and operation of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), and must be halted and reversed.

(4) To do so, the Department should start with the understanding that all departmental information that is not properly classified, or marked as controlled unclassified information and otherwise exempt from disclosure, should be made available to members of the public pursuant to section 552 of title 5, United States Code (commonly referred to as the ''Freedom of Information Act'').

(5) The Department should also develop and administer policies, procedures, and programs that promote compliance with applicable laws, executive orders, and other authorities pertaining to the proper use of controlled unclassified information markings and the National Archives and Records Administration policies implementing them.

SEC. 3. CONTROLLED UNCLASSIFIED INFORMATION FRAMEWORK IMPLEMENTATION WITHIN THE DEPARTMENT OF HOMELAND SECURITY.

Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following new section:

''SEC. 210F. CONTROLLED UNCLASSIFIED INFORMATION FRAMEWORK IMPLEMENTATION PROGRAM.

''(a) IN GENERAL.—The Secretary shall develop and administer policies, procedures, and programs within the Department to implement the controlled unclassified information framework to standardize the use of controlled unclassified markings on, and to maximize the disclosure to the public of, homeland security information, terrorism information, weapons of mass destruction information, and other information within the scope of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) that must be disseminated to prevent and to collectively respond to acts of terrorism. The Secretary shall coordinate with the Archivist of the United States and consult with representatives of State, local, tribal, and territorial government and law enforcement, organizations with expertise in civil rights, civil liberties, and government oversight, and the private sector, as appropriate, to develop such policies, procedures, and programs.

''(b) REQUIREMENTS.—Not later than one year after the date of the enactment of the Improving Public Access to Documents Act of 2008, the Secretary, in administering the policies, procedures, and programs required under subsection (a), shall—

''(1) create, in consultation with the Archivist of the United States, a standard format for unclassified finished intelligence products created by the Department that have been designated as controlled unclassified information, consistent with any governmentwide standards, practices or procedures for similar products;

''(2) require that all unclassified finished intelligence products created by the Department that have been designated as controlled unclassified information be prepared in the standard format;

''(3) ensure that such policies, procedures, and programs protect the national security as well as the information privacy rights and legal rights of United States persons pursuant to all applicable law and policy, including the privacy guidelines for the information sharing environment established pursuant to section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), as appropriate;

''(4) establish an ongoing auditing mechanism administered by the Inspector General of the Department or other appropriate senior Department official that randomly selects, on a periodic basis, controlled unclassified information from each component of the Department, including all Department components that generate unclassified finished intelligence products, to—

''(A) assess whether applicable controlled unclassified information policies, procedures, rules, and regulations have been followed;

''(B) describe any problems with the administration of the applicable controlled unclassified information policies, procedures, rules and regulations, including specific noncompliance issues;

''(C) recommend improvements in awareness and training to address any problems identified in subparagraph (B); and

''(D) report at least annually to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate, and the public on the findings of the Inspector General's audits under this section;

''(5) establish a process whereby employees may challenge the use of controlled unclassified information markings by Department employees or contractors and be rewarded

with specific incentives for successful challenges resulting in—

''(A) the removal of controlled unclassified information markings; or

''(B) the correct application of appropriate controlled unclassified information markings;

''(6) inform employees and contractors that failure to comply with the policies, procedures, and programs established under this section could subject them to a series of penalties;

''(7) institute a series of penalties for employees and contractors who repeatedly fail to comply with the policies, procedures, and programs established under this section after having received both notice of their noncompliance and appropriate training or retraining to address such noncompliance;

''(8) maintain a publicly available list of all documents designated, in whole or in part, as controlled unclassified information by Department employees or contractors that—

''(A) have been withheld in response to a request made pursuant to section 552 of title 5, United States Code (commonly referred to as the 'Freedom of Information Act'); and

''(B) includes for each such withheld document a summary of the request and a statement that identifies the exemption under section 552(b) of title 5, United States Code (commonly referred to as the 'Freedom of Information Act') that justified the withholding; and

''(9) create a process through which the public can notify the Inspector General of the Department of any concerns regarding the implementation of the controlled unclassified information framework, including the withholding of controlled unclassified information pursuant to section 552(b) of title 5, United States Code (commonly referred to as the 'Freedom of Information Act'), which shall be considered as part of the audit described in paragraph (4).

''(c) IMPLEMENTATION.—In carrying out subsections (a) and (b), the Secretary shall ensure that—

''(1) information is designated as controlled unclassified information and includes an authorized controlled unclassified information marking only if—

''(A) a statute or executive order requires or authorizes such a designation and marking; or

''(B) the Secretary, through regulations, directives, or other specific guidance to the agency that have been submitted to and approved by the Archivist of the United States, determines that the information is controlled unclassified information based on mission requirements, business prudence, legal privilege, the protection of personal or commercial rights, safety, or security;

''(2) notwithstanding paragraph (1), information is not to be designated as controlled unclassified information—

''(A) to conceal violations of law, inefficiency, or administrative error;

''(B) to prevent embarrassment to Federal, State, local, tribal, or territorial governments or any official, agency, or organization thereof; any agency; or any organization;

''(C) to improperly or unlawfully interfere with competition in the private sector;

''(D) to prevent or delay the release of information that does not require such protection;

''(E) if it is required to be made available to the public; or

''(F) if it has already been released to the public under proper authority; and

''(3) the controlled unclassified information framework is administered in a manner that ensures that—

''(A) information can be shared within the Department and with State, local, tribal, and territorial governments, the private sector, and the public, as appropriate;

''(B) all policies and standards for the designation, marking, safeguarding, and dissemination of controlled unclassified information are consistent with the controlled unclassified information framework and any other policies, guidelines, procedures, instructions, or standards established by the President, including in any relevant future executive memoranda or executive orders;

''(C) the number of Department employees and contractors with controlled unclassified information designation authority is limited appropriately as determined in consultation with the parties referred to in subsection (a);

''(D) controlled unclassified information markings are not a determinant of public disclosure pursuant to section 552 of title 5, United States Code (commonly referred to as the 'Freedom of Information Act');

''(E) controlled unclassified information markings are placed on archived or legacy material whenever circulated, consistent with the controlled unclassified information framework and any other policies, guidelines, procedures, instructions, or standards established by the President, including in any relevant future executive memoranda or executive orders;

''(F) all controlled unclassified information portions of classified documents are marked as controlled unclassified information; and

''(G) it supersedes any pre-existing policies and procedures relating to the creation, control, and sharing of sensitive but unclassified information generated by the Department, except where otherwise provided by law.

''(d) PUBLIC ACCESS TO UNCLASSIFIED INFORMATION.—The Secretary shall make available to members of the public all controlled unclassified information and other unclassified information in its possession that is releasable pursuant to an appropriate request under section 552 of title 5, United States Code (commonly referred to as the 'Freedom of Information Act').

''(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prevent or discourage the Department from voluntarily releasing to the public any unclassified information that is not exempt from disclosure under section 552 of title 5, United States Code (commonly referred to as the 'Freedom of Information Act').''.

SEC. 4. ENFORCEMENT OF CONTROLLED UNCLASSIFIED INFORMATION FRAMEWORK IMPLEMENTATION WITHIN THE DEPARTMENT OF HOMELAND SECURITY.

Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following new section:

''SEC. 210G. ENFORCEMENT OF CONTROLLED UNCLASSIFIED INFORMATION FRAMEWORK IMPLEMENTATION PROGRAMS.

''(a) PERSONAL IDENTIFIERS.—The Secretary shall—

''(1) assess the technologies available or in use at the Department by which an electronic personal identification number or other electronic identifying marker can be assigned to each Department employee and contractor with controlled unclassified information designation authority in order to—

''(A) track which documents have been designated as controlled unclassified information by a particular employee or contractor;

''(B) determine the circumstances when such documents have been shared;

''(C) identify and address misuse of controlled unclassified information markings, including the misapplication of controlled unclassified information markings to documents that do not merit such markings; and

''(D) assess the information sharing impact of any such problems or misuse;

''(2) develop an implementation plan for a Department standard for such technology with appropriate benchmarks, a timetable for its completion, and cost estimate for the creation and implementation of a system of electronic personal identification numbers or other electronic identifying markers for all relevant Department employees and contractors; and

''(3) upon completion of the implementation plan described in paragraph (2), or not later than 180 days after the date of the enactment of the Improving Public Access to Documents Act of 2008, whichever is earlier, the Secretary shall provide a copy of the plan to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

''(b) TRAINING.—The Secretary, in coordination with the Archivist of the United States, shall—

''(1) require annual training for each Department employee and contractor with controlled unclassified information designation authority or those responsible for analysis, dissemination, preparation, production, receiving, publishing, or otherwise communicating written controlled unclassified information. Such training shall—

''(A) educate each employee and contractor about—

''(i) the Department's requirement that all unclassified finished intelligence products that they create that have been designated as controlled unclassified information be prepared in a standard format prescribed by the Department;

''(ii) the proper use of controlled unclassified information markings, including portion markings; and

''(iii) the consequences of improperly using controlled unclassified information markings, including the misapplication of controlled unclassified information markings to documents that do not merit such markings, and of failing to comply with the Department's policies and procedures established under or pursuant to this section, including the negative consequences for the individual's personnel evaluation, homeland security, information sharing, and the overall success of the Department's missions;

''(B) serve as a prerequisite, once completed successfully, as evidenced by an appropriate certificate, for—

''(i) obtaining controlled unclassified information designation authority; and

''(ii) renewing such authority annually; and

''(C) count as a positive factor, once completed successfully, in the Department's employment, evaluation, and promotion decisions; and

''(2) ensure that such program is conducted efficiently, in conjunction with any other security, intelligence, or other training programs required by the Department to reduce the costs and administrative burdens associated with the additional training required by this section.

''(c) DETAILEE PROGRAM.—The Secretary shall—

''(1) implement a Departmental detailee program to detail Departmental personnel to the National Archives and Records Administration for one year, for the purpose of—

''(A) training and educational benefit for the Department personnel assigned so that they may better understand the policies, procedures, and laws governing the controlled unclassified information framework;

''(B) bolstering the ability of the National Archives and Records Administration to conduct its oversight authorities over the Department and other Departments and agencies; and

''(C) ensuring that the policies and procedures established by the Secretary remain consistent with those established by the Archivist of the United States; and

''(2) in coordination with the Archivist of the United States, report to Congress not later than 90 days after the conclusion of the first year of the program established under paragraph (1), on—

''(A) the advisability of expanding the program on a government-wide basis, whereby other departments and agencies would send detailees to the National Archives and Records Administration; and

''(B) the administrative and monetary costs of full compliance with this section.

''(d) TERMINATION OF DETAILEE PROGRAM.—Except as otherwise provided by law, subsection (c) shall cease to have effect on December 31, 2012.''.

SEC. 5. DEFINITIONS.

Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is further amended by adding at the end the following new section:

''SEC. 210H. DEFINITIONS.

''In this Act:

''(1) CONTROLLED UNCLASSIFIED INFORMATION.—The term 'controlled unclassified information' means a categorical designation that refers to unclassified information, including unclassified information within the scope of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), including unclassified homeland security information, terrorism information, and weapons of mass destruction information (as defined in such section) and unclassified national intelligence (as defined in section 3(5) of the National Security Act of 1947 (50 U.S.C. 401a(5))), that does not meet the standards of National Security Classification under Executive Order 12958, as amended, but is (i) pertinent to the national interests of the United States or to the important interests of entities outside the Federal Government, and (ii) under law or National Archives and Records Administration policy requires safeguarding from unauthorized disclosure, special handling safeguards, or prescribed limits on exchanges or dissemination.

''(2) CONTROLLED UNCLASSIFIED INFORMATION FRAMEWORK.—The term 'controlled unclassified information framework' means the single set of policies and procedures governing the designation, marking, safeguarding, and dissemination of terrorism-related controlled unclassified information that originates in departments and agencies, regardless of the medium used for the display, storage, or transmittal of such information, as set forth in the President's May 7, 2008 Memorandum for the Heads of Executive Departments Regarding Designation and Sharing of controlled unclassified information (CUI), and in any relevant future executive memoranda, executive orders, or legislation.

''(3) FINISHED INTELLIGENCE PRODUCT.—The term 'finished intelligence product' means a document in which an intelligence analyst has evaluated, interpreted, integrated, or placed into context raw intelligence or information.''.

SEC. 6. TECHNICAL AMENDMENT.

The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101(b)) is amended by adding after the item relating to section 210E the following new items:

''Sec. 210F. Controlled unclassified information framework implementation program.

''Sec. 210G. Enforcement of controlled unclassified information framework implementation programs.

''Sec. 210H. Definitions.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. HARMAN) and the gentleman from Florida (Mr. BILIRAKIS) will each control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. HARMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislation days within which to revise and extend their remarks and to include extraneous material on the bill under consideration.

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

There was no objection.

Ms. HARMAN. Mr. Speaker, I yield myself such time as I may consume, and I would like to include for the RECORD an exchange of letters between the distinguished chairmen of the Committees on Homeland Security and Oversight and Government Reform.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, July 25, 2008.

Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security, Ford House Office Building, Washington, DC.

DEAR CHAIRMAN THOMPSON:

I am writing about H.R. 6193, the Improving Public Access to Documents Act of 2008, which the Homeland Security Committee ordered reported to the House on June 26, 2008.

I appreciate your effort to consult with the Committee on Oversight and Government Reform regarding H.R. 6193. In particular, I appreciate your willingness to work with me to move a govenunentwide pseudo-classification bill, H.R. 6576, to the House floor so that H.R. 6193 and H.R. 6576 can be considered during the same week.

In the interest of expediting consideration of H.R. 6193, the Oversight Committee will not request a sequential referral of this bill. I would, however, request your support for the appointment of conferees from the Oversight Committee should H.R. 6193 or a similar Senate bill be considered in conference with the Senate.

Moreover, although the Oversight Committee has agreed to forgo a sequential referral of this measure, I believe it is important to reiterate my general concern about H.R. 6193 as it applies to the Department of Homeland Security.

H.R. 6193 creates procedures for the Department to follow in order to reduce the proliferation of unnecessary information classification. This is a commendable goal, however, investigations by the Oversight Committee have demonstrated that there has been a proliferation of pseudo-classification designations such as ''sensitive but unclassified'' or ''for official use only.'' In my view, any legislation addressing information control designations should be implemented on a government-wide basis.

Again, thank you for considering my concerns about H.R. 6193. I look forward to working with you to reduce the serious problem of pseudo-classification of information throughout the federal government.

This letter should not be construed as a waiver of the Oversight Committee's legislative jurisdiction over subjects addressed in H.R. 6193 that fall within the jurisdiction of the Oversight Committee.

Please include our exchange of letters on this matter in the Homeland Security Report on H.R. 6193 and in the Congressional Record during consideration of this legislation on the House floor.

Sincerely,

HENRY A. WAXMAN,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON HOMELAND SECURITY,
Washington, DC, July 28, 2008.

Hon. HENRY A. WAXMAN.
Chairman, Committee on Oversight and Government Reform, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN WAXMAN:

Thank you for your letter regarding H.R. 6193, the ''Improving Public Access to Documents Act of 2008,'' introduced by Congresswoman Jane Harman on June 5, 2008.

I appreciate your willingness to work cooperatively on this legislation. I acknowledge that H.R. 6193 contains provisions that fall under the jurisdictional interests of the Committee on Oversight and Government Reform. I appreciate your agreement to not seek a sequential referral of this legislation and acknowledge that your decision to forgo a sequential referral does not waive, alter, or otherwise affect the jurisdiction of the Committee on Oversight and Government Reform.

Further, I recognize that your Committee reserves the right to seek appointment of conferees on the bill for the portions of the bill that are within your jurisdiction, and I agree to support such a request.

I will ensure that this exchange of letters is included in the Committee's report on H.R. 6193 and in the Congressional Record during floor consideration of H.R. 6193. I look forward to working with you on this legislation and other matters of great importance to this nation.

Sincerely,

BENNIE G. THOMPSON,
Chairman.

Mr. Speaker, much like the overclassification problem which we have just discussed in the prior debate, so-called sensitive but unclassified markings, which are supposed to manage how sensitive unclassified information is handled internally at Federal departments and agencies, have instead hindered information-sharing with America's first preventers. At the same time, these markings have been used as tools to deny the public access to information to which it is entitled.

In essence, SBU markings have effectively become pseudo-classifications. Unlike classified records, however, there has been no monitoring of the use or impact of SBU-controlled markings.

Mr. Speaker, my colleague Mr. REICHERT and I introduced H.R. 6193, the Improving Public Access to Documents Act of 2008, to reform the sensitive but unclassified control markings regime. Our bill brings order to this chaos by adopting the CUI information framework developed by Ambassador Ted McNamara in the Office of the Director of National Intelligence.

I want to commend Ambassador McNamara for really courageous work in trying to manage this chaos, and it is his work that we build on in this legislation. His CUI framework reduces the number of allowed information control markings from over 100 to just seven. And to do so, our bill, following his recommendations, imposes strict requirements for when CUI control markings may be used. It promotes greater transparency by requiring the Department of Homeland Security to create a publicly available list of all department documents marked as CUI that have been withheld from public disclosure under a valid FOIA exemption.

After working together on a bipartisan basis for months, and now with significant input from the privacy, civil liberties, and government oversight communities, we believe that H.R. 6193 will make DHS the model to be followed when it comes to adopting and implementing CUI best practices. And, in June, this legislation was marked up and approved on a unanimous basis by both our Intelligence Subcommittee and the full Homeland Security Committee.

Putting the CUI framework into action at DHS will not only improve information sharing, but will also help decrease the exorbitant information security costs that the current SBU regime imposes, and undo misguided SBU practices that needlessly limit public access to information.

Mr. Speaker, terrorism is intended to terrify. If our first preventers have the facts on the front lines, we can begin to alleviate the fear that has paralyzed our homeland security policies and thinking for far too long. A first step is eliminating the confusion by making more unclassified information available to DHS partners, including the public, by ensuring that control markings don't gum up the works. The potential dividends for the security of our homeland are enormous. Mr. Speaker, I urge passage of this critical legislation.

I reserve the balance of my time.

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

I rise today in support of H.R. 6193, the Improving Public Access to Documents Act, sponsored by Homeland Security Committee colleague, Representative JANE HARMAN, who does such great work.

H.R. 6193 requires the Secretary of Homeland Security to develop and administer policies, procedures, and programs to implement the President's controlled unclassified information framework to standardize the many sensitive but unclassified categories of information. The bill requires the Secretary to coordinate with the Archivist of the United States and consult with representatives of State and local governments, privacy and civil rights advocacy groups, and the private sector in this effort.

This bill codifies many of the policies and procedures included in a May 7, 2008 executive memorandum, which directs executive department heads to begin consolidating the over 100 known sensitive but unclassified designations.

Information designated as sensitive but unclassified doesn't merit a security classification under Executive Order 12958 regarding classified national security information but is still sensitive that general disclosure is not in the public's best interest. Information that is law enforcement sensitive or designated for official use only are two examples of information that will now be marked as controlled unclassified information under this new construct.

Mr. Speaker, I am confident that H.R. 6193 is a helpful first step in standardizing the many types of sensitive but unclassified information so as to improve homeland security information sharing. I urge my colleagues to support it.

I reserve the balance of my time.

Ms. HARMAN. Mr. Speaker, we have no further speakers and I am prepared to close once the minority has closed.

Mr. BILIRAKIS. I thank the gentlelady for the information, and let's hope that the Senate gets to that authorization bill in September.

I yield back the balance of my time.

Ms. HARMAN. Mr. Speaker, again, I appreciate Mr. BILIRAKIS' support and the support of the minority members of the Homeland Security Committee and my principal cosponsor of this bill, the ranking member, Mr. REICHERT.

It is pretty astounding that there are over 100 ways to block nonclassified information from moving across the Federal Government. With passage of this bill, we will, at least at the Department of Homeland Security, reduce that 100 plus list of poor reasons in many cases to just seven.

Again, I want the commend Ambassador Ted McNamara for his pathbreaking work at the Office of the Director of National Intelligence, and I want to commend the Government Reform and Oversight Committee for a bill that will move under the suspension of rules later today, H.R. 6576, which will take the principles we are debating now with respect to the Department of Homeland Security and apply them government-wide. I think that is very good policy, and we start now, I hope, by passage of this important legislation. I urge an aye vote.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. HARMAN) that the House suspend the rules and pass the bill, H.R. 6193, 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. BILIRAKIS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

HOMELAND SECURITY OPEN SOURCE INFORMATION ENHANCEMENT ACT OF 2008

Ms. HARMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3815) to amend the Homeland Security Act of 2002 to require the Secretary of Homeland Security to make full and efficient use of open source information to develop and disseminate open source homeland security information products, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3815

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 ''Homeland Security Open Source Information Enhancement Act of 2008''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Internet has profoundly expanded the amount, significance, and accessibility of all types of information, but the Department of Homeland Security has not sufficiently expanded its use of such information to produce analytical products.

(2) Open source products can be shared with Federal, State, local, and tribal law enforcement, the American public, the private sector, and foreign allies because of their unclassified nature.

(3) The Department of Homeland Security is responsible for providing open source products to consumers consistent with existing Federal open source information guidelines.

SEC. 3. FULL AND EFFICIENT USE OF OPEN SOURCE INFORMATION.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following:

''SEC. 210F. FULL AND EFFICIENT USE OF OPEN SOURCE INFORMATION.

''(a) RESPONSIBILITIES OF SECRETARY.—The Secretary shall establish an open source collection, analysis, and dissemination program within the Department. This program shall make full and efficient use of open source information to develop and disseminate open source intelligence products.

''(b) OPEN SOURCE PRODUCTS.—The Secretary shall ensure that among the open source products that the Department generates, there shall be a specific focus on open source products that—

''(1) analyze news and developments related to foreign terrorist organizations including how the threat of such organizations is relevant to homeland security;

''(2) analyze the risks and vulnerabilities to the Nation's critical infrastructure;

''(3) analyze terrorist tactics and techniques to include recommendations on how to identify patterns of terrorist activity and behavior allowing State, local and tribal first responders to allocate resources appropriately; and

''(4) utilize, as appropriate, computer-based electronic visualization and animation tools that combine imagery, sound, and written material into unclassified open source intelligence products.

''(c) SHARING RESULTS OF ANALYSIS.—The Secretary shall share the unclassified results of such analysis with appropriate Federal, State, local, tribal, and private-sector officials.

''(d) PROTECTION OF PRIVACY.—The Secretary shall ensure that the manner in which open source information is gathered and disseminated by the Department complies with the Constitution, section 552a of title 5, United States Code (popularly known as the Privacy Act of 1974), provisions of law enacted by the E-Government Act of 2002 (Public Law 107–347), and all other relevant Federal laws.

''(e) INSPECTOR GENERAL REPORT.—The Inspector General of the Department shall audit the use and dissemination of open source information by the Department to evaluate the effectiveness of the Department's activities and to ensure that it is consistent with the procedures established by the Secretary or a designee of the Secretary for the operation of the Department's open source program and with Federal open source information and intelligence guidelines promulgated by the Director of National Intelligence.

''(f) OPEN SOURCE INFORMATION DEFINED.—In this section the term 'open source information' means information that is publicly available and that can be used and disseminated in a timely manner to an appropriate audience for the purpose of addressing a specific homeland requirement.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years 2009 through 2013 such sums as may be necessary to carry out this section.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to such subtitle the following:

''Sec. 210F. Full and efficient use of open source information.''.

SEC. 4. PRIVACY AND CIVIL LIBERTIES IMPACT ASSESSMENT.

Not later than 90 days after the date of the enactment of this Act, the Privacy Officer and the Officer for Civil Rights and Civil Liberties of the Department of Homeland Security, in consultation with the Chief Privacy Officer and Civil Liberties Protection Officer of the Office of the Director of National Intelligence, shall submit to the Secretary of Homeland Security, the Director of National Intelligence, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, and the Privacy and Civil Liberties Oversight Board, a privacy and civil liberties impact assessment of the Department of Homeland Security's open source program, including information on the collection, analysis, and dissemination of any information on United States persons.

SEC. 5. OPEN SOURCE INFORMATION DEFINED.

In this Act the term ''open source information'' has the meaning that term has in section 203 of Homeland Security Act of 2002, as amended by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. HARMAN) and the gentleman from Florida (Mr. BILIRAKIS) will each control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. HARMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

I rise in support of H.R. 3815, the Homeland Security Open Source Enhancement Act of 2008, introduced last year by our subcommittee member, ED PERLMUTTER, who is, by my lights, though a freshman member, an enormously talented contributor to the work of our subcommittee.

□ 1330

Regrettably, he couldn't be here for this debate this afternoon.

This is an important piece of legislation that will go a long way towards ensuring that the Department offers critical intelligence products that matter to its State, local and tribal partners.

Mr. Speaker, the Federal Government has, at its disposal, nearly limitless amounts of unclassified, open source information and can share it with key stakeholders, regardless of whether those partners have security clearances.

This is crucial because the next attack in the U.S. will not be stopped, as I mentioned earlier, by a bureaucrat in Washington, D.C., it will be the cop on the beat who is familiar with the rhythms and nuances of his or her neighborhood who will find out about that attack. An observant police officer somewhere in America will see something or someone out of place and, guided by timely, accurate and actionable and unclassified, open source information, will connect the dots that will unravel that new potential terrorist plot.

The Department, and specifically its Office of Intelligence and Analysis, has pursued a variety of missions without a clear focus. Open source is a case in point.

The Department's open source efforts have lagged far behind the rest of the Federal Government. While the DNI and the CIA have both established programs in this area, DHS, the lead Federal agency responsible for sharing terrorism threat and vulnerability information with State and local law enforcement, has yet to articulate a vision for how it will collect, analyze and disseminate it to stakeholders.

This legislation directs the Department to jump start its open source program and protect the privacy, civil rights and civil liberties of all Americans in the process. It will help DHS fill a critical gap in information sharing, and, hopefully, provide its primary customers with timely and actionable information.

Mr. Speaker, I urge passage of this important legislation and reserve the balance of my time.

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

I rise today in support of H.R. 3815, the Homeland Security Open Source Information Enhancement Act, sponsored by my committee colleague, Representative ED PERLMUTTER, who is a great Member, by the way.

H.R. 3815 will require the Secretary to establish an open source collection analysis and dissemination program within the Department of Homeland Security. This program would help facilitate information-sharing between the Federal Government and State, local and private sector officials to take advantage of the vast amount of information that is publicly available through open sources.

Importantly, the bill would require the Secretary to protect the privacy rights of individuals, including by conducting a private impact statement on the Department's open source program.

H.R. 3815 also requires the Inspector General to audit the use and dissemination of open source information to evaluate the effectiveness of the Department's activities in this area and its consistency with the open source policies of the Director of National Intelligence.

Mr. Speaker, I believe the Department of Homeland Security should take full advantage of open source information and ensure its proper dissemination to appropriate entities to maximize our homeland security. I encourage our colleagues to help move the Department closer toward that goal by supporting H.R. 3815.

I reserve the balance of my time.

Ms. HARMAN. Mr. Speaker, we have no further speakers, and I am prepared to close once the minority has closed.

Mr. BILIRAKIS. Mr. Speaker, I just urge everyone to support this bill. Again, it is a very good bill.

I yield back.

Ms. HARMAN. Mr. Speaker, I yield myself as much time as I may consume, and I am prepared to close debate.

Mr. Speaker, I am thinking back to those years on the Intelligence Committee, when I would leave classified briefings dissatisfied with the amount of information I was receiving. I would then go out and read my local newspaper or maybe an article that I had saved for airplane reading, and realize that in open sources there was a huge amount of information directly relevant to the problem that had not been organized in a way that I could quickly access it, and that in fact was probably more useful than the classified briefings I received. This happened not one time, not five times, but often.

So the point of Mr. PERLMUTTER's excellent legislation is to help the Department of Homeland Security, which has primary responsibility for the security of our homeland, make public source information available to those who need it to keep us safe. And those would be our first preventers, police and firefighters in our neighborhoods, and the general public. It sounds obvious, but it doesn't happen. And I appreciate the support of Mr. BILIRAKIS and the unanimous support of the members of the committee.

Again, I want to commend the bill's principal author, Mr. PERLMUTTER, for offering this legislation.

I ask for an ''aye'' vote on the bill and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. HARMAN) that the House suspend the rules and pass the bill, H.R. 3815, 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. BILIRAKIS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

PERSONNEL REIMBURSEMENT FOR INTELLIGENCE COOPERATION AND ENHANCEMENT OF HOMELAND SECURITY ACT

Ms. HARMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6098) to amend the Homeland Security Act of 2002 to improve the financial assistance provided to State, local, and tribal governments for information sharing activities, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6098

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 ''Personnel Reimbursement for Intelligence Cooperation and Enhancement of Homeland Security Act'' or the ''PRICE of Homeland Security Act''.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) After the terrorist attacks on September 11, 2001, State, local, and tribal governments redoubled their efforts to combat terrorism and expended tremendous energy and financial resources to help the Federal Government fight the terrorist threat.

(2) States and localities have formed fusion centers, hired intelligence analysts, and contributed a significant amount of resources to the expansion of Federal homeland security efforts.

(3) These actions, in conjunction with the efforts of the Federal Government and private industry, have materially contributed to the common defense of this Nation and have helped keep our homeland secure.

(4) The National Strategy for Information Sharing issued by the President in October 2007 plainly states that ''The Federal Government may need to provide financial and technical assistance, as well as human resource support, to these fusion centers if they are to achieve and sustain a baseline level of capability. The objective is to assist State and local governments in the establishment and the sustained operation of these fusion centers. A sustained Federal partnership with State and major urban area fusion centers is critical to the safety of our Nation, and therefore a national priority.''.

(5) The Federal Government has endeavored to support these State efforts through the State Homeland Security Grant Program and other methods of Federal assistance but have placed restrictions on the use of these funds that make long-term planning for fusion centers unmanageable.

(6) It is vital to the security of our homeland that States and localities are able to continue to receive funding for the participation of State and local analysts in fusion centers and in their State and local efforts to combat terrorism and terrorist-related activities.

SEC. 3. GRANT ELIGIBILITY FOR ANALYSTS.

Section 2008(a) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)) is amended—

(1) in the matter preceding paragraph (1) by striking ''Grants'' and all that follows through ''plans, through'' and inserting the following: ''The Administrator shall permit grant recipients under section 2003 or 2004 to use grant funds to achieve and sustain target capabilities related to preventing, preparing for, protecting against, and responding to acts of terrorism, consistent with a State homeland security plan and relevant local, tribal, and regional homeland security plans, through''; and

(2) in paragraph (10) by inserting the following after ''analysts'': ''regardless of whether such analysts are current or new full-time employees or contract employees and such funding shall be made available without time limitations placed on the period of time that such analyst can serve under awarded grants.''.

SEC. 4. USE OF FUNDS FOR PERSONNEL AND OPERATIONAL COSTS.

Section 2008(b)(2) of the Homeland Security Act of 2002 (6 U.S.C. 609(b)(2)) is amended by striking so much as precedes subparagraph (B) and inserting the following:

''(2) PERSONNEL AND OPERATIONAL COSTS.—

''(A) IN GENERAL.—The recipient of a grant under section 2003 or 2004 may, at the recipient's discretion, use up to 50 percent of the amount of the grant awarded for any fiscal year to pay for personnel and operational costs, including overtime and backfill costs, in support of the uses authorized under subsection (a).''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. HARMAN) and the gentleman from Florida (Mr. BILIRAKIS) will each control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. HARMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, my colleague and the ranking member of our Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment DAVE REICHERT, introduced H.R. 6098 earlier this year, and it was reported unanimously out of our subcommittee and the full committee.

I have to express my personal disappointment that Mr. REICHERT is not here for this debate. I know that this is a subject he is passionate about, as am I, as are the first responders, so-called ''first preventers'' who will benefit enormously by its passage.

At issue, Mr. Speaker, is how DHS grant recipients can spend their money when it comes to hiring and retaining intelligence analysts at the State and local levels.

In the 9/11 Act, we were clear, grant recipients could use up to 50 percent of their State Homeland Security Grant Program and Urban Area Security Initiative funding for personnel costs, without time limitations.

The Department of Homeland Security, however, had other ideas. Instead of following the law, it capped allowable personnel costs far below the 50 percent threshold, and it imposed a 2-year limit on how long States could employ intelligence analysts hired with Federal dollars. This has had the absurd result of States and localities firing analysts after 2 years, just to continue to qualify for DHS funding.

Think about this. Someone works for you, is providing excellent, accurate and actionable intelligence analysis that will help us track and prevent the next set of threats, and that person gets fired only because he or she has to be fired in order for money to continue to flow. This makes absolutely no sense.

DHS' approach, likewise, undermines the culture of constitutionality that Congress intended to foster at fusion centers in the 9/11 Act.

Many States and localities want to use DHS grant funds to hire and retain analysts at those centers, which are increasingly becoming the linchpin for information sharing with the Federal Government. To sustain this effort, however, State and locals need money to pay for staff overtime to make fusion centers work, something both Congress and the President, in his National Strategy For Information Sharing, strongly support.

But, Mr. Speaker, the Department's grant guidance ignores this, just as it ignores the stringent privacy and civil liberties training requirements that are the centerpiece of the 9/11 Act's funding provision. By forcing States and localities to fire staff every 2 years in order to access Federal funds, DHS is effectively preventing the ''culture of constitutionality'' from taking root.

When privacy and civil liberties best practices have no time to develop, abuses, like the Maryland State Police's apparent spying on peace protestors and death penalty opponents, are the inevitable result.

Mr. Speaker, H.R. 6098 fixes these problems by giving States and localities the flexibility they need to hire and retain the staff to keep our communities safe. That is why the bill has been cosponsored by both Democrats and Republicans, and that is why it was approved on a unanimous basis by both our subcommittee and the full Homeland Security Committee last month.

Mr. Speaker, fusion centers, done the right way, are essential for Homeland Security.

I therefore urge passage of this critically important legislation, and reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I rise today in support of H.R. 6098, the Personnel Reimbursement for Intelligence Cooperation and Enhancement of Homeland Security Act, sponsored by a great Member, again, another great Member that I am fortunate to serve with on the Homeland Security Committee, Congressman DAVE REICHERT.

This bill, which I have cosponsored, would clarify that grant recipients under the State Homeland Security Grant Program, and the Urban Area Security Initiative, can use grant funding to help pay for analysts at State and local fusion centers.

This clarification is critically important because some of these fusion centers have had to limit their operations and some may have to cease operations altogether because of unnecessary restrictions on Federal funding, despite the intent of the 9/11 bill that became law last year.

Congressman REICHERT's bill wisely updates current law to make clear that UASI and SHSGP funding can be used to hire and retain these intelligence analysts without a limitation on how long grants can be used for this purpose.

This bill also would allow grant recipients to use up to 50 percent of their annual grant award for personnel and operational costs, including overtime.

Mr. Speaker, state and local fusion centers play an important role in filling gaps in information sharing with the Federal Government and facilitating the dissemination of critical information to States and localities.

I encourage all of our colleagues to help these centers maximize our ability to detect, prevent and respond to criminal and terrorist activity by supporting H.R. 6098.

I reserve the balance of my time.

Ms. HARMAN. Mr. Speaker, we have no further speakers on our side. I am prepared to close debate once the minority has closed.

Mr. BILIRAKIS. Mr. Speaker, I strongly support this bill, as I stated earlier.

I yield back.

Ms. HARMAN. Mr. Speaker, we have just debated eight bills that come out of the Homeland Security Committee. I think that is a pretty good work product. As I mentioned earlier, four of them, those managed by the chairman of the full committee, Mr. THOMPSON, I think, are excellent policy. They come from a variety of subcommittees. And I want to thank him again, ranking member KING and the superb bipartisan staff that has helped move us along. I urge their passage by this House.

The four bills that I have just managed, and that we debated earlier, one of which, hopefully will reduce the pernicious practice of overclassification and selective declassification, a second, which will reduce the ability to put sensitive but unclassified markings on documents, a third which will promote the dissemination of open source information by the Department of Homeland Security, and the fourth, which will end the absurd practice of having to fire people in order to continue to receive Federal funds, all go in one direction. And what is that direction? That direction is to help our first preventers, police and fire services, who know our neighborhoods best, to get critical information in real time about what to look for and what to do.

□ 1345

Without critical information in real time, the cop on the beat could unfortunately miss the plot that is being pursued in the house right in front of him because he or she doesn't know what to look for and what to do.

Each of these bills is designed to get information which the Federal Government may have or which may appear in open source materials to that first preventer in real time. And each of these bills also is designed to reduce and hopefully eliminate the excuses that can cause a Federal bureaucrat to decide that to protect his turf or her turf or to protect himself or herself from embarrassment, to say ''Oh, I will just mark this document 'classified' or I will just put an SBU marking on this document and that way the person next door won't get to see it.''

Well, Mr. Speaker, that's the wrong impulse, it's the wrong signal, and with passage of these bills, we send a strong message; and more than that, a strong requirement to the Department of Homeland Security that at least the people who work there cannot, any longer, use or abuse the classification and SBU systems in order to protect themselves.

I'm hopeful that later this afternoon as we debate some additional bills on the suspension calendar, one of the things we will do is to use this principle of limiting the categories for ''sensitive but unclassified'' and take it government-wide. That is legislation that, as I mentioned, has been reported by the Oversight and Government Reform Committee, and I believe that will be before us shortly.

I want to say that I endorse that idea. I think it makes sense to reduce the SBU categories across the government. I think we can make DHS the gold standard, but hopefully every department of government that can use those stamps to prevent necessary information from being shared will get the same strong message.

Let me finally say, as one of the coauthors of the Intelligence Reform bill of 2004, that we recognized, when we enacted that bill, that what has been called a ''need-to-know'' culture that has created stovepipes, so-called stovepipes in our government, had to be changed to a ''need-to-share'' culture if we were ever going to be able to connect the dots to prevent the next attack.

Changing a culture from ''need to know'' to ''need to share'' is a very difficult thing to do, but a piece of that is breaking down the ways that individuals prevent information from moving off their desks to the person at the next desk.

And with passage of the four bills we have just debated, I think we send the strongest possible signal. And with passage of legislation that Mr. WAXMAN, I believe, is going to offer strongly, we continue to send that signal out across the government.

So Mr. Speaker, I urge passage of the Reichert bill that we have just debated. I urge passage of the four bills that I have been managing during the last hour or so. I call for an ''aye'' vote on the legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. HARMAN) that the House suspend the rules and pass the bill, H.R. 6098, as amended.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

GOVERNMENT ACCOUNTABILITY OFFICE IMPROVEMENT ACT OF 2008

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6388) to provide additional authorities to the Comptroller General of the United States, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6388

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 ''Government Accountability Office Improvement Act of 2008''.

SEC. 2. AUTHORITY TO OBTAIN RECORDS.

(a) AUTHORITY TO OBTAIN RECORDS.—Section 716 of title 31, United States Code, is amended in subsection (a)—

(1) by striking ''(a)'' and inserting ''(2)''; and

(2) by inserting after the section heading the following:

''(a)(1) The Comptroller General is authorized to obtain such agency records as the Comptroller General requires to discharge his duties (including audit, evaluation, and investigative duties), including through the bringing of civil actions under this section. In reviewing a civil action under this section, the court shall recognize the continuing force and effect of the authorization in the preceding sentence until such time as the authorization is repealed pursuant to law.''.

(b) INTERVIEWS.—Section 716(a) of title 31, United States Code, as amended by subsection (a), is further amended in the second sentence of paragraph (2) by inserting ''and interview agency officers and employees'' after ''agency record''.

SEC. 3. ADMINISTERING OATHS.

Section 711 of title 31, United States Code, is amended by striking paragraph (4) and inserting the following:

''(4) administer oaths to witnesses, except that, in matters other than auditing and settling accounts, the authority of an officer or employee to administer oaths to witnesses pursuant to a delegation under paragraph (2) shall not be available without the prior express approval of the Comptroller General (or a designee).''.

SEC. 4. ACCESS TO CERTAIN INFORMATION.

(a) ACCESS TO CERTAIN INFORMATION.—Subchapter II of chapter 7 of title 31, United States Code, is amended by adding at the end the following:

''§ 721. Access to certain information

''(a) No provision of the Social Security Act shall be construed to limit, amend, or supersede the authority of the Comptroller General to obtain any information, to inspect any record, or to interview any officer or employee under section 716 of this title, including with respect to any information disclosed to or obtained by the Secretary of Health and Human Services under part C or D of title XVIII of the Social Security Act.

''(b) No provision of the Federal Food, Drug, and Cosmetic Act shall be construed to limit, amend, or supersede the authority of the Comptroller General to obtain any information, to inspect any record, or to interview any officer or employee under section 716 of this title, including with respect to any information concerning any method or process which as a trade secret is entitled to protection.

''(c) No provision of the Hart-Scott-Rodino Antitrust Improvements Act of 1976 and the amendments made by that Act shall be construed to limit, amend, or supersede the authority of the Comptroller General to obtain any information, to inspect any record, or to interview any officer or employee under section 716 of this title, including with respect to any information disclosed to the Assistant Attorney General of the Antitrust Division of the Department of Justice or the Federal Trade Commission for purposes of premerger review under section 7A of the Clayton Act (15 U.S.C. 18a).

''*(d)(1) The Comptroller General shall prescribe such policies and procedures as are necessary to protect from public disclosure proprietary or trade secret information obtained consistent with this section.*

''*(2) Nothing in this section shall be construed—*

''*(A) to alter or amend the prohibitions against the disclosure of trade secret or other sensitive information prohibited by section 1905 of title 18 and other applicable laws; or*

''*(B) to affect the applicability of section 716(e) of this title, including the protections against unauthorized disclosure contained in that section, to information obtained consistent with this section.*''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 7 of title 31, United States Code, is amended by inserting after the item relating to section 720 the following:

''721. Access to certain information.''.

SEC. 5. COMPTROLLER GENERAL REPORTS.

Section 719 of title 31, United States Code, is amended—

(1) in subsection (b)(1)(B), by striking ''and'' at the end;

(2) in subsection (b)(1)(C), by striking the period at the end and inserting ''; and'';

(3) by adding at the end of subsection (b)(1) the following:

''(D) for agencies subject to sections 901 to 903 and other agencies designated by the Comptroller General, an assessment of their overall degree of cooperation in making personnel available for interview, providing written answers to questions, submitting to an oath authorized by the Comptroller General under section 711, granting access to records, providing timely comments to draft reports, adopting recommendations in reports and responding to such other matters as the Comptroller General deems appropriate.'';

(4) in subsection (c)(2)(B), by striking ''and'' at the end;

(5) in subsection (c)(3), by striking the period at the end and inserting ''; and'', and

(6) by adding at the end of subsection (c) the following:

''(4) as soon as practicable when an agency does not, within a reasonable time, respond to a request by the Comptroller General regarding any matter described in subsection (b)(1)(D).''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. WAXMAN) and the gentleman from Virginia (Mr. DAVIS) will each control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to revise and extend their remarks.

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

There was no objection.

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

This bill, H.R. 6388, the Government Accountability Office Improvement Act, is crucial legislation for protecting the taxpayers from waste, fraud, and abuse, and it is a cornerstone of Congress' efforts to improve oversight of the executive branch.

There are many details in this legislation, but the essence of this bill before us is about fighting waste, fraud, and abuse. It gives GAO access to the information it needs and helps Congress legislate effectively. One of our most important jobs as Members of Congress is to protect the interests of the Federal taxpayer.

I reserve the balance of my time.

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I want to state at the outset that the most important issue in the country right now is the rising cost of fuels, and we can't have that debate because leadership on the other side refuses to allow us votes on domestic exploration. And I wish we were talking about that today, but let me say this. I'm going to speak for H.R. 6388, the Government Accountability Office Improvement Act of 2008.

This bill does a number of things. First of all, one of the things it does is overturn the U.S. District Court for the District of Columbia's decision in Walker v. Cheney where the court held the GAO lacked standing to sue the Vice President to compel the release of information pertaining to the Vice President's Energy Task Force. It was the first time in its then-81-year-old history that the GAO filed suit against an executive branch official regarding access to records. This is an important issue for congressional power and oversight, and the White House, for obvious reasons, is opposing the bill for that reason institutionally. The White House is protecting the ''institution,'' the executive branch, not the administration, which this bill doesn't affect.

Our interests here should also be ''institutional'' as well making sure that this Congress and future Congresses have this type of oversight over future executives.

Last July, the GAO submitted to Congress a legislative proposal to make a number of largely noncontroversial changes to their authorizing statute. The Government Oversight and Reform Committee addressed many of these reforms. The bill we're taking up today represents an effort by Congress to strengthen and clarify GAO's investigative authority.

I had several concerns about this legislation as it was originally introduced. The bill would have included new language giving GAO specific access to Medicare Part D data held by the Department of Health and Human Services, as well as trade secrets held by the Food and Drug Administration. Congress has access to that information now. We didn't think new language would be necessary.

The original bill also included broad language to expand GAO's authority to interview agency employees and administer oaths to witnesses in conjunction with investigations.

But I would add we, the Committee, adopted the amendment offered by Chairman WAXMAN and myself to improve the original bill, and specifically section 4 of the bill now includes language to ensure GAO will protect the most sensitive data it obtains under this section.

Now section 4 will clarify GAO's access to data specific to Medicare Part D held by the Department of Health and Human Services, trade secrets held by the Food and Drug Administration and proprietary commercial information held by the Antitrust Division of the Justice Department and the Federal Trade Commission.

In its current form, these provisions are intended to remedy problems that GAO has encountered in getting agencies to voluntarily turn over such sensitive data.

The amendment adopted by the committee attempts to ensure that this data containing valuable trade secrets and other confidential commercial information is not disclosed.

While it's still not clear that we need this section, the amendment adopted by the committee gives me a sufficient

level of comfort that information containing trade secrets and other confidential commercial data to which GAO has access will be protected against improper disclosure.

I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, we have no further requests for time and yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. WAXMAN) that the House suspend the rules and pass the bill, H.R. 6388, 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.

CONFERENCE REPORT ON H.R. 4040, CONSUMER PRODUCT SAFETY IMPROVEMENT ACT OF 2008

Mr. WAXMAN submitted the following conference report on the bill (H.R. 4040) to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission:

CONFERENCE REPORT (H. REPT. 110–787)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4040), to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the senate and agree to the same with an amendment as follows:

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Consumer Product Safety Improvement Act of 2008''.

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

SEC. 2. REFERENCES.

(a) DEFINED TERMS.—As used in this Act—

(1) the term ''appropriate Congressional committees'' means the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the term ''Commission'' means the Consumer Product Safety Commission.

(b) CONSUMER PRODUCT SAFETY ACT.—Except as otherwise expressly provided, whenever in this Act an amendment is expressed as an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Consumer Product Safety Act (15 U.S.C. 2051 et seq.).

SEC. 3. AUTHORITY TO ISSUE IMPLEMENTING REGULATIONS.

The Commission may issue regulations, as necessary, to implement this Act and the amendments made by this Act.

TITLE I—CHILDREN'S PRODUCT SAFETY

SEC. 101. CHILDREN'S PRODUCTS CONTAINING LEAD; LEAD PAINT RULE.

(a) GENERAL LEAD BAN.—

(1) TREATMENT AS A BANNED HAZARDOUS SUBSTANCE.—Except as expressly provided in subsection (b) beginning on the dates provided in paragraph (2), any children's product (as defined in section 3(a)(16) of the Consumer Product Safety Act (15 U.S.C. 2052(a)(16))) that contains more lead than the limit established by paragraph (2) shall be treated as a banned hazardous substance under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.).

(2) LEAD LIMIT.—

(A) 600 PARTS PER MILLION.—Except as provided in subparagraphs (B), (C), (D), and (E), beginning 180 days after the date of enactment of this Act, the lead limit referred to in paragraph (1) is 600 parts per million total lead content by weight for any part of the product.

(B) 300 PARTS PER MILLION.—Except as provided by subparagraphs (C), (D), and (E), beginning on the date that is 1 year after the date of enactment of this Act, the lead limit referred to in paragraph (1) is 300 parts per million total lead content by weight for any part of the product.

(C) 100 PARTS PER MILLION.—Except as provided in subparagraphs (D) and (E), beginning on the date that is 3 years after the date of enactment of this Act, subparagraph (B) shall be applied by substituting ''100 parts per million'' for ''300 parts per million'' unless the Commission determines that a limit of 100 parts per million is not technologically feasible for a product or product category. The Commission may make such a determination only after notice and a hearing and after analyzing the public health protections associated with substantially reducing lead in children's products.

(D) ALTERNATE REDUCTION OF LIMIT.—If the Commission determines under subparagraph (C) that the 100 parts per million limit is not technologically feasible for a product or product category, the Commission shall, by regulation, establish an amount that is the lowest amount of lead, lower than 300 parts per million, the Commission determines to be technologically feasible to achieve for that product or product category. The amount of lead established by the Commission under the preceding sentence shall be substituted for the 300 parts per million limit under subparagraph (B) beginning on the date that is 3 years after the date of enactment of this Act.

(E) PERIODIC REVIEW AND FURTHER REDUCTIONS.—The Commission shall, based on the best available scientific and technical information, periodically review and revise downward the limit set forth in this subsection, no less frequently than every 5 years after promulgation of the limit under subparagraph (C) or (D) to require the lowest amount of lead that the Commission determines is technologically feasible to achieve. The amount of lead established by the Commission under the preceding sentence shall be substituted for the lead limit in effect immediately before such revision.

(b) EXCLUSION OF CERTAIN MATERIALS OR PRODUCTS AND INACCESSIBLE COMPONENT PARTS.—

(1) CERTAIN PRODUCTS OR MATERIALS.—The Commission may, by regulation, exclude a specific product or material from the prohibition in subsection (a) if the Commission, after notice and a hearing, determines on the basis of the best-available, objective, peer-reviewed, scientific evidence that lead in such product or material will neither—

(A) result in the absorption of any lead into the human body, taking into account

normal and reasonably foreseeable use and abuse of such product by a child, including swallowing, mouthing, breaking, or other children's activities, and the aging of the product; nor

(B) have any other adverse impact on public health or safety.

(2) EXCEPTION FOR INACCESSIBLE COMPONENT PARTS.—

(A) IN GENERAL.—The limits established under subsection (a) shall not apply to any component part of a children's product that is not accessible to a child through normal and reasonably foreseeable use and abuse of such product, as determined by the Commission. A component part is not accessible under this subparagraph if such component part is not physically exposed by reason of a sealed covering or casing and does not become physically exposed through reasonably foreseeable use and abuse of the product. Reasonably foreseeable use and abuse shall include swallowing, mouthing, breaking, or other children's activities, and the aging of the product.

(B) INACCESSIBILITY PROCEEDING.—Within 1 year after the date of enactment of this Act, the Commission shall promulgate a rule providing guidance with respect to what product components, or classes of components, will be considered to be inaccessible for purposes of subparagraph (A).

(C) APPLICATION PENDING CPSC GUIDANCE.—Until the Commission promulgates a rule pursuant to subparagraph (B), the determination of whether a product component is inaccessible to a child shall be made in accordance with the requirements laid out in subparagraph (A) for considering a component to be inaccessible to a child.

(3) CERTAIN BARRIERS DISQUALIFIED.—For purposes of this subsection, paint, coatings, or electroplating may not be considered to be a barrier that would render lead in the substrate inaccessible to a child, or to prevent absorption of any lead into the human body, through normal and reasonably foreseeable use and abuse of the product.

(4) CERTAIN ELECTRONIC DEVICES.—If the Commission determines that it is not technologically feasible for certain electronic devices, including devices containing batteries, to comply with subsection (a), the Commission, by regulation, shall—

(A) issue requirements to eliminate or minimize the potential for exposure to and accessibility of lead in such electronic devices, which may include requirements that such electronic devices be equipped with a child-resistant cover or casing that prevents exposure to and accessibility of the parts of the product containing lead; and

(B) establish a schedule by which such electronic devices shall be in full compliance with the limits in subsection (a), unless the Commission determines that full compliance will not be technologically feasible for such devices within a schedule set by the Commission.

(5) PERIODIC REVIEW.—The Commission shall, based on the best available scientific and technical information, periodically review and revise the regulations promulgated pursuant to this subsection no less frequently than every 5 years after the first promulgation of a regulation under this subsection to make them more stringent and to require the lowest amount of lead the Commission determines is technologically feasible to achieve.

(c) APPLICATION WITH ASTM F963.—To the extent that any regulation promulgated by the Commission under this section (or any section of the Consumer Product Safety Act or any other Act enforced by the Commission, as such Acts are affected by this section) is inconsistent with the ASTM F963 standard, such promulgated regulation shall supersede the ASTM F963 standard to the extent of the inconsistency.

(d) TECHNOLOGICAL FEASIBILITY DEFINED.—For purposes of this section, a limit shall be deemed technologically feasible with regard to a product or product category if—

(1) a product that complies with the limit is commercially available in the product category;

(2) technology to comply with the limit is commercially available to manufacturers or is otherwise available within the common meaning of the term;

(3) industrial strategies or devices have been developed that are capable or will be capable of achieving such a limit by the effective date of the limit and that companies, acting in good faith, are generally capable of adopting; or

(4) alternative practices, best practices, or other operational changes would allow the manufacturer to comply with the limit.

(e) PENDING RULEMAKING PROCEEDINGS TO HAVE NO EFFECT.—The pendency of a rulemaking proceeding to consider—

(1) a delay in the effective date of a limit or an alternate limit under this section related to technological feasibility,

(2) an exception for certain products or materials or inaccessibility guidance under subsection (b) of this section, or

(3) any other request for modification of or exemption from any regulation, rule, standard, or ban under this Act or any other Act enforced by the Commission,

shall not delay the effect of any provision or limit under this section nor shall it stay general enforcement of the requirements of this section.

(f) MORE STRINGENT LEAD PAINT BAN.—

(1) IN GENERAL.—Effective on the date that is 1 year after the date of enactment of this Act, the Commission shall modify section 1303.1 of its regulations (16 C.F.R. 1301.1) by substituting ''0.009 percent'' for ''0.06 percent'' in subsection (a) of that section.

(2) PERIODIC REVIEW AND REDUCTION.—The Commission shall, no less frequently than every 5 years after the date on which the Commission modifies the regulations pursuant to paragraph (1), review the limit for lead in paint set forth in section 1303.1 of title 16, Code of Federal Regulations (as revised by paragraph (1)), and shall by regulation revise downward the limit to require the lowest amount of lead that the Commission determines is technologically feasible to achieve.

(3) METHODS FOR SCREENING LEAD IN SMALL PAINTED AREAS.—In order to provide for effective and efficient enforcement of the limit set forth in section 1303.1 of title 16, Code of Federal Regulations, the Commission may rely on x-ray fluorescence technology or other alternative methods for measuring lead in paint or other surface coatings on products subject to such section where the total weight of such paint or surface coating is no greater than 10 milligrams or where such paint or surface coating covers no more than 1 square centimeter of the surface area of such products. Such alternative methods for measurement shall not permit more than 2 micrograms of lead in a total weight of 10 milligrams or less of paint or other surface coating or in a surface area of 1 square centimeter or less.

(4) ALTERNATIVE METHODS OF MEASURING LEAD IN PAINT GENERALLY.—

(A) STUDY.—Not later than 1 year after the date of enactment of this Act, the Commission shall complete a study to evaluate the effectiveness, precision, and reliability of x-ray fluorescence technology and other alternative methods for measuring lead in paint or other surface coatings when used on a children's product or furniture article in order to determine compliance with part 1303 of title 16, Code of Federal Regulations, as modified pursuant to this subsection.

(B) RULEMAKING.—If the Commission determines, based on the study in subparagraph (A), that x-ray fluorescence technology or other alternative methods for measuring lead in paint are as effective, precise, and reliable as the methodology used by the Commission for compliance determinations prior to the date of enactment of this Act, the Commission may promulgate regulations governing the use of such methods in determining the compliance of products with part 1303 of title 16, Code of Federal Regulations, as modified pursuant to this subsection. Any regulations promulgated by the Commission shall ensure that such alternative methods are no less effective, precise, and reliable than the methodology used by the Commission prior to the date of enactment of this Act.

(5) PERIODIC REVIEW.—The Commission shall, no less frequently than every 5 years after the Commission completes the study required by paragraph (4)(A), review and revise any methods for measurement utilized by the Commission pursuant to paragraph (3) or pursuant to any regulations promulgated under paragraph (4) to ensure that such methods are the most effective methods available to protect children's health. The Commission shall conduct an ongoing effort to study and encourage the further development of alternative methods for measuring lead in paint and other surface coating that can effectively, precisely, and reliably detect lead levels at or below the level set forth in part 1303 of title 16, Code of Federal Regulations, or any lower level established by regulation.

(6) NO EFFECT ON LEGAL LIMIT.—Nothing in paragraph (3), nor reliance by the Commission on any alternative method of measurement pursuant to such paragraph, nor any rule prescribed pursuant to paragraph (4), nor any method established pursuant to paragraph (5) shall be construed to alter the limit set forth in section 1303 of title 16, Code of Federal Regulations, as modified pursuant to this subsection, or provide any exemption from such limit.

(7) CONSTRUCTION.—Nothing in this subsection shall be construed to affect the authority of the Commission or any other person to use alternative methods for detecting lead as a screening method to determine whether further testing or action is needed.

(g) TREATMENT AS A REGULATION UNDER THE FHSA.—Any ban imposed by subsection (a) or rule promulgated under subsection (a) or (b) of this section, and section 1303.1 of title 16, Code of Federal Regulations (as modified pursuant to subsection (f)(1) or (2)), or any successor regulation, shall be considered a regulation of the Commission promulgated under or for the enforcement of section 2(q) of the Federal Hazardous Substances Act (15 U.S.C. 1261(q)).

SEC. 102. MANDATORY THIRD PARTY TESTING FOR CERTAIN CHILDREN'S PRODUCTS.

(a) MANDATORY AND THIRD PARTY TESTING.—

(1) GENERAL CONFORMITY CERTIFICATION.—

(A) AMENDMENT.—Paragraph (1) of section 14(a) (15 U.S.C. 2063(a)) is amended to read as follows:

''(1) GENERAL CONFORMITY CERTIFICATION.—Except as provided in paragraphs (2) and (3), every manufacturer of a product which is subject to a consumer product safety rule under this Act or similar rule, ban, standard, or regulation under any other Act enforced by the Commission and which is imported for consumption or warehousing or distributed in commerce (and the private labeler of such

product if such product bears a private label) shall issue a certificate which—

''(A) shall certify, based on a test of each product or upon a reasonable testing program, that such product complies with all rules, bans, standards, or regulations applicable to the product under this Act or any other Act enforced by the Commission; and

''(B) shall specify each such rule, ban, standard, or regulation applicable to the product.''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect 90 days after the date of enactment of this Act.

(2) THIRD PARTY TESTING REQUIREMENT.—Section 14(2) (15 U.S.C. 2063(2)) is further amended by redesignating paragraph (2) as paragraph (4) and inserting after paragraph (1) the following:

''(2) THIRD PARTY TESTING REQUIREMENT.—Effective on the dates provided in paragraph (3), before importing for consumption or warehousing or distributing in commerce any children's product that is subject to a children's product safety rule, every manufacturer of such children's product (and the private labeler of such children's product if such children's product bears a private label) shall—

''(A) submit sufficient samples of the children's product, or samples that are identical in all material respects to the product, to a third party conformity assessment body accredited under paragraph (3) to be tested for compliance with such children's product safety rule; and

''(B) based on such testing, issue a certificate that certifies that such children's product complies with the children's product safety rule based on the assessment of a third party conformity assessment body accredited to conduct such tests.

A manufacturer or private labeler shall issue either a separate certificate for each children's product safety rule applicable to a product or a combined certificate that certifies compliance with all applicable children's product safety rules, in which case each such rule shall be specified.

''(3) SCHEDULE FOR IMPLEMENTATION OF THIRD PARTY TESTING.—

''(A) GENERAL APPLICATION.—Except as provided under subparagraph (F), the requirements of paragraph (2) shall apply to any children's product manufactured more than 90 days after the Commission has established and published notice of the requirements for accreditation of third party conformity assessment bodies to assess conformity with a children's product safety rule to which such children's product is subject.

''(B) TIME LINE FOR ACCREDITATION.—

''(i) LEAD PAINT.—Not later than 30 days after the date of enactment of the Consumer Product Safety Improvement Act of 2008, the Commission shall publish notice of the requirements for accreditation of third party conformity assessment bodies to assess conformity with part 1303 of title 16, Code of Federal Regulations.

''(ii) FULL-SIZE CRIBS; NON FULL-SIZE CRIBS; PACIFIERS.—Not later than 60 days after the date of enactment of the Consumer Product Safety Improvement Act of 2008, the Commission shall publish notice of the requirements for accreditation of third party conformity assessment bodies to assess conformity with parts 1508, 1509, and 1511 of such title.

''(iii) SMALL PARTS.—Not later than 90 days after the date of enactment of the Consumer Product Safety Improvement Act of 2008, the Commission shall publish notice of the requirements for accreditation of third party conformity assessment bodies to assess conformity with part 1501 of such title.

''(iv) CHILDREN'S METAL JEWELRY.—Not later than 120 days after the date of enactment of the Consumer Product Safety Improvement Act of 2008, the Commission shall publish notice of the requirements for accreditation of third party conformity assessment bodies to assess conformity with the requirements of section 101(a)(2) of such Act with respect to children's metal jewelry.

''(v) BABY BOUNCERS, WALKERS, AND JUMPERS.—Not later than 210 days after the date of enactment of the Consumer Product Safety Improvement Act of 2008, the Commission shall publish notice of the requirements for accreditation of third party conformity assessment bodies to assess conformity with parts 1500.18(a)(6) and 1500.86(a) of such title.

''(vi) ALL OTHER CHILDREN'S PRODUCT SAFETY RULES.—The Commission shall publish notice of the requirements for accreditation of third party conformity assessment bodies to assess conformity with other children's product safety rules at the earliest practicable date, but in no case later than 10 months after the date of enactment of the Consumer Product Safety Improvement Act of 2008, or, in the case of children's product safety rules established or revised 1 year or more after such date of enactment, not later than 90 days before such rules or revisions take effect.

''(C) ACCREDITATION.—Accreditation of third party conformity assessment bodies pursuant to the requirements established under subparagraph (B) may be conducted either by the Commission or by an independent accreditation organization designated by the Commission.

''(D) PERIODIC REVIEW.—The Commission shall periodically review and revise the accreditation requirements established under subparagraph (B) to ensure that the requirements assure the highest conformity assessment body quality that is feasible.

''(E) PUBLICATION OF ACCREDITED ENTITIES.—The Commission shall maintain on its Internet website an up-to-date list of entities that have been accredited to assess conformity with children's product safety rules in accordance with the requirements published by the Commission under this paragraph.

''(F) EXTENSION.—If the Commission determines that an insufficient number of third party conformity assessment bodies have been accredited to permit certification for a children's product safety rule under the accelerated schedule required by this paragraph, the Commission may extend the deadline for certification to such rule by not more than 60 days.

''(G) RULEMAKING.—Until the date that is 3 years after the Consumer Product Safety Improvement Act of 2008, Commission proceedings under this paragraph shall be exempt from the requirements of sections 553 and 601 through 612 of title 5, United States Code.''.

(3) CONFORMING AMENDMENTS.—Section 14(a)(4) (15 U.S.C. 2063(a)(4)), as redesignated by paragraph (2) of this subsection, is amended—

(A) by striking ''required by paragraph (1) of this subsection'' and inserting ''required under paragraph (1), (2), or (3)''; and

(B) by striking ''requirement under paragraph (1)'' and inserting ''requirement under paragraph (1), (2), or (3)''.

(b) ADDITIONAL REQUIREMENTS; DEFINITIONS.—Section 14 (15 U.S.C. 2063) is further amended by adding at the end the following:

''(d) ADDITIONAL REGULATIONS FOR THIRD PARTY TESTING.—

''(1) AUDIT.—Not later than 10 months after the date of enactment of the Consumer Product Safety Improvement Act of 2008, the Commission shall by regulation establish requirements for the periodic audit of third party conformity assessment bodies as a condition for the continuing accreditation of such conformity assessment bodies under subsection (a)(3)(C).

''(2) COMPLIANCE; CONTINUING TESTING.—Not later than 15 months after the date of enactment of the Consumer Product Safety Improvement Act of 2008, the Commission shall by regulation—

''(A) initiate a program by which a manufacturer or private labeler may label a consumer product as complying with the certification requirements of subsection (a); and

''(B) establish protocols and standards—

''(i) for ensuring that a children's product tested for compliance with an applicable children's product safety rule is subject to testing periodically and when there has been a material change in the product's design or manufacturing process, including the sourcing of component parts;

''(ii) for the testing of random samples to ensure continued compliance;

''(iii) for verifying that a children's product tested by a conformity assessment body complies with applicable children's product safety rules; and

''(iv) for safeguarding against the exercise of undue influence on a third party conformity assessment body by a manufacturer or private labeler.

''(e) WITHDRAWAL OF ACCREDITATION.—

''(1) IN GENERAL.—The Commission may withdraw its accreditation or its acceptance of the accreditation of a third party conformity assessment body accredited under this section if the Commission finds, after notice and investigation, that—

''(A) a manufacturer, private labeler, or governmental entity has exerted undue influence on such conformity assessment body or otherwise interfered with or compromised the integrity of the testing process with respect to the certification of a children's product under this section; or

''(B) such conformity assessment body failed to comply with an applicable protocol, standard, or requirement established by the Commission under subsection (d).

''(2) PROCEDURE.—In any proceeding to withdraw the accreditation of a conformity assessment body, the Commission—

''(A) shall consider the gravity of the conformity assessment body's action or failure to act, including—

''(i) whether the action or failure to act resulted in injury, death, or the risk of injury or death;

''(ii) whether the action or failure to act constitutes an isolated incident or represents a pattern or practice; and

''(iii) whether and when the conformity assessment body initiated remedial action; and

''(B) may—

''(i) withdraw its acceptance of the accreditation of the conformity assessment body on a permanent or temporary basis; and

''(ii) establish requirements for reaccreditation of the conformity assessment body.

''(3) FAILURE TO COOPERATE.—The Commission may suspend the accreditation of a conformity assessment body if it fails to cooperate with the Commission in an investigation under this section.

''(f) DEFINITIONS.—In this section:

''(1) CHILDREN'S PRODUCT SAFETY RULE.—The term 'children's product safety rule' means a consumer product safety rule under this Act or similar rule, regulation, standard, or ban under any other Act enforced by the Commission, including a rule declaring a consumer product to be a banned hazardous product or substance.

''(2) THIRD PARTY CONFORMITY ASSESSMENT BODY.—

''(A) IN GENERAL.—The term 'third party conformity assessment body' means a conformity assessment body that, except as provided in subparagraph (D), is not owned, managed, or controlled by the manufacturer or private labeler of a product assessed by such conformity assessment body.

''(B) GOVERNMENTAL PARTICIPATION.—Such term may include an entity that is owned or controlled in whole or in part by a government if—

''(i) to the extent practicable, manufacturers or private labelers located in any nation are permitted to choose conformity assessment bodies that are not owned or controlled by the government of that nation;

''(ii) the entity's testing results are not subject to undue influence by any other person, including another governmental entity;

''(iii) the entity is not accorded more favorable treatment than other third party conformity assessment bodies in the same nation who have been accredited under this section;

''(iv) the entity's testing results are accorded no greater weight by other governmental authorities than those of other third party conformity assessment bodies accredited under this section; and

''(v) the entity does not exercise undue influence over other governmental authorities on matters affecting its operations or on decisions by other governmental authorities controlling distribution of products based on outcomes of the entity's conformity assessments.

''(C) TESTING AND CERTIFICATION OF ART MATERIALS AND PRODUCTS.—A certifying organization (as defined in appendix A to section 1500.14(b)(8) of title 16, Code of Federal Regulations (or any successor regulation or ruling)) meets the requirements of subparagraph (A) with respect to the certification of art material and art products required under this section or by regulations prescribed under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.).

''(D) FIREWALLED CONFORMITY ASSESSMENT BODIES.—Upon request, the Commission may accredit a conformity assessment body that is owned, managed, or controlled by a manufacturer or private labeler as a third party conformity assessment body if the Commission by order finds that—

''(i) accreditation of the conformity assessment body would provide equal or greater consumer safety protection than the manufacturer's or private labeler's use of an independent third party conformity assessment body; and

''(ii) the conformity assessment body has established procedures to ensure that—

''(I) its test results are protected from undue influence by the manufacturer, private labeler or other interested party;

''(II) the Commission is notified immediately of any attempt by the manufacturer, private labeler or other interested party to hide or exert undue influence over test results; and

''(III) allegations of undue influence may be reported confidentially to the Commission.

''(g) REQUIREMENTS FOR CERTIFICATES.—

''(1) IDENTIFICATION OF ISSUER AND CONFORMITY ASSESSMENT BODY.—Every certificate required under this section shall identify the manufacturer or private labeler issuing the certificate and any third party conformity assessment body on whose testing the certificate depends. The certificate shall include, at a minimum, the date and place of manufacture, the date and place where the product was tested, each party's name, full mailing address, telephone number, and contact information for the individual responsible for maintaining records of test results.

''(2) ENGLISH LANGUAGE.—Every certificate required under this section shall be legible and all content required by this section shall be in the English language. A certificate may also contain the same content in any other language.

''(3) AVAILABILITY OF CERTIFICATES.—Every certificate required under this section shall accompany the applicable product or shipment of products covered by the same certificate and a copy of the certificate shall be furnished to each distributor or retailer of the product. Upon request, the manufacturer or private labeler issuing the certificate shall furnish a copy of the certificate to the Commission.

''(4) ELECTRONIC FILING OF CERTIFICATES FOR IMPORTED PRODUCTS.—In consultation with the Commissioner of Customs, the Commission may, by rule, provide for the electronic filing of certificates under this section up to 24 hours before arrival of an imported product. Upon request, the manufacturer or private labeler issuing the certificate shall furnish a copy to the Commission and to the Commissioner of Customs.

''(h) RULE OF CONSTRUCTION.—Compliance of any children's product with third party testing and certification or general conformity certification requirements under this section shall not be construed to exempt such children's product from any requirement that such product actually be in conformity with all applicable rules, regulation, standards, or ban under any Act enforced by the Commission.''.

(c) CPSC CONSIDERATION OF EXISTING REQUIREMENTS.—In establishing standards for accreditation of a third party conformity assessment body under section 14(a)(3) of the Consumer Product Safety Act, as added by subsection (a), the Commission may consider standards and protocols for accreditation of such conformity assessment bodies by independent accreditation organizations that are in effect on the date of enactment of this Act, but shall ensure that the protocols, standards, and requirements prescribed under such section 14(a)(3) incorporate, as the standard for accreditation, the most current scientific and technological standards and techniques available.

(d) CONFORMING AMENDMENTS.—Section 14(b) (15 U.S.C. 2063(b)) is amended—

(1) by striking ''consumer products which are subject to consumer product safety standards under this Act'' and inserting ''any product which is subject to a consumer product safety rule under this Act, or a similar rule, regulation, standard, or ban under any other Act enforced by the Commission,''; and

(2) by striking ''or testing programs.'' and inserting '', unless the Commission, by rule, requires testing by an independent third party for a particular rule, regulation, standard, or ban, or for a particular class of products.''.

SEC. 103. TRACKING LABELS FOR CHILDREN'S PRODUCTS.

(a) IN GENERAL.—Section 14(a) (15 U.S.C. 2063(a)), as amended by section 102 of this Act, is further amended by adding at the end the following:

''(5) Effective 1 year after the date of enactment of the Consumer Product Safety Improvement Act of 2008, the manufacturer of a children's product shall place permanent, distinguishing marks on the product and its packaging, to the extent practicable, that will enable—

''(A) the manufacturer to ascertain the location and date of production of the product, cohort information (including the batch, run number, or other identifying characteristic), and any other information determined by the manufacturer to facilitate ascertaining the specific source of the product by reference to those marks; and

''(B) the ultimate purchaser to ascertain the manufacturer or private labeler, location and date of production of the product, and cohort information (including the batch, run number, or other identifying characteristic).''.

(b) LABEL INFORMATION.—Section 14(c) (15 U.S.C. 2063(c)) is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4) and by inserting after paragraph (1) the following:

''(2) The cohort information (including the batch, run number, or other identifying characteristic) of the product.''.

(c) ADVERTISING, LABELING, AND PACKAGING REPRESENTATION.—Section 14 (15 U.S.C. 2063) is further amended by adding at the end the following:

''(d) REQUIREMENT FOR ADVERTISEMENTS.—No advertisement for a consumer product or label or packaging of such product may contain a reference to a consumer product safety rule or a voluntary consumer product safety standard unless such product conforms with the applicable safety requirements of such rule or standard.''.

SEC. 104. STANDARDS AND CONSUMER REGISTRATION OF DURABLE NURSERY PRODUCTS.

(a) SHORT TITLE.—This section may be cited as the ''Danny Keysar Child Product Safety Notification Act''.

(b) SAFETY STANDARDS.—

(1) IN GENERAL.—The Commission shall—

(A) in consultation with representatives of consumer groups, juvenile product manufacturers, and independent child product engineers and experts, examine and assess the effectiveness of any voluntary consumer product safety standards for durable infant or toddler products; and

(B) in accordance with section 553 of title 5, United States Code, promulgate consumer product safety standards that—

(i) are substantially the same as such voluntary standards; or

(ii) are more stringent than such voluntary standards, if the Commission determines that more stringent standards would further reduce the risk of injury associated with such products.

(2) TIMETABLE FOR RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Commission shall commence the rulemaking required under paragraph (1) and shall promulgate standards for no fewer than 2 categories of durable infant or toddler products every 6 months thereafter, beginning with the product categories that the Commission determines to be of highest priority, until the Commission has promulgated standards for all such product categories. Thereafter, the Commission shall periodically review and revise the standards set forth under this subsection to ensure that such standards provide the highest level of safety for such products that is feasible.

(3) JUDICIAL REVIEW.—Any person adversely affected by such standards may file a petition for review under the procedures set forth in section 11(g) of the Consumer Product Safety Act (15 U.S.C. 2060(g)), as added by section 236 of this Act.

(c) CRIBS.—

(1) IN GENERAL.—It shall be a violation of section 19(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2068(a)(1)) for any person to which this subsection applies to manufacture, sell, contract to sell or resell, lease, sublet, offer, provide for use, or otherwise place in the stream of commerce a crib that is not in compliance with a standard promulgated under subsection (b).

(2) PERSONS TO WHICH SUBSECTION APPLIES.—This subsection applies to any person that—

(A) manufactures, distributes in commerce, or contracts to sell cribs;

(B) based on the person's occupation, holds itself out as having knowledge or skill peculiar to cribs, including child care facilities and family child care homes;

(C) is in the business of contracting to sell or resell, lease, sublet, or otherwise place cribs in the stream of commerce; or

(D) owns or operates a place of public accommodation affecting commerce (as defined in section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) applied without regard to the phrase ''not owned by the Federal Government'').

(3) CRIB DEFINED.—In this subsection, the term ''crib'' includes—

(A) new and used cribs;

(B) full-sized or nonfull-sized cribs; and

(C) portable cribs and crib-pens.

(d) CONSUMER REGISTRATION REQUIREMENT.—

(1) RULEMAKING.—Notwithstanding any provision of chapter 6 of title 5, United States Code, or the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.), not later than 1 year after the date of enactment of this Act, the Commission shall, pursuant to its authority under section 16(b) of the Consumer Product Safety Act (15 U.S.C. 2065(b)), promulgate a final consumer product safety rule to require each manufacturer of a durable infant or toddler product—

(A) to provide consumers with a postage-paid consumer registration form with each such product;

(B) to maintain a record of the names, addresses, e-mail addresses, and other contact information of consumers who register their ownership of such products with the manufacturer in order to improve the effectiveness of manufacturer campaigns to recall such products; and

(C) to permanently place the manufacturer name and contact information, model name and number, and the date of manufacture on each durable infant or toddler product.

(2) REQUIREMENTS FOR REGISTRATION FORM.—The registration form required to be provided to consumers under paragraph (1) shall—

(A) include spaces for a consumer to provide the consumer's name, address, telephone number, and e-mail address;

(B) include space sufficiently large to permit easy, legible recording of all desired information;

(C) be attached to the surface of each durable infant or toddler product so that, as a practical matter, the consumer must notice and handle the form after purchasing the product;

(D) include the manufacturer's name, model name and number for the product, and the date of manufacture;

(E) include a message explaining the purpose of the registration and designed to encourage consumers to complete the registration;

(F) include an option for consumers to register through the Internet; and

(G) include a statement that information provided by the consumer shall not be used for any purpose other than to facilitate a recall of or safety alert regarding that product.

In issuing regulations under this section, the Commission may prescribe the exact text and format of the required registration form.

(3) RECORD KEEPING AND NOTIFICATION REQUIREMENTS.—The rules required under this section shall require each manufacturer of a durable infant or toddler product to maintain a record of registrants for each product manufactured that includes all of the information provided by each consumer registered, and to use such information to notify such consumers in the event of a voluntary or involuntary recall of or safety alert regarding such product. Each manufacturer shall maintain such a record for a period of not less than 6 years after the date of manufacture of the product. Consumer information collected by a manufacturer under this Act may not be used by the manufacturer, nor disseminated by such manufacturer to any other party, for any purpose other than notification to such consumer in the event of a product recall or safety alert.

(4) STUDY.—The Commission shall conduct a study at such time as it considers appropriate on the effectiveness of the consumer registration forms required by this section in facilitating product recalls and whether such registration forms should be required for other children's products. Not later than 4 years after the date of enactment of this Act, the Commission shall report its findings to the appropriate Congressional committees.

(e) USE OF ALTERNATIVE RECALL NOTIFICATION TECHNOLOGY.—

(1) TECHNOLOGY ASSESSMENT AND REPORT.—The Commission shall—

(A) beginning 2 years after a rule is promulgated under subsection (d), regularly review recall notification technology and assess the effectiveness of such technology in facilitating recalls of durable infant or toddler products; and

(B) not later than 3 years after the date of enactment of this Act and periodically thereafter as the Commission considers appropriate, transmit a report on such assessments to the appropriate Congressional committees.

(2) DETERMINATION.—If, based on the assessment required by paragraph (1), the Commission determines by rule that a recall notification technology is likely to be as effective or more effective in facilitating recalls of durable infant or toddler products as the registration forms required by subsection (d), the Commission—

(A) shall submit to the appropriate Congressional committees a report on such determination; and

(B) shall permit a manufacturer of durable infant or toddler products to use such technology in lieu of such registration forms to facilitate recalls of durable infant or toddler products.

(f) DEFINITION OF DURABLE INFANT OR TODDLER PRODUCT.—As used in this section, the term ''durable infant or toddler product''—

(1) means a durable product intended for use, or that may be reasonably expected to be used, by children under the age of 5 years; and

(2) includes—

(A) full-size cribs and nonfull-size cribs;

(B) toddler beds;

(C) high chairs, booster chairs, and hook-on chairs;

(D) bath seats;

(E) gates and other enclosures for confining a child;

(F) play yards;

(G) stationary activity centers;

(H) infant carriers;

(I) strollers;

(J) walkers;

(K) swings; and

(L) bassinets and cradles.

SEC. 105. LABELING REQUIREMENT FOR ADVERTISING TOYS AND GAMES.

Section 24 of the Federal Hazardous Substances Act (15 U.S.C. 1278) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

''(c) ADVERTISING.—

''(1) REQUIREMENT.—

''(A) CAUTIONARY STATEMENT.—Any advertisement by a retailer, manufacturer, importer, distributor, or private labeler (including advertisements on Internet websites or in catalogues or other printed materials) that provides a direct means for the purchase or order of a product for which a cautionary statement is required under subsection (a) or (b) shall include the appropriate cautionary statement displayed on or immediately adjacent to that advertisement, as modified by regulations issued under paragraph (3).

''(B) APPLICATION TO RETAILERS.—

''(i) REQUIREMENT TO INFORM.—A manufacturer, importer, distributor, or private labeler that provides such a product to a retailer shall inform the retailer of any cautionary statement requirement applicable to the product.

''(ii) RETAILER'S REQUIREMENT TO INQUIRE.—A retailer is not in violation of subparagraph (A) if the retailer requested information from the manufacturer, importer, distributor, or private labeler as to whether the cautionary statement required by subparagraph (A) applies to the product that is the subject of the advertisement and the manufacturer, importer, distributor, or private labeler provided false information or did not provide such information.

''(C) DISPLAY.—The cautionary statement required by subparagraph (A) shall be prominently displayed—

''(i) in the primary language used in the advertisement;

''(ii) in conspicuous and legible type in contrast by typography, layout, or color with other material printed or displayed in such advertisement; and

''(iii) in a manner consistent with part 1500 of title 16, Code of Federal Regulations.

''(D) DEFINITIONS.—In this subsection:

''(i) The terms 'manufacturer', 'distributor', and 'private labeler' have the meaning given those terms in section 3 of the Consumer Product Safety Act (15 U.S.C. 2052).

''(ii) The term 'retailer' has the meaning given that term in section 3 of the Consumer Product Safety Act (15 U.S.C. 2052), but does not include an individual whose selling activity is intermittent and does not constitute a trade or business.

''(2) EFFECTIVE DATE.—The requirement in paragraph (1) shall take effect—

''(A) with respect to advertisements on Internet websites, 120 days after the date of enactment of the Consumer Product Safety Improvement Act of 2008; and

''(B) with respect to catalogues and other printed materials, 180 days after such date of enactment.

''(3) RULEMAKING.—Notwithstanding any provision of chapter 6 of title 5, United States Code, or the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.), the Commission shall, not later than 90 days after the date of enactment of the Consumer Product Safety Improvement Act of 2008, promulgate regulations to effectuate this section with respect to catalogues and other printed material. The Commission may, under such regulations, provide a grace period of no more than 180 days for catalogues and other printed material printed prior to the effective date of paragraph (1) during which time distribution of such catalogues and other printed material shall not be considered a violation of such paragraph. The Commission may promulgate regulations concerning the size and placement of the cautionary statement required by paragraph (1) of this subsection as appropriate relative to the size and placement of the advertisements in such catalogues and other printed material. The Commission shall promulgate regulations that clarify the applicability of these requirements to catalogues and other printed material distributed solely between businesses and not to individual consumers.

''(4) ENFORCEMENT.—The requirements in paragraph (1) shall be treated as a consumer product safety standard promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2056). The publication or distribution of any advertisement that is not in compliance with paragraph (1) shall be treated as a prohibited act under section 19(a)(1) of such Act (15 U.S.C. 2068).''.

SEC. 106. MANDATORY TOY SAFETY STANDARDS.

(a) IN GENERAL.—Beginning 180 days after the date of enactment of this Act, the provisions of ASTM International Standard F963–07 Consumer Safety Specifications for Toy Safety (ASTM F963), as it exists on the date of enactment of this Act (except for section 4.2 and Annex 4 or any provision that restates or incorporates an existing mandatory standard or ban promulgated by the Commission or by statute) shall be considered to be consumer product safety standards issued by the Commission under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058).

(b) RULEMAKING FOR SPECIFIC TOYS, COMPONENTS AND RISKS.—

(1) EVALUATION.—Not later than 1 year after the date of enactment of this Act, the Commission, in consultation with representatives of consumer groups, juvenile product manufacturers, and independent child product engineers and experts, shall examine and assess the effectiveness of ASTM F963 or its successor standard (except for section 4.2 and Annex 4), as it relates to safety requirements, safety labeling requirements, and test methods related to—

(A) internal harm or injury hazards caused by the ingestion or inhalation of magnets in children's products;

(B) toxic substances;

(C) toys with spherical ends;

(D) hemispheric-shaped objects;

(E) cords, straps, and elastics; and

(F) battery-operated toys.

(2) RULEMAKING.—Within 1 year after the completion of the assessment required by paragraph (1), the Commission shall promulgate rules in accordance with section 553 of title 5, United States Code, that—

(A) take into account other children's product safety rules; and

(B) are more stringent than such standards, if the Commission determines that more stringent standards would further reduce the risk of injury of such toys.

(c) PERIODIC REVIEW.—The Commission shall periodically review and revise the rules set forth under this section to ensure that such rules provide the highest level of safety for such products that is feasible.

(d) CONSIDERATION OF REMAINING ASTM STANDARDS.—After promulgating the rules required by subsection (b), the Commission shall—

(1) in consultation with representatives of consumer groups, juvenile product manufacturers, and independent child product engineers and experts, examine and assess the effectiveness of ASTM F963 (and alternative health protective requirements to prevent or minimize flammability of children's products) or its successor standard, and shall assess the adequacy of such standards in protecting children from safety hazards; and

(2) in accordance with section 553 of title 5, United States Code, promulgate consumer product safety rules that—

(A) take into account other children's product safety rules; and

(B) are more stringent than such standards, if the Commission determines that more stringent standards would further reduce the risk of injury associated with such toys.

(e) PRIORITIZATION.—The Commission shall promulgate rules beginning with the product categories that the Commission determines to be of highest priority, until the Commission has promulgated standards for all such product categories.

(f) TREATMENT AS CONSUMER PRODUCT SAFETY STANDARDS.—Rules issued under this section shall be considered consumer product safety standards issued by the Commission under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058).

(g) REVISIONS.—If ASTM International (or its successor entity) proposes to revise ASTM F963–07, or a successor standard, it shall notify the Commission of the proposed revision. The Commission shall incorporate the revision or a section of the revision into the consumer product safety rule. The revised standard shall be considered to be a consumer product safety standard issued by the Consumer Product Safety Commission under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), effective 180 days after the date on which ASTM International notifies the Commission of the revision unless, within 90 days after receiving that notice, the Commission notifies ASTM International that it has determined that the proposed revision does not improve the safety of the consumer product covered by the standard. If the Commission so notifies ASTM International with respect to a proposed revision of the standard, the existing standard shall continue to be considered to be a consumer product safety rule without regard to the proposed revision.

(h) RULEMAKING TO CONSIDER EXEMPTION FROM PREEMPTION.—

(1) EXEMPTION OF STATE LAW FROM PREEMPTION.—Upon application of a State or political subdivision of a State, the Commission shall, after notice and opportunity for oral presentation of views, consider a rulemaking to exempt from the provisions of section 26(a) of the Consumer Product Safety Act (under such conditions as it may impose in the rule) any proposed safety standard or regulation which is described in such application and which is designed to protect against a risk of injury associated with a children's product subject to the consumer product safety standards described in subsection (a) or any rule promulgated under this section. The Commission shall grant such an exemption if the State or political subdivision standard or regulation—

(A) provides a significantly higher degree of protection from such risk of injury than the consumer product safety standard or rule under this section; and

(B) does not unduly burden interstate commerce.

In determining the burden, if any, of a State or political subdivision standard or regulation on interstate commerce, the Commission shall consider and make appropriate (as determined by the Commission in its discretion) findings on the technological and economic feasibility of complying with such standard or or regulation, the cost of complying with such standard or regulation, the geographic distribution of the consumer product to which the standard or regulation would apply, the probability of other States or political subdivisions applying for an exemption under this subsection for a similar standard or regulation, and the need for a national, uniform standard under this Act for such consumer product.

(2) EFFECT OF STANDARDS ON ESTABLISHED STATE LAWS.—Nothing in this section or in section 26 of the Consumer Product Safety Act (15 U.S.C. 2075) shall prevent a State or political subdivision of a State from continuing in effect a safety requirement applicable to a toy or other children's product that is designed to deal with the same risk of injury as the consumer product safety standards established by this section and that is in effect on the day before the date of enactment of this Act, if such State or political subdivision has filed such requirement with the Commission within 90 days after the date of enactment of this Act, in such form and in such manner as the Commission may require.

(i) JUDICIAL REVIEW.—The issuance of any rule under this section is subject to judicial review as provided in section 11(g) of the Consumer Product Safety Act (15 U.S.C. 2060(g)), as added by section 236 of this Act.

SEC. 107. STUDY OF PREVENTABLE INJURIES AND DEATHS IN MINORITY CHILDREN RELATED TO CONSUMER PRODUCTS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Comptroller General shall initiate a study, by the Government Accountability Office or by contract through an independent entity, to assess disparities in the risks and incidence of preventable injuries and deaths among children of minority populations, including Black, Hispanic, American Indian, Alaska Native, Native Hawaiian, and Asian/Pacific Islander children in the United States. The Comptroller General shall consult with the Commission as necessary.

(b) REQUIREMENTS.—The study shall examine the racial disparities of the rates of preventable injuries and deaths related to suffocation, poisonings, and drownings, including those associated with the use of cribs, mattresses and bedding materials, swimming pools and spas, and toys and other products intended for use by children.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall report the findings to the appropriate Congressional committees. The report shall include—

(1) the Comptroller General's findings on the incidence of preventable risks of injuries and deaths among children of minority populations and recommendations for minimizing such risks;

(2) recommendations for public outreach, awareness, and prevention campaigns specifically aimed at racial minority populations; and

(3) recommendations for education initiatives that may reduce statistical disparities.

SEC. 108. PROHIBITION ON SALE OF CERTAIN PRODUCTS CONTAINING SPECIFIED PHTHALATES.

(a) PROHIBITION ON THE SALE OF CERTAIN PRODUCTS CONTAINING PHTHALATES.—Beginning on the date that is 180 days after the date of enactment of this Act, it shall be unlawful for any person to manufacture for sale, offer for sale, distribute in commerce, or import into the United States any children's toy or child care article that contains concentrations of more than 0.1 percent of di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), or benzyl butyl phthalate (BBP).

(b) PROHIBITION ON THE SALE OF ADDITIONAL PRODUCTS CONTAINING CERTAIN PHTHALATES.—

(1) INTERIM PROHIBITION.—Beginning on the date that is 180 days after the date of enactment of this Act and until a final rule is promulgated under paragraph (3), it shall be unlawful for any person to manufacture for sale, offer for sale, distribute in commerce, or import into the United States any children's toy that can be placed in a child's mouth or child care article that contains concentrations of more than 0.1 percent of diisononyl phthalate (DINP), diisodecyl phthalate (DIDP), or di-n-octyl phthalate (DnOP).

(2) CHRONIC HAZARD ADVISORY PANEL.—

(A) APPOINTMENT.—Not earlier than 180 days after the date of enactment of this Act, the Commission shall begin the process of

appointing a Chronic Hazard Advisory Panel pursuant to the procedures of section 28 of the Consumer Product Safety Act (15 U.S.C. 2077) to study the effects on children's health of all phthalates and phthalate alternatives as used in children's toys and child care articles.

(B) EXAMINATION.—The panel shall, within 18 months after its appointment under subparagraph (A), complete an examination of the full range of phthalates that are used in products for children and shall—

(i) examine all of the potential health effects (including endocrine disrupting effects) of the full range of phthalates;

(ii) consider the potential health effects of each of these phthalates both in isolation and in combination with other phthalates;

(iii) examine the likely levels of children's, pregnant women's, and others' exposure to phthalates, based on a reasonable estimation of normal and foreseeable use and abuse of such products;

(iv) consider the cumulative effect of total exposure to phthalates, both from children's products and from other sources, such as personal care products;

(v) review all relevant data, including the most recent, best-available, peer-reviewed, scientific studies of these phthalates and phthalate alternatives that employ objective data collection practices or employ other objective methods;

(vi) consider the health effects of phthalates not only from ingestion but also as a result of dermal, hand-to-mouth, or other exposure;

(vii) consider the level at which there is a reasonable certainty of no harm to children, pregnant women, or other susceptible individuals and their offspring, considering the best available science, and using sufficient safety factors to account for uncertainties regarding exposure and susceptibility of children, pregnant women, and other potentially susceptible individuals; and

(viii) consider possible similar health effects of phthalate alternatives used in children's toys and child care articles.

The panel's examinations pursuant to this paragraph shall be conducted *de novo*. The findings and conclusions of any previous Chronic Hazard Advisory Panel on this issue and other studies conducted by the Commission shall be reviewed by the panel but shall not be considered determinative.

(C) REPORT.—Not later than 180 days after completing its examination, the panel appointed under subparagraph (A) shall report to the Commission the results of the examination conducted under this section and shall make recommendations to the Commission regarding any phthalates (or combinations of phthalates) in addition to those identified in subsection (a) or phthalate alternatives that the panel determines should be declared banned hazardous substances.

(3) PERMANENT PROHIBITION BY RULE.—Not later than 180 days after receiving the report of the panel under paragraph (2)(C), the Commission shall, pursuant to section 553 of title 5, United States Code, promulgate a final rule to—

(A) determine, based on such report, whether to continue in effect the prohibition under paragraph (1), in order to ensure a reasonable certainty of no harm to children, pregnant women, or other susceptible individuals with an adequate margin of safety; and

(B) evaluate the findings and recommendations of the Chronic Hazard Advisory Panel and declare any children's product containing any phthalates to be a banned hazardous product under section 8 of the Consumer Product Safety Act (15 U.S.C. 2057), as the Commission determines necessary to protect the health of children.

(c) TREATMENT OF VIOLATION.—A violation of subsection (a) or (b)(1) or any rule promulgated by the Commission under subsection (b)(3) shall be treated as a violation of section 19(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2068(a)(1)).

(d) TREATMENT AS CONSUMER PRODUCT SAFETY STANDARDS; EFFECT ON STATE LAWS.—Subsections (a) and (b)(1) and any rule promulgated under subsection (b)(3) shall be considered consumer product safety standards under the Consumer Product Safety Act. Nothing in this section or the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) shall be construed to preempt or otherwise affect any State requirement with respect to any phthalate alternative not specifically regulated in a consumer product safety standard under the Consumer Product Safety Act.

(e) DEFINITIONS.—

(1) DEFINED TERMS.—As used in this section:

(A) The term ''phthalate alternative'' means any common substitute to a phthalate, alternative material to a phthalate, or alternative plasticizer.

(B) The term ''children's toy'' means a consumer product designed or intended by the manufacturer for a child 12 years of age or younger for use by the child when the child plays.

(C) The term ''child care article'' means a consumer product designed or intended by the manufacturer to facilitate sleep or the feeding of children age 3 and younger, or to help such children with sucking or teething.

(D) The term ''consumer product'' has the meaning given such term in section 3(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2052(a)(1)).

(2) DETERMINATION GUIDELINES.—

(A) AGE.—In determining whether products described in paragraph (1) are designed or intended for use by a child of the ages specified, the following factors shall be considered:

(i) A statement by a manufacturer about the intended use of such product, including a label on such product if such statement is reasonable.

(ii) Whether the product is represented in its packaging, display, promotion, or advertising as appropriate for use by children of the ages specified.

(iii) Whether the product is commonly recognized by consumers as being intended for use by a child of the ages specified.

(iv) The Age Determination guidelines issued by the Commission staff in September 2002 and any successor to such guidelines.

(B) TOY THAT CAN BE PLACED IN A CHILD'S MOUTH.— For purposes of this section a toy can be placed in a child's mouth if any part of the toy can actually be brought to the mouth and kept in the mouth by a child so that it can be sucked and chewed. If the children's product can only be licked, it is not regarded as able to be placed in the mouth. If a toy or part of a toy in one dimension is smaller than 5 centimeters, it can be placed in the mouth.

TITLE II—CONSUMER PRODUCT SAFETY COMMISSION REFORM

Subtitle A—Administrative Improvements

SEC. 201. REAUTHORIZATION OF THE COMMISSION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subsection (a) of section 32 (15 U.S.C. 2081) is amended to read as follows:

''(a) GENERAL AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Commission for the purpose of carrying out the provisions of this Act and any other provision of law the Commission is authorized or directed to carry out—

''(A) $118,200,000 for fiscal year 2010;

''(B) $115,640,000 for fiscal year 2011;

''(C) $123,994,000 for fiscal year 2012;

''(D) $131,783,000 for fiscal year 2013; and

''(E) $136,409,000 for fiscal year 2014.

''(2) TRAVEL ALLOWANCE.—From amounts appropriated pursuant to paragraph (1), there shall be made available $1,200,000 for fiscal year 2010, $1,248,000 for fiscal year 2011, $1,297,000 for fiscal year 2012, $1,350,000 for fiscal year 2013, and $1,403,000 for fiscal year 2014, for travel, subsistence, and related expenses incurred in furtherance of the official duties of Commissioners and employees with respect to attendance at meetings or similar functions, which shall be used by the Commission for such purposes in lieu of acceptance of payment or reimbursement for such expenses from any person—

''(A) seeking official action from, doing business with, or conducting activities regulated by, the Commission; or

''(B) whose interests may be substantially affected by the performance or nonperformance of the Commissioner's or employee's official duties.''.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Commission shall transmit to the appropriate Congressional committees a report of its plans to allocate the funding authorized by subsection (a). Such report shall include—

(1) the number of full-time investigators and other full-time equivalents the Commission intends to employ;

(2) efforts by the Commission to develop standards for training product safety inspectors and technical staff employed by the Commission;

(3) efforts and policies of the Commission to encourage Commission scientific staff to seek appropriate publishing opportunities in peer-reviewed journals and other media; and

(4) the efforts of the Commission to reach and educate retailers of second-hand products and informal sellers, such as thrift shops and yard sales, concerning consumer product safety rules and product recalls, especially those relating to durable nursery products, in order to prevent the resale of any products that have been recalled, including the development of educational materials for distribution not later than 1 year after the date of enactment of this Act.

(c) CONFORMING AMENDMENTS.—Section 32 (15 U.S.C. 2081) is further amended by striking subsection (b) and redesignating subsection (c) as subsection (b) and inserting after such subsection designation the following: ''LIMITATION.—''.

SEC. 202. FULL COMMISSION REQUIREMENT; INTERIM QUORUM; PERSONNEL.

(a) TEMPORARY QUORUM.—Notwithstanding section 4(d) of the Consumer Product Safety Act (15 U.S.C. 2053(d)), 2 members of the Commission, if they are not affiliated with the same political party, shall constitute a quorum for the transaction of business for the 1 year period beginning on the date of enactment of this Act.

(b) REPEAL OF QUORUM LIMITATION.—

(1) REPEAL.—Title III of Public Law 102–389 is amended by striking the first proviso in the item captioned ''CONSUMER PRODUCT SAFETY COMMISSION, SALARIES AND EXPENSES'' (15 U.S.C. 2053 note).

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect 1 year after the date of enactment of this Act.

(c) PERSONNEL.—

(1) PROFESSIONAL STAFF.—The Commission shall increase the number of full-time personnel employed by the Commission to at least 500 by October 1, 2013, subject to the availability of appropriations.

(2) PORTS OF ENTRY; OVERSEAS INSPECTORS.—As part of the 500 full-time employees required by paragraph (1), the Commission

shall hire personnel to be assigned to duty stations at United States ports of entry, or to inspect overseas manufacturing facilities, subject to the availability of appropriations.

SEC. 203. SUBMISSION OF COPY OF CERTAIN DOCUMENTS TO CONGRESS.

(a) IN GENERAL.—Notwithstanding any rule, regulation, or order to the contrary, the Commission shall comply with the requirements of section 27(k) of the Consumer Product Safety Act (15 U.S.C. 2076(k)) with respect to budget recommendations, legislative recommendations, testimony, and comments on legislation submitted by the Commission to the President or the Office of Management and Budget after the date of enactment of this Act.

(b) REINSTATEMENT OF REQUIREMENT.—Section 3003(d) of Public Law 104–66 (31 U.S.C. 1113 note) is amended—

(1) by striking ''or'' after the semicolon in paragraph (31);

(2) by redesignating paragraph (32) as (33); and

(3) by inserting after paragraph (31) the following:

''(32) section 27(k) of the Consumer Product Safety Act (15 U.S.C. 2076(k)); or''.

SEC. 204. EXPEDITED RULEMAKING.

(a) ANPR REQUIREMENT.—

(1) IN GENERAL.—Section 9 (15 U.S.C. 2058) is amended—

(A) by striking ''shall be commenced'' in subsection (a) and inserting ''may be commenced'';

(B) by striking ''in the notice'' in subsection (b) and inserting ''in a notice'';

(C) by striking ''unless, not less than 60 days after publication of the notice required in subsection (a), the'' in subsection (c) and inserting ''unless the'';

(D) by striking ''an advance notice of proposed rulemaking under subsection (a) relating to the product involved,'' in the third sentence of subsection (c) and inserting ''the notice,''; and

(E) by striking ''Register.'' in the matter following paragraph (4) of subsection (c) and inserting ''Register. Nothing in this subsection shall preclude any person from submitting an existing standard or portion of a standard as a proposed consumer product safety standard.''.

(2) CONFORMING AMENDMENT.—Section 5(a)(3) (15 U.S.C. 2054(a)(3)) is amended by striking ''an advance notice of proposed rulemaking or''.

(b) RULEMAKING UNDER FEDERAL HAZARDOUS SUBSTANCES ACT.—

(1) IN GENERAL.—Section 3(a) of the Federal Hazardous Substances Act (15 U.S.C. 1262(a)) is amended to read as follows:

''(a) RULEMAKING.—

''(1) IN GENERAL.—Whenever in the judgment of the Commission such action will promote the objectives of this Act by avoiding or resolving uncertainty as to its application, the Commission may by regulation declare to be a hazardous substance, for the purposes of this Act, any substance or mixture of substances, which it finds meets the requirements of section 2(f)(1)(A).

''(2) PROCEDURE.—Proceedings for the issuance, amendment, or repeal of regulations under this subsection and the admissibility of the record of such proceedings in other proceedings, shall be governed by the provisions of subsections (f) through (i) of this section.''.

(2) PROCEDURE.—Section 2(q)(2) of the Federal Hazardous Substances Act (15 U.S.C. 1261(q)(2)) is amended by striking ''Proceedings for the issuance, amendment, or repeal of regulations pursuant to clause (B) of subparagraph (1) of this paragraph shall be governed by the provisions of sections 701(e), (f), and (g) of the Federal Food, Drug, and Cosmetic Act: Provided, That if'' and inserting ''Proceedings for the issuance, amendment, or repeal of regulations pursuant to clause (B) of subparagraph (1) of this paragraph shall be governed by the provisions of subsections (f) through (i) of section 3 of this Act, except that if''.

(3) ANPR REQUIREMENT.—Section 3 of the Federal Hazardous Substances Act (15 U.S.C. 1262) is amended—

(A) by striking ''shall be commenced'' in subsection (f) and inserting ''may be commenced'';

(B) by striking ''in the notice'' in subsection (g)(1) and inserting ''in a notice'';

(C) by striking ''unless, not less than 60 days after publication of the notice required in subsection (f), the'' in subsection (h) and inserting ''unless the''; and

(D) by striking ''Committee on Commerce'' and all that follows through ''Representatives.'' in subsection (h), and inserting ''appropriate Congressional committees. Nothing in this subsection shall preclude any person from submitting an existing standard or portion of a standard as a proposed regulation.''

(4) OTHER CONFORMING AMENDMENTS.—The Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) is amended—

(A) by striking paragraphs (c) and (d) of section 2 and inserting the following:

''(c) The term 'Commission' means the Consumer Product Safety Commission.'';

(B) by striking ''Secretary'' each place it appears and inserting ''Commission'' except—

(i) in section 10(b) (15 U.S.C. 1269(b));

(ii) in section 14 (15 U.S.C. 1273); and

(iii) in section 21(a) (15 U.S.C. 1276(a));

(C) by striking ''Department'' each place it appears, except in sections 5(c)(6)(D)(i) and 14(b) (15 U.S.C. 1264(c)(6)(D)(i) and 1273(b)), and inserting ''Commission'';

(D) by striking ''he'' and ''his'' each place they appear in reference to the Secretary and inserting ''it'' and ''its'', respectively;

(E) by striking ''Secretary of Health, Education, and Welfare'' each place it appears in section 10(b) (15 U.S.C. 1269(b)) and inserting ''Commission'';

(F) by striking ''Secretary of Health, Education, and Welfare'' each place it appears in section 14 (15 U.S.C. 1273) and inserting ''Commission'';

(G) by striking ''Department of Health, Education, and Welfare'' in section 14(b) (15 U.S.C. 1273(b)) and inserting ''Commission'';

(H) by striking ''Consumer Product Safety Commission'' each place it appears and inserting ''Commission'';

(I) by striking ''(hereinafter in this section referred to as the 'Commission')'' in section 14(d) (15 U.S.C. 1273(d)) and section 20(a)(1) (15 U.S.C. 1275(a)(1)); and

(J) by striking paragraph (5) of section 18(b) (15 U.S.C. 1261 note).

(c) RULEMAKING UNDER FLAMMABLE FABRICS ACT.—

(1) IN GENERAL.—Section 4 of the Flammable Fabrics Act (15 U.S.C. 1193) is amended—

(A) by striking ''shall be commenced'' in subsection (g) and inserting ''may be commenced by a notice of proposed rulemaking or'';

(B) by striking ''unless, not less than 60 days after publication of the notice required in subsection (g), the'' in subsection (i) and inserting ''unless the''; and

(C) by striking ''Committee on Commerce'' and all that follows through ''Representatives.'' in subsection (i), and inserting ''appropriate Congressional committees. Nothing in this subsection shall preclude any person from submitting an existing standard or portion of a standard as a proposed regulation.''

(2) OTHER CONFORMING AMENDMENTS.—The Flammable Fabrics Act (15 U.S.C. 1193) is amended—

(A) by striking paragraph (i) of section 2 (15 U.S.C. 1191(i)) and inserting the following:

''(i) The term 'Commission' means the Consumer Product Safety Commission.'';

(B) by striking ''Secretary of Commerce'' each place it appears and inserting ''Commission'';

(C) by striking ''Secretary'' each place it appears and inserting ''Commission'', except in sections 9 and 14 (15 U.S.C. 1198 and 1201);

(D) by striking ''he'' and ''his'' each place either such word appears in reference to the Secretary and inserting ''it'' and ''its'', respectively;

(E) by striking paragraph (5) of section 4(e) (15 U.S.C. 1193(e)) and redesignating paragraph (6) as paragraph (5);

(F) by striking ''Consumer Product Safety Commission (hereinafter in this section referred to as the 'Commission') in section 15 (15 U.S.C. 1202)'' and inserting ''Commission'';

(G) by amending subsection (d) of section 16 (15 U.S.C. 1203) to read as follows:

''(d) In this section, a reference to a flammability standard or other regulation for a fabric, related material, or product in effect under this Act includes a standard of flammability continued in effect by section 11 of the Act of December 14, 1967 (Public Law 90–189).''; and

(H) by striking ''Consumer Product Safety Commission'' in section 17 (15 U.S.C. 1204) and inserting ''Commission''.

SEC. 205. INSPECTOR GENERAL AUDITS AND REPORTS.

(a) IMPROVEMENTS BY THE COMMISSION.—The Inspector General of the Commission shall conduct reviews and audits to assess—

(1) the Commission's capital improvement efforts, including improvements and upgrades of the Commission's information technology architecture and systems and the development of the database of publicly available information on incidents involving injury or death required under section 6A of the Consumer Product Safety Act, as added by section 212 of this Act; and

(2) the adequacy of procedures for accrediting conformity assessment bodies as authorized by section 14(a)(3) of the Consumer Product Safety Act (15 U.S.C. 2063(a)(3)), as amended by this Act, and overseeing the third party testing required by such section.

(b) EMPLOYEE COMPLAINTS.—Within 1 year after the date of enactment of this Act, the Inspector General shall conduct a review of—

(1) complaints received by the Inspector General from employees of the Commission about failures of other employees to enforce the rules or regulations of the Consumer Product Safety Act or any other Act enforced by the Commission or otherwise carry out their responsibilities under such Acts if such alleged failures raise issues of conflicts of interest, ethical violations, or the absence of good faith; and

(2) actions taken by the Commission to address such failures and complaints, including an assessment of the timeliness and effectiveness of such actions.

(c) PUBLIC INTERNET WEBSITE LINKS.—Not later than 30 days after the date of enactment of this Act, the Commission shall establish and maintain—

(1) a direct link on the homepage of its Internet website to the Internet webpage of the Commission's Office of Inspector General; and

(2) a mechanism on the webpage of the Commission's Office of Inspector General by which individuals may anonymously report cases of waste, fraud, or abuse with respect to the Commission.

(d) REPORTS.—

(1) ACTIVITIES AND NEEDS OF INSPECTOR GENERAL.—Not later than 60 days after the date of enactment of this Act, the Inspector General of the Commission shall transmit a report to the appropriate Congressional committees on the activities of the Inspector General, any structural barriers which prevent the Inspector General from providing robust oversight of the activities of the Commission, and any additional authority or resources that would facilitate more effective oversight.

(2) REVIEWS OF IMPROVEMENTS AND EMPLOYEE COMPLAINTS.—Beginning for fiscal year 2010, the Inspector General of the Commission shall include in an annual report to the appropriate Congressional committees the Inspector General's findings, conclusions, and recommendations from the reviews and audits under subsections (a) and (b).

SEC. 206. INDUSTRY-SPONSORED TRAVEL BAN.

(a) IN GENERAL.—The Act (15 U.S.C. 1251 et seq.) is amended by adding at the end the following new section:

"SEC. 39. PROHIBITION ON INDUSTRY-SPONSORED TRAVEL.

''Notwithstanding section 1353 of title 31, United States Code, and section 27(b)(6) of this Act, no Commissioner or employee of the Commission shall accept travel, subsistence, or related expenses with respect to attendance by a Commissioner or employee at any meeting or similar function relating to official duties of a Commissioner or an employee, from a person—

''(1) seeking official action from, doing business with, or conducting activities regulated by, the Commission; or

''(2) whose interests may be substantially affected by the performance or nonperformance of the Commissioner's or employee's official duties.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 (15 U.S.C. 2051 note) is amended by inserting at the end the following:

''Sec. 39. Prohibition on industry-sponsored travel.''.

SEC. 207. SHARING OF INFORMATION WITH FEDERAL, STATE, LOCAL, AND FOREIGN GOVERNMENT AGENCIES.

Section 29 (15 U.S.C. 2078) is amended by adding at the end the following:

''(f) SHARING OF INFORMATION WITH FEDERAL, STATE, LOCAL, AND FOREIGN GOVERNMENT AGENCIES.—

''(1) AGREEMENTS AND CONDITIONS.—Notwithstanding the requirements of subsections (a)(3) and (b) of section 6, relating to public disclosure of information, the Commission may make information obtained by the Commission available to any Federal, State, local, or foreign government agency upon the prior certification of an appropriate official of any such agency, either by a prior agreement or memorandum of understanding with the Commission or by other written certification, that such material will be maintained in confidence and will be used only for official law enforcement or consumer protection purposes, if—

''(A) the agency has set forth a bona fide legal basis for its authority to maintain the material in confidence;

''(B) the materials are to be used for purposes of investigating, or engaging in enforcement proceedings related to, possible violations of—

''(i) laws regulating the manufacture, importation, distribution, or sale of defective or unsafe consumer products, or other practices substantially similar to practices prohibited by any law administered by the Commission;

''(ii) a law administered by the Commission, if disclosure of the material would further a Commission investigation or enforcement proceeding; or

''(iii) with respect to a foreign law enforcement agency, with the approval of the Attorney General, other foreign criminal laws, if such foreign criminal laws are offenses defined in or covered by a criminal mutual legal assistance treaty in force between the government of the United States and the foreign law enforcement agency's government; and

''(C) in the case of a foreign government agency, such agency is not from a foreign state that the Secretary of State has determined, in accordance with section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), has repeatedly provided support for acts of international terrorism, unless and until such determination is rescinded pursuant to section 6(j)(4) of that Act (50 U.S.C. App. 2405(j)(4)).

''(2) ABROGATION OF AGREEMENTS.—The Commission may abrogate any agreement or memorandum of understanding with another agency if the Commission determines that the other agency has failed to maintain in confidence any information provided under such agreement or memorandum of understanding, or has used any such information for purposes other than those set forth in such agreement or memorandum of understanding.

''(3) ADDITIONAL RULES AGAINST DISCLOSURE.—Except as provided in paragraph (4), the Commission shall not be required to disclose under section 552 of title 5, United States Code, or any other provision of law—

''(A) any material obtained from a foreign government agency, if the foreign government agency has requested confidential treatment, or has precluded such disclosure under other use limitations, as a condition of providing the material;

''(B) any material reflecting a consumer complaint obtained from any other foreign source, if that foreign source supplying the material has requested confidential treatment as a condition of providing the material; or

''(C) any material reflecting a consumer complaint submitted to a Commission reporting mechanism sponsored in part by foreign government agencies.

''(4) LIMITATION.—Nothing in this subsection authorizes the Commission to withhold information from the Congress or prevent the Commission from complying with an order of a court of the United States in an action commenced by the United States or the Commission.

''(5) DEFINITION.—In this subsection, the term 'foreign government agency' means—

''(A) any agency or judicial authority of a foreign government, including a foreign state, a political subdivision of a foreign state, or a multinational organization constituted by and comprised of foreign states, that is vested with law enforcement or investigative authority in civil, criminal, or administrative matters; and

''(B) any multinational organization, to the extent that it is acting on behalf of an entity described in subparagraph (A).

''(g) NOTIFICATION TO STATE HEALTH DEPARTMENTS.—Whenever the Commission is notified of any voluntary corrective action taken by a manufacturer (or a retailer in the case of a retailer selling a product under its own label) in consultation with the Commission, or issues an order under section 15(c) or (d) with respect to any product, the Commission shall notify each State's health department (or other agency designated by the State) of such voluntary corrective action or order.''.

SEC. 208. EMPLOYEE TRAINING EXCHANGES.

(a) IN GENERAL.—The Commission may—

(1) retain or employ officers or employees of foreign government agencies on a temporary basis pursuant to section 4 of the Consumer Product Safety Act (15 U.S.C. 2053) or section 3101 or 3109 of title 5, United States Code; and

(2) detail officers or employees of the Commission to work on a temporary basis for appropriate foreign government agencies for the purpose of providing or receiving training.

(b) RECIPROCITY AND REIMBURSEMENT.—The Commission may execute the authority contained in subsection (a) with or without reimbursement in money or in kind, and with or without reciprocal arrangements by or on behalf of the foreign government agency involved. Any amounts received as reimbursement for expenses incurred by the Commission under this section shall be credited to the appropriations account from which such expenses were paid.

(c) STANDARDS OF CONDUCT.—An individual retained or employed under subsection (a)(1) shall be considered to be a Federal employee while so retained or employed, only for purposes of—

(1) injury compensation as provided in chapter 81 of title 5, United States Code, and tort claims liability under chapter 171 of title 28, United States Code;

(2) the Ethics in Government Act (5 U.S.C. App.) and the provisions of chapter 11 of title 18, United States Code; and

(3) any other statute or regulation governing the conduct of Federal employees.

SEC. 209. ANNUAL REPORTING REQUIREMENT.

(a) IN GENERAL.—Section 27(j) (15 U.S.C. 2076(j)) is amended—

(1) in the matter preceding paragraph (1), by striking ''The Commission'' and inserting ''Notwithstanding section 3003 of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note), the Commission''; and

(2) by redesignating paragraphs (5) through (11) as paragraphs (7) through (13), respectively, and inserting after paragraph (4) the following:

''(5) the number and a summary of recall orders issued under section 12 or 15 during such year and a summary of voluntary corrective actions taken by manufacturers in consultation with the Commission of which the Commission has notified the public, and an assessment of such orders and actions;

''(6) beginning not later than 1 year after the date of enactment of the Consumer Product Safety Improvement Act of 2008—

''(A) progress reports and incident updates with respect to action plans implemented under section 15(d);

''(B) statistics with respect to injuries and deaths associated with products that the Commission determines present a substantial product hazard under section 15(c); and

''(C) the number and type of communication from consumers to the Commission with respect to each product with respect to which the Commission takes action under section 15(d);''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to reports submitted for fiscal year 2009 and thereafter.

Subtitle B—Enhanced Enforcement Authority

SEC. 211. PUBLIC DISCLOSURE OF INFORMATION.

Section 6 (15 U.S.C. 2055) is amended—

(1) by inserting ''A manufacturer or private labeler shall submit any such mark within 15 calendar days after the date on which it receives the Commission's offer.'' after ''paragraph (2).'' in subsection (a)(3);

(2) by striking ''30 days'' in subsection (b)(1) and inserting ''15 days'';

(3) by striking ''finds that the public'' in subsection (b)(1) and inserting ''publishes a finding that the public'';

(4) by striking ''notice and publishes such a finding in the Federal Register),'' in subsection (b)(1) and inserting ''notice),'';

(5) by striking ''10 days'' in subsection (b)(2) and inserting ''5 days'';

(6) by striking ''finds that the public'' in subsection (b)(2) and inserting ''publishes a finding that the public'';

(7) by striking ''notice and publishes such finding in the Federal Register.'' in subsection (b)(2) and inserting ''notice.'';

(8) in subsection (b)—

(A) by striking ''(3)'' and inserting ''(3)(A)''; and

(B) by adding at the end thereof the following:

''(B) If the Commission determines that the public health and safety requires expedited consideration of an action brought under subparagraph (A), the Commission may file a request with the District Court for such expedited consideration. If the Commission files such a request, the District Court shall—

''(i) assign the matter for hearing at the earliest possible date;

''(ii) give precedence to the matter, to the greatest extent practicable, over all other matters pending on the docket of the court at the time;

''(iii) expedite consideration of the matter to the greatest extent practicable; and

''(iv) grant or deny the requested injunction within 30 days after the date on which the Commission's request was filed with the court.'';

(9) by striking ''section 19 (related to prohibited acts);'' in subsection (b)(4) and inserting ''any consumer product safety rule or provision of this Act or similar rule or provision of any other Act enforced by the Commission;'';

(10) by striking ''or'' after the semicolon in subsection (b)(5)(B);

(11) by striking ''disclosure.'' in subsection (b)(5)(C) and inserting ''disclosure; or'';

(12) by inserting in subsection (b)(5) after subparagraph (C) the following:

''(D) the Commission publishes a finding that the public health and safety requires public disclosure with a lesser period of notice than is required under paragraph (1).''; and

(13) in the matter following subparagraph (D) of subsection (b)(5) (as added by paragraph (12) of this section), by striking ''section 19(a),'' and inserting ''any consumer product safety rule or provision under this Act or similar rule or provision of any other Act enforced by the Commission,''.

SEC. 212. ESTABLISHMENT OF A PUBLIC CONSUMER PRODUCT SAFETY DATABASE.

(a) IN GENERAL.—The Act is amended by inserting after section 6 (15 U.S.C. 2055) the following:

''SEC. 6A. PUBLICLY AVAILABLE CONSUMER PRODUCT SAFETY INFORMATION DATABASE.

''(a) DATABASE REQUIRED.—

''(1) IN GENERAL.—Subject to the availability of appropriations, the Commission shall, in accordance with the requirements of this section, establish and maintain a database on the safety of consumer products, and other products or substances regulated by the Commission, that is—

''(A) publicly available;

''(B) searchable; and

''(C) accessible through the Internet website of the Commission.

''(2) SUBMISSION OF DETAILED IMPLEMENTATION PLAN TO CONGRESS.—Not later than 180 days after the date of enactment of the Consumer Product Safety Improvement Act of 2008, the Commission shall transmit to the appropriate Congressional committees a detailed plan for establishing and maintaining the database required by paragraph (1), including plans for the operation, content, maintenance, and functionality of the database. The plan shall detail the integration of the database into the Commission's overall information technology improvement objectives and plans. The plan submitted under this subsection shall include a detailed implementation schedule for the database, and plans for a public awareness campaign to be conducted by the Commission to increase consumer awareness of the database.

''(3) DATE OF INITIAL AVAILABILITY.—Not later than 18 months after the date on which the Commission submits the plan required by paragraph (2), the Commission shall establish the database required by paragraph (1).

''(b) CONTENT AND ORGANIZATION.—

''(1) CONTENTS.—Except as provided in subsection (c)(4), the database shall include the following:

''(A) Reports of harm relating to the use of consumer products, and other products or substances regulated by the Commission, that are received by the Commission from—

''(i) consumers;

''(ii) local, State, or Federal government agencies;

''(iii) health care professionals;

''(iv) child service providers; and

''(v) public safety entities.

''(B) Information derived by the Commission from notice under section 15(c) or any notice to the public relating to a voluntary corrective action taken by a manufacturer, in consultation with the Commission, of which action the Commission has notified the public.

''(C) The comments received by the Commission under subsection (c)(2)(A) to the extent requested under subsection (c)(2)(B).

''(2) SUBMISSION OF INFORMATION.—In implementing the database, the Commission shall establish the following:

''(A) Electronic, telephonic, and paper-based means of submitting, for inclusion in the database, reports described in paragraph (1)(A) of this subsection.

''(B) A requirement that any report described in paragraph (1)(A) submitted for inclusion in such database include, at a minimum—

''(i) a description of the consumer product (or other product or substance regulated by the Commission) concerned;

''(ii) identification of the manufacturer or private labeler of the consumer product (or other product or substance regulated by the Commission);

''(iii) a description of the harm relating to the use of the consumer product (or other product or substance regulated by the Commission);

''(iv) contact information for the person submitting the report; and

''(v) a verification by the person submitting the information that the information submitted is true and accurate to the best of the person's knowledge and that the person consents that such information be included in the database.

''(3) ADDITIONAL INFORMATION.—In addition to the reports received under paragraph (1), the Commission shall include in the database, consistent with the requirements of section 6(a) and (b), any additional information it determines to be in the public interest.

''(4) ORGANIZATION OF DATABASE.—The Commission shall categorize the information available on the database in a manner consistent with the public interest and in such manner as it determines to facilitate easy use by consumers and shall ensure, to the extent practicable, that the database is sortable and accessible by—

''(A) the date on which information is submitted for inclusion in the database;

''(B) the name of the consumer product (or other product or substance regulated by the Commission);

''(C) the model name;

''(D) the manufacturer's or private labeler's name; and

''(E) such other elements as the Commission considers in the public interest.

''(5) NOTICE REQUIREMENTS.—The Commission shall provide clear and conspicuous notice to users of the database that the Commission does not guarantee the accuracy, completeness, or adequacy of the contents of the database.

''(6) AVAILABILITY OF CONTACT INFORMATION.—The Commission may not disclose, under this section, the name, address, or other contact information of any individual or entity that submits to the Commission a report described in paragraph (1)(A), except that the Commission may provide such information to the manufacturer or private labeler of the product with the express written consent of the person submitting the information. Consumer information provided to a manufacturer or private labeler under this section may not be used or disseminated to any other party for any purpose other than verifying a report submitted under paragraph (1)(A).

''(c) PROCEDURAL REQUIREMENTS.—

''(1) TRANSMISSION OF REPORTS TO MANUFACTURERS AND PRIVATE LABELERS.—Not later than 5 business days after the Commission receives a report described in subsection (b)(1)(A) which includes the information required by subsection (b)(2)(B), the Commission shall to the extent practicable transmit the report, subject to subsection (b)(6), to the manufacturer or private labeler identified in the report.

''(2) OPPORTUNITY TO COMMENT.—

''(A) IN GENERAL.—If the Commission transmits a report under paragraph (1) to a manufacturer or private labeler, the Commission shall provide such manufacturer or private labeler an opportunity to submit comments to the Commission on the information contained in such report.

''(B) REQUEST FOR INCLUSION IN DATABASE.—A manufacturer or private labeler may request the Commission to include its comments in the database.

''(C) CONFIDENTIAL MATTER.—

''(i) IN GENERAL.—If the Commission transmits a report received under paragraph (1) to a manufacturer or private labeler, the manufacturer or private labeler may review the report for confidential information and request that portions of the report identified as confidential be so designated.

''(ii) REDACTION.—If the Commission determines that the designated information contains, or relates to, a trade secret or other matter referred to in section 1905 of title 18, United States Code, or that is subject to section 552(b)(4) of title 5, United States Code, the Commission shall redact the designated information in the report before it is placed in the database.

''(iii) REVIEW.—If the Commission determines that the designated information is not confidential under clause (ii), the Commission shall notify the manufacturer or private labeler and include the information in the database. The manufacturer or private labeler may bring an action in the district court of the United States in the district in which the complainant resides, or has its principal place of business, or in the United States District Court for the District of Columbia, to seek removal of the information from the database.

''(3) PUBLICATION OF REPORTS AND COMMENTS.—

''(A) REPORTS.—Except as provided in paragraph (4)(A), if the Commission receives a report described in subsection (b)(1)(A), the Commission shall make the report available in the database not later than the 10th business day after the date on which the Commission transmits the report under paragraph (1) of this subsection.

''(B) COMMENTS.—Except as provided in paragraph (4)(A), if the Commission receives a comment under paragraph (2)(A) with respect to a report described in subsection (b)(1)(A) and a request with respect to such comment under paragraph (2)(B) of this subsection, the Commission shall make such comment available in the database at the same time as such report or as soon as practicable thereafter.

''(4) INACCURATE INFORMATION.—

''(A) INACCURATE INFORMATION IN REPORTS AND COMMENTS RECEIVED.—If, prior to making a report described in subsection (b)(1)(A) or a comment described in paragraph (2) of this subsection available in the database, the Commission determines that the information in such report or comment is materially inaccurate, the Commission shall—

''(i) decline to add the materially inaccurate information to the database;

''(ii) correct the materially inaccurate information in the report or comment and add the report or comment to the database; or

''(iii) add information to correct inaccurate information in the database.

''(B) INACCURATE INFORMATION IN DATABASE.—If the Commission determines, after investigation, that information previously made available in the database is materially inaccurate or duplicative of information in the database, the Commission shall, not later than 7 business days after such determination—

''(i) remove such information from the database;

''(ii) correct such information; or

''(iii) add information to correct inaccurate information in the database.

''(d) ANNUAL REPORT.—The Commission shall submit to the appropriate Congressional committees an annual report on the database, including—

''(1) the operation, content, maintenance, functionality, and cost of the database for the reporting year; and

''(2) the number of reports and comments for the year—

''(A) received by the Commission under this section;

''(B) posted on the database; and

''(C) corrected on or removed from the database.

''(e) GAO STUDY.—Within 2 years after the date on which the Commission establishes the database under this section, the Comptroller General shall submit a report to the appropriate Congressional committees containing—

''(1) an analysis of the general utility of the database, including—

''(A) an assessment of the extent of use of the database by consumers, including whether the database is accessed by a broad range of the public and whether consumers find the database to be useful; and

''(B) efforts by the Commission to inform the public about the database; and

''(2) recommendations for measures to increase use of the database by consumers and to ensure use by a broad range of the public.

''(f) APPLICATION OF CERTAIN NOTICE AND DISCLOSURE REQUIREMENTS.—

''(1) IN GENERAL.—The provisions of section 6(a) and (b) shall not apply to the disclosure under this section of a report described in subsection (b)(1)(A) of this section.

''(2) CONSTRUCTION.—Paragraph (1) shall not be construed to exempt from the requirements of section 6(a) and (b) information received by the Commission under—

''(A) section 15(b); or

''(B) any other mandatory or voluntary reporting program established between a retailer, manufacturer, or private labeler and the Commission.

''(g) HARM DEFINED.—In this section, the term 'harm' means—

''(1) injury, illness, or death; or

''(2) risk of injury, illness, or death, as determined by the Commission.''.

(b) UPGRADE OF COMMISSION INFORMATION TECHNOLOGY SYSTEMS.—The Commission shall expedite efforts to upgrade and improve the information technology systems in use by the Commission on the date of enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of contents in section 1 (15 U.S.C. 2051 note), as amended by section 206, is amended by inserting after the item relating to section 6 the following new item:

''Sec. 6A. Publicly available consumer product safety information database.''.

SEC. 213. PROHIBITION ON STOCKPILING UNDER OTHER COMMISSION-ENFORCED STATUTES.

Section 9(g)(2) (15 U.S.C. 2058(g)(2)) is amended—

(1) by inserting ''or to which a rule under this Act or similar rule, regulation, standard, or ban under any other Act enforced by the Commission applies,'' after ''applies,''; and

(2) by striking ''consumer product safety rule'' the second, third, and fourth places it appears, and inserting ''rule, regulation, standard, or ban''.

SEC. 214. ENHANCED RECALL AUTHORITY AND CORRECTIVE ACTION PLANS.

(a) ENHANCED RECALL AUTHORITY.—Section 15 (15 U.S.C. 2064) is amended—

(1) in subsection (a)(1), by inserting ''under this Act or a similar rule, regulation, standard, or ban under any other Act enforced by the Commission'' after ''consumer product safety rule'';

(2) in subsection (b)—

(A) by striking ''consumer product distributed in commerce,'' and inserting ''consumer product, or other product or substance over which the Commission has jurisdiction under any other Act enforced by the Commission (other than motor vehicle equipment as defined in section 30102(a)(7) of title 49, United States Code), distributed in commerce,'';

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

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

''(2) fails to comply with any other rule, regulation, standard, or ban under this Act or any other Act enforced by the Commission;''; and

(D) by adding at the end the following: ''A report provided under paragraph (2) may not be used as the basis for criminal prosecution of the reporting person under section 5 of the Federal Hazardous Substances Act (15 U.S.C. 1264), except for offenses which require a showing of intent to defraud or mislead.''.

(3) in subsection (c)—

(A) by inserting ''(1)'' after the subsection designation;

(B) by inserting ''or if the Commission, after notifying the manufacturer, determines a product to be an imminently hazardous consumer product and has filed an action under section 12,'' after ''from such substantial product hazard,'';

(C) by redesignating paragraphs (1) through (3) as subparagraphs (D) through (F), respectively;

(D) by inserting after ''the following actions:'' the following:

''(A) To cease distribution of the product.

''(B) To notify all persons that transport, store, distribute, or otherwise handle the product, or to which the product has been transported, sold, distributed, or otherwise handled, to cease immediately distribution of the product.

''(C) To notify appropriate State and local public health officials.'';

(E) by striking ''comply.'' in subparagraph (D), as redesignated, and inserting ''comply, including posting clear and conspicuous notice on its Internet website, providing notice to any third party Internet website on which such manufacturer, retailer, distributor, or licensor has placed the product for sale, and announcements in languages other than English and on radio and television where the Commission determines that a substantial number of consumers to whom the recall is directed may not be reached by other notice.''; and

(F) by adding at the end the following:

''(2) The Commission may require a notice described in paragraph (1) to be distributed in a language other than English if the Commission determines that doing so is necessary to adequately protect the public.

''(3) If a district court determines, in an action filed under section 12, that the product that is the subject of such action is not an imminently hazardous consumer product, the Commission shall rescind any order issued under this subsection with respect to such product.'';

(4) in subsection (f)—

(A) by striking ''An order'' and inserting ''(1) Except as provided in paragraph (2), an order''; and

(B) by inserting at the end the following:

''(2) The requirement for a hearing in paragraph (1) shall not apply to an order issued under subsection (c) or (d) relating to an imminently hazardous consumer product with regard to which the Commission has filed an action under section 12.''.

(b) CORRECTIVE ACTION PLANS.—Section 15(d) (15 U.S.C. 2064(d)) is amended—

(1) by inserting ''(1)'' after the subsection designation;

(2) by inserting ''to provide the notice required by subsection (c) and'' after ''such product'' the first place it appears;

(3) by striking ''whichever of the following actions the person to whom the order is directed elects:'' and inserting ''any one or more of the following actions it determines to be in the public interest:'';

(4) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C);

(5) in each of subparagraphs (A) and (B) (as so redesignated), by striking ''consumer product safety rule'' each place it appears and inserting ''rule, regulation, standard, or ban'';

(6) by striking ''more (A)'' in subparagraph (C), as redesignated, and inserting ''more (i)'';

(7) by striking ''or (B)'' in subparagraph (C), as redesignated, and inserting ''or (ii)'';

(8) by striking ''An order under this subsection may'' and inserting:

''(2) An order under this subsection shall'';

(9) by striking ''satisfactory to the Commission,'' and inserting ''for approval by the Commission,'';

(10) by striking ''paragraphs of this subsection under which such person has elected to act'' and inserting ''subparagraphs under which such person has been ordered to act'';

(11) by striking ''if the person to whom the order is directed elects to take the action described in paragraph (3)'' and insert ''if the Commission orders the action described in subparagraph (C)'';

(12) by striking ''If an order under this subsection is directed'' and all that follows

through ''has the election under this subsection'';

(13) by striking ''described in paragraph (3).'' and inserting ''described in paragraph (1)(C).''; and

(14) by adding at the end the following:

''(3)(A) If the Commission approves an action plan, it shall indicate its approval in writing.

''(B) If the Commission finds that an approved action plan is not effective or appropriate under the circumstances, or that the manufacturer, retailer, or distributor is not executing an approved action plan effectively, the Commission may, by order, amend, or require amendment of, the action plan. In determining whether an approved plan is effective or appropriate under the circumstances, the Commission shall consider whether a repair or replacement changes the intended functionality of the product.

''(C) If the Commission determines, after notice and opportunity for comment, that a manufacturer, retailer, or distributor has failed to comply substantially with its obligations under its action plan, the Commission may revoke its approval of the action plan. The manufacturer, retailer, or distributor to which the action plan applies may not distribute in commerce the product to which the action plan relates after receipt of notice of a revocation of the action plan.''.

(c) CONTENT OF NOTICE.—Section 15 (15 U.S.C. 2064) is further amended by adding at the end the following:

''(i) REQUIREMENTS FOR RECALL NOTICES.—

''(1) GUIDELINES.—Not later than 180 days after the date of enactment of the Consumer Product Safety Improvement Act of 2008, the Commission shall, by rule, establish guidelines setting forth a uniform class of information to be included in any notice required under an order under subsection (c) or (d) of this section or under section 12. Such guidelines shall include any information that the Commission determines would be helpful to consumers in—

''(A) identifying the specific product that is subject to such an order;

''(B) understanding the hazard that has been identified with such product (including information regarding incidents or injuries known to have occurred involving such product); and

''(C) understanding what remedy, if any, is available to a consumer who has purchased the product.

''(2) CONTENT.—Except to the extent that the Commission determines with respect to a particular product that one or more of the following items is unnecessary or inappropriate under the circumstances, the notice shall include the following:

''(A) description of the product, including—

''(i) the model number or stock keeping unit (SKU) number of the product;

''(ii) the names by which the product is commonly known; and

''(iii) a photograph of the product.

''(B) A description of the action being taken with respect to the product.

''(C) The number of units of the product with respect to which the action is being taken.

''(D) A description of the substantial product hazard and the reasons for the action.

''(E) An identification of the manufacturers and significant retailers of the product.

''(F) The dates between which the product was manufactured and sold.

''(G) The number and a description of any injuries or deaths associated with the product, the ages of any individuals injured or killed, and the dates on which the Commission received information about such injuries or deaths.

''(H) A description of—

''(i) any remedy available to a consumer;

''(ii) any action a consumer must take to obtain a remedy; and

''(iii) any information a consumer needs in order to obtain a remedy or information about a remedy, such as mailing addresses, telephone numbers, fax numbers, and email addresses.

''(I) Other information the Commission deems appropriate.''.

SEC. 215. INSPECTION OF FIREWALLED CONFORMITY ASSESSMENT BODIES; IDENTIFICATION OF SUPPLY CHAIN.

(a) INSPECTION OF FIREWALLED CONFORMITY ASSESSMENT BODY.—Section 16(a) (15 U.S.C. 2065(a)) is amended—

(1) by striking ''or (B)'' and inserting ''(B) any firewalled conformity assessment bodies accredited under section 14(f)(2)(D), or (C)'' in paragraph (1); and

(2) by inserting ''firewalled conformity assessment body,'' after ''factory,'' in paragraph (2).

(b) IDENTIFICATION OF MANUFACTURERS, IMPORTERS, RETAILERS, AND DISTRIBUTORS.—Section 16 (15 U.S.C. 2065) is further amended by adding at the end thereof the following:

''(c) IDENTIFICATION OF MANUFACTURERS, IMPORTERS, RETAILERS, AND DISTRIBUTORS.—Upon request by an officer or employee duly designated by the Commission—

''(1) every importer, retailer, or distributor of a consumer product (or other product or substance over which the Commission has jurisdiction under this or any other Act) shall identify the manufacturer of that product by name, address, or such other identifying information as the officer or employee may request, to the extent that such information is known or can be readily determined by the importer, retailer, or distributor; and

''(2) every manufacturer shall identify by name, address, or such other identifying information as the officer or employee may request—

''(A) each retailer or distributor to which the manufacturer directly supplied a given consumer product (or other product or substance over which the Commission has jurisdiction under this or any other Act);

''(B) each subcontractor involved in the production or fabrication of such product or substance; and

''(C) each subcontractor from which the manufacturer obtained a component thereof.''.

(c) CONFORMING AMENDMENTS.—Section 16 (15 U.S.C. 2065) is further amended—

(1) in subsection (a), by inserting ''INSPECTION.—'' after the subsection designation; and

(2) in subsection (b), by inserting ''RECORDKEEPING.—'' after the subsection designation.

SEC. 216. PROHIBITED ACTS.

(a) SALE OF RECALLED PRODUCTS.—Section 19(a) (15 U.S.C. 2068(a)) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

''(1) sell, offer for sale, manufacture for sale, distribute in commerce, or import into the United States any consumer product, or other product or substance that is regulated under this Act or any other Act enforced by the Commission, that is not in conformity with an applicable consumer product safety rule under this Act, or any similar rule, regulation, standard, or ban under any other Act enforced by the Commission;

''(2) sell, offer for sale, manufacture for sale, distribute in commerce, or import into the United States any consumer product, or other product or substance that is—

''(B) subject to voluntary corrective action taken by the manufacturer, in consultation with the Commission, of which action the Commission has notified the public or if the seller, distributor, or manufacturer knew or should have known of such voluntary corrective action;

''(C) subject to an order issued under section 12 or 15 of this Act; or

''(D) a banned hazardous substance within the meaning of section 2(q)(1) of the Federal Hazardous Substances Act (15 U.S.C. 1261(q)(1));'';

(2) by amending paragraph (6) to read as follows:

''(6) fail to furnish a certificate required by this Act or any other Act enforced by the Commission, or to issue a false certificate if such person in the exercise of due care has reason to know that the certificate is false or misleading in any material respect; or to fail to comply with any requirement of section 14 (including the requirement for tracking labels) or any rule or regulation under such section;''.

(3) by striking ''or'' after the semicolon in paragraph (7);

(4) by striking ''and'' after the semicolon in paragraph (8);

(5) by striking ''insulation).'' in paragraph (9) and inserting ''insulation);''; and

(6) by striking the period at the end of paragraph (10) and inserting a semicolon; and

(7) by inserting at the end the following:

''(12) sell, offer for sale, distribute in commerce, or import into the United States any consumer product bearing a registered safety certification mark owned by an accredited conformity assessment body, which mark is known, or should have been known, by such person to be used in a manner unauthorized by the owner of that certification mark;

''(13) misrepresent to any officer or employee of the Commission the scope of consumer products subject to an action required under section 12 or 15, or to make a material misrepresentation to such an officer or employee in the course of an investigation under this Act or any other Act enforced by the Commission; or

''(14) exercise, or attempt to exercise, undue influence on a third party conformity assessment body (as defined in section 14(f)(2)) with respect to the testing, or reporting of the results of testing, of any product for compliance under this Act or any other Act enforced by the Commission.

''(15) export from the United States for purpose of sale any consumer product, or other product or substance regulated by the Commission (other than a consumer product or substance, the export of which is permitted by the Secretary of the Treasury pursuant to section 17(e)) that—

''(A) is subject to an order issued under section 12 or 15 of this Act or is a banned hazardous substance within the meaning of section 2(q)(1) of the Federal Hazardous Substances Act (15 U.S.C. 1261(q)(1)); or

''(B) is subject to a voluntary corrective action taken by the manufacturer, in consultation with the Commission, of which action the Commission has notified the public; or

''(16) violate an order of the Commission issued under section 18(c).''.

(b) CONFORMING AMENDMENT.—Section 17(a)(2) (15 U.S.C. 2066(a)(2)) is amended to read as follows:

''(2) is not accompanied by a certificate required by this Act or any other Act enforced by the Commission, or is accompanied by a false certificate, if the manufacturer in the exercise of due care has reason to know that the certificate is false or misleading in any material respect, or is not accompanied by any label or certificate (including tracking labels) required under section 14 or any rule or regulation under such section;''.

SEC. 217. PENALTIES.

(a) MAXIMUM CIVIL PENALTIES OF THE CONSUMER PRODUCT SAFETY COMMISSION.—

(1) CONSUMER PRODUCT SAFETY ACT.—Section 20(a)(1) (15 U.S.C. 2069(a)(1)) is amended—

(A) by striking ''$5,000'' and inserting ''$100,000'';

(B) by striking ''$1,250,000'' both places it appears and inserting ''$15,000,000''; and

(C) by striking ''December 1, 1994,'' in paragraph (3)(B) and inserting ''December 1, 2011,''.

(2) FEDERAL HAZARDOUS SUBSTANCES ACT.—Section 5(c)(1) of the Federal Hazardous Substances Act (15 U.S.C. 1264(c)(1)) is amended—

(A) by striking ''$5,000'' in paragraph (1) and inserting ''$100,000'';

(B) by striking ''$1,250,000'' both places it appears and inserting ''$15,000,000''; and

(C) by striking ''December 1, 1994,'' in paragraph (6)(B) and inserting ''December 1, 2011,''.

(3) FLAMMABLE FABRICS ACT.—Section 5(e)(1) of the Flammable Fabrics Act (15 U.S.C. 1194(e)(1)) is amended—

(A) by striking ''$5,000'' in paragraph (1) and inserting ''$100,000'';

(B) by striking ''$1,250,000'' and inserting ''$15,000,000''; and

(C) by striking ''December 1, 1994,'' in paragraph (6)(B) and inserting ''December 1, 2011,''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date that is the earlier of the date on which final regulations are issued under subsection (b)(2) or 1 year after the date of enactment of this Act.

(b) DETERMINATION OF PENALTIES BY THE CONSUMER PRODUCT SAFETY COMMISSION.—

(1) FACTORS TO BE CONSIDERED.—

(A) CONSUMER PRODUCT SAFETY ACT.—Section 20 (15 U.S.C. 2069) is amended—

(i) in subsection (b)—

(I) by inserting ''the nature, circumstances, extent, and gravity of the violation, including'' after ''shall consider'';

(II) by striking ''products distributed, and'' and inserting ''products distributed,'' ; and

(III) by inserting '', including how to mitigate undue adverse economic impacts on small businesses, and such other factors as appropriate'' before the period; and

(ii) in subsection (c)—

(I) by inserting '', including how to mitigate undue adverse economic impacts on small businesses, the nature, circumstances, extent, and gravity of the violation, including'' after ''person charged''; and

(II) by inserting '', and such other factors as appropriate'' after ''products distributed''.

(B) FEDERAL HAZARDOUS SUBSTANCES ACT.—Section 5(c) of the Federal Hazardous Substances Act (15 U.S.C. 1264(c)) is amended—

(i) in paragraph (3)—

(I) by inserting ''the nature, circumstances, extent, and gravity of the violation, including'' after ''shall consider'';

(II) by striking ''substance distributed, and'' and inserting ''substance distributed,''; and

(III) by inserting '', including how to mitigate undue adverse economic impacts on small businesses, and such other factors as appropriate'' before the period; and

(ii) in paragraph (4)—

(I) by inserting '', including how to mitigate undue adverse economic impacts on small businesses, the nature, circumstances, extent, and gravity of the violation, including'' after ''person charged''; and

(II) by inserting '', and such other factors as appropriate'' after ''substance distributed''.

(C) FLAMMABLE FABRICS ACT.—Section 5(e) of the Flammable Fabrics Act (15 U.S.C. 1194(e)) is amended—

(i) in paragraph (2)—

(I) by striking ''nature and number'' and inserting ''nature, circumstances, extent, and gravity'';

(II) by striking ''absence of injury, and'' and inserting ''absence of injury,''; and

(III) by inserting '', and such other factors as appropriate'' before the period; and

(ii) in paragraph (3)—

(I) by striking ''nature and number'' and inserting ''nature, circumstances, extent, and gravity'';

(II) by striking ''absence of injury, and'' and inserting ''absence of injury,''; and

(III) by inserting '', and such other factors as appropriate'' before the period.

(2) CIVIL PENALTY CRITERIA.—Not later than 1 year after the date of enactment of this Act, and in accordance with the procedures of section 553 of title 5, United States Code, the Commission shall issue a final regulation providing its interpretation of the penalty factors described in section 20(b) of the Consumer Product Safety Act (15 U.S.C. 2069(b)), section 5(c)(3) of the Federal Hazardous Substances Act (15 U.S.C. 1264(c)(3)), and section 5(e)(2) of the Flammable Fabrics Act (15 U.S.C. 1194(e)(2)), as amended by subsection (a).

(c) CRIMINAL PENALTIES.—

(1) IN GENERAL.—Section 21(a) (15 U.S.C. 2070(a)) is amended to read as follows:

''(a) Violation of section 19 of this Act is punishable by—

''(1) imprisonment for not more than 5 years for a knowing and willful violation of that section;

''(2) a fine determined under section 3571 of title 18, United States Code; or

''(3) both.''.

(2) DIRECTORS, OFFICERS, AND AGENTS.—Section 21(b) (15 U.S.C. 2070(b)) is amended by striking ''19, and who has knowledge of notice of noncompliance received by the corporation from the Commission,'' and inserting ''19''.

(3) UNDER THE FEDERAL HAZARDOUS SUBSTANCES ACT.—Section 5(a) of the Federal Hazardous Substances Act (15 U.S.C. 1264(a)) is amended by striking ''one year, or a fine of not more than $3,000, or both such imprisonment and fine.'' and inserting ''5 years, a fine determined under section 3571 of title 18, United States Code, or both.''.

(4) UNDER THE FLAMMABLE FABRICS ACT.—Section 7 of the Flammable Fabrics Act (15 U.S.C. 1196) is amended to read as follows:

''PENALTIES

''SEC. 7. Violation of section 3 or 8(b) of this Act, or failure to comply with section 15(c) of this Act, is punishable by—

''(1) imprisonment for not more than 5 years for a knowing and willful violation of that section;

''(2) a fine determined under section 3571 of title 18, United States Code; or

''(3) both.''.

(d) CRIMINAL PENALTIES TO INCLUDE ASSET FORFEITURE.—Section 21 (15 U.S.C. 2070) is amended by adding at the end thereof the following:

''(c)(1) In addition to the penalties provided by subsection (a), the penalty for a criminal violation of this Act or any other Act enforced by the Commission may include the forfeiture of assets associated with the violation.

''(2) In this subsection, the term 'criminal violation' means a violation of this Act or any other Act enforced by the Commission for which the violator is sentenced to pay a fine, be imprisoned, or both.''.

SEC. 218. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—Section 24 (15 U.S.C. 2073) is amended—

(1) by striking ''private'' in the section heading and inserting ''additional'';

(2) by inserting ''(a) IN GENERAL.—'' before ''Any interested person''; and

(3) by adding at the end the following:

''(b) STATE ATTORNEY GENERAL ENFORCEMENT.—

''(1) RIGHT OF ACTION.—Except as provided in paragraph (5), the attorney general of a State, or other authorized State officer, alleging a violation of section 19(a)(1), (2), (5), (6), (7), (9), or (12) of this Act that affects or may affect such State or its residents may bring an action on behalf of the residents of the State in any United States district court for the district in which the defendant is found or transacts business to obtain appropriate injunctive relief.

''(2) INITIATION OF CIVIL ACTION.—

''(A) NOTICE TO COMMISSION REQUIRED IN ALL CASES.—A State shall provide written notice to the Commission regarding any civil action under paragraph (1). Except when proceeding under subparagraph (C), the State shall provide the notice at least 30 days before the date on which the State intends to initiate the civil action by filing a complaint.

''(B) FILING OF COMPLAINT.—A State may initiate the civil action by filing a complaint—

''(i) at any time after the date on which the 30-day period ends; or

''(ii) earlier than such date if the Commission consents to an earlier initiation of the civil action by the State.

''(C) ACTIONS INVOLVING SUBSTANTIAL PRODUCT HAZARD.—Notwithstanding subparagraph (B), a State may initiate a civil action under paragraph (1) by filing a complaint immediately after notifying the Commission of the State's determination that such immediate action is necessary to protect the residents of the State from a substantial product hazard (as defined in section 15(a)).

''(D) FORM OF NOTICE.—The written notice required by this paragraph may be provided by electronic mail, facsimile machine, or any other means of communication accepted by the Commission.

''(E) COPY OF COMPLAINT.—A State shall provide a copy of the complaint to the Commission upon filing the complaint or as soon as possible thereafter.

''(3) INTERVENTION BY THE COMMISSION.—The Commission may intervene in such civil action and upon intervening—

''(A) be heard on all matters arising in such civil action; and

''(B) file petitions for appeal of a decision in such civil action.

''(4) CONSTRUCTION.—Nothing in this section, section 5(d) of the Federal Hazardous Substances Act (15 U.S.C. 1264(d)), section 9 of the Poison Prevention Packaging Act of 1970, or section 5(a) of the Flammable Fabrics Act (15 U.S.C. 1194(d)) shall be construed—

''(A) to prevent the attorney general of a State, or other authorized State officer, from exercising the powers conferred on the attorney general, or other authorized State officer, by the laws of such State; or

''(B) to prohibit the attorney general of a State, or other authorized State officer, from proceeding in State or Federal court on the basis of an alleged violation of any civil or criminal statute of that State.

''(5) LIMITATION.—No separate suit shall be brought under this subsection (other than a suit alleging a violation of paragraph (1) or (2) of section 19(a)) if, at the time the suit is brought, the same alleged violation is the subject of a pending civil or criminal action by the United States under this Act.

''(6) RESTRICTIONS ON PRIVATE COUNSEL.—If private counsel is retained to assist in any civil action under paragraph (1), the private counsel retained to assist the State may not—

''(A) share with participants in other private civil actions that arise out of the same operative facts any information that is—

''(i) subject to attorney-client or work product privilege; and

''(ii) was obtained during discovery in the action under paragraph (1); or

''(B) use any information that is subject to attorney-client or work product privilege that was obtained while assisting the State in the action under paragraph (1) in any other private civil actions that arise out of the same operative facts.''.

(b) CONFORMING AMENDMENTS.—

(1) POISON PREVENTION PACKAGING ACT.—The Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.) is amended by adding at the end the following:

''SEC. 9. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

''The attorney general of a State, or other authorized State officer, alleging a violation of a standard or rule promulgated under section 3 that affects or may affect such State or its residents, may bring an action on behalf of the residents of the State in any United States district court for the district in which the defendant is found or transacts business to obtain appropriate injunctive relief. The procedural requirements of section 24(b) of the Consumer Product Safety Act (15 U.S.C. 2073(b)) shall apply to any such action.''.

(2) CLERICAL AMENDMENT.—The table of contents in section 1 (15 U.S.C. 2051 note) is amended by striking the item relating to section 24 and inserting the following:

''Sec. 24. Additional enforcement of product safety rules and of section 15 orders.''.

SEC. 219. WHISTLEBLOWER PROTECTIONS.

(a) IN GENERAL.—The Act (15 U.S.C. 2051 et seq.), as amended by section 206 of this Act, is further amended by adding at the end the following:

''WHISTLEBLOWER PROTECTION

''SEC. 40. (a) No manufacturer, private labeler, distributor, or retailer, may discharge an employee or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee, whether at the employee's initiative or in the ordinary course of the employee's duties (or any person acting pursuant to a request of the employee)—

''(1) provided, caused to be provided, or is about to provide or cause to be provided to the employer, the Federal Government, or the attorney general of a State information relating to any violation of, or any act or omission the employee reasonably believes to be a violation of any provision of this Act or any other Act enforced by the Commission, or any order, rule, regulation, standard, or ban under any such Acts;

''(2) testified or is about to testify in a proceeding concerning such violation;

''(3) assisted or participated or is about to assist or participate in such a proceeding; or

''(4) objected to, or refused to participate in, any activity, policy, practice, or assigned task that the employee (or other such person) reasonably believed to be in violation of any provision of this Act or any other Act enforced by the Commission, or any order, rule, regulation, standard, or ban under any such Acts.

''(b)(1) A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, not later than 180 days after the date on which such violation occurs, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor alleging such discharge or discrimination and identifying the person responsible for such act. Upon receipt of such a complaint, the Secretary shall notify, in writing, the person named in the complaint of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

''(2)(A) Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the complainant and the person named in the complaint an opportunity to submit to the Secretary a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary shall initiate an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify, in writing, the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings. If the Secretary concludes that there is reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the Secretary's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, either the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Any such hearing shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

''(B)(i) The Secretary shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(ii) Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(iii) The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(iv) Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(3)(A) Not later than 120 days after the date of conclusion of any hearing under paragraph (2), the Secretary shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary, the complainant, and the person alleged to have committed the violation.

''(B) If, in response to a complaint filed under paragraph (1), the Secretary determines that a violation of subsection (a) has occurred, the Secretary shall order the person who committed such violation—

''(i) to take affirmative action to abate the violation;

''(ii) to reinstate the complainant to his or her former position together with compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and

''(iii) to provide compensatory damages to the complainant.

If such an order is issued under this paragraph, the Secretary, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorneys' and expert witness fees) reasonably incurred, as determined by the Secretary, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

''(C) If the Secretary finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary may award to the prevailing employer a reasonable attorneys' fee, not exceeding $1,000, to be paid by the complainant.

''(4) If the Secretary has not issued a final decision within 210 days after the filing of the complaint, or within 90 days after receiving a written determination, the complainant may bring an action at law or equity for *de novo* review in the appropriate district court of the United States with jurisdiction, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury. The proceedings shall be governed by the same legal burdens of proof specified in paragraph (2)(B). The court shall have jurisdiction to grant all relief necessary to make the employee whole, including injunctive relief and compensatory damages, including—

''(A) reinstatement with the same seniority status that the employee would have had, but for the discharge or discrimination;

''(B) the amount of back pay, with interest; and

''(C) compensation for any special damages sustained as a result of the discharge or discrimination, including litigation costs, expert witness fees, and reasonable attorney's fees.

''(5)(A) Unless the complainant brings an action under paragraph (4), any person adversely affected or aggrieved by a final order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of the issuance of the final order of the Secretary. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

''(B) An order of the Secretary with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

''(6) Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary may file a civil action in the United States district court for the district in which the violation was found to occur, or in the United States district court for the District of Columbia, to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief including, but not limited to, injunctive relief and compensatory damages.

''(7)(A) A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to

whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

''(B) The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorneys' and expert witness fees) to any party whenever the court determines such award is appropriate.

''(c) Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28, United States Code.

''(d) Subsection (a) shall not apply with respect to an employee of a manufacturer, private labeler, distributor, or retailer who, acting without direction from such manufacturer, private labeler, distributor, or retailer (or such person's agent), deliberately causes a violation of any requirement relating to any violation or alleged violation of any order, regulation, or consumer product safety standard under this Act or any other law enforced by the Commission.''.

(b) CONFORMING AMENDMENT.—The table of contents, as amended by section 206 of this Act, is further amended by inserting after the item relating to section 39 the following:

''Sec. 40. Whistleblower protection.''.

Subtitle C—Specific Import-Export Provisions

SEC. 221. EXPORT OF RECALLED AND NON-CONFORMING PRODUCTS.

(a) IN GENERAL.—Section 18 (15 U.S.C. 2067) is amended—

(1) in subsection (b), by striking ''any product—'' and all that follows through ''promulgated under section 9,'' and inserting ''any product which is not in conformity with an applicable consumer product safety rule in effect under this Act,''; and

(2) by adding at the end the following:

''(c) The Commission may prohibit a person from exporting from the United States for purpose of sale any consumer product that is not in conformity with an applicable consumer product safety rule under this Act, unless the importing country has notified the Commission that such country accepts the importation of such consumer product, provided that if the importing country has not so notified the Commission within 30 days after the Commission has provided notice to the importing country of the impending shipment, the Commission may take such action as appropriate within its authority with respect to the disposition of the product under the circumstances.

''(d) Nothing in this section shall apply to any consumer product, the export of which is permitted by the Secretary of the Treasury pursuant to section 17(e).''.

(b) CONFORMING AMENDMENTS TO FLAMMABLE FABRICS ACT.—Section 15 of the Flammable Fabrics Act (15 U.S.C. 1202) is amended by adding at the end the following:

''(d) Notwithstanding any other provision of this section, the Consumer Product Safety Commission may prohibit, by order, a person from exporting from the United States for purpose of sale any fabric or related material that the Commission determines is not in conformity with an applicable standard or rule under this Act, unless the importing country has notified the Commission that such country accepts the importation of such fabric or related material, provided that if the importing country has not so notified the Commission within 30 days after the Commission has provided notice to the importing country of the impending shipment, the Commission may take such action as is appropriate with respect to the disposition of the fabric or related material under the circumstances.

''(e) Nothing in this section shall apply to any fabric or related material, the export of which is permitted by the Secretary of the Treasury pursuant to section 17(e).''.

SEC. 222. IMPORT SAFETY MANAGEMENT AND INTERAGENCY COOPERATION.

(a) RISK ASSESSMENT METHODOLOGY.—Not later than 2 years after the date of enactment of this Act, the Commission shall develop a risk assessment methodology for the identification of shipments of consumer products that are—

(1) intended for import into the United States; and

(2) likely to include consumer products in violation of section 17(a) of the Consumer Product Safety Act (15 U.S.C. 2066(a)) or other import provisions enforced by the Commission.

(b) USE OF INTERNATIONAL TRADE DATA SYSTEM AND OTHER DATABASES.—In developing the methodology required under subsection (a), the Commission shall—

(1) provide for the use of the International Trade Data System, insofar as is practicable, established under section 411(d) of the Tariff Act of 1930 (19 U.S.C. 1411(d)) to evaluate and assess information about shipments of consumer products intended for import into the customs territory of the United States;

(2) incorporate the risk assessment methodology required under this section into its information technology modernization plan;

(3) examine, in consultation with U.S. Customs and Border Protection, how to share information collected and retained by the Commission, including information in the database required under section 6A of the Consumer Product Safety Act, for the purpose of identifying shipments of consumer products in violation of section 17(a) of such Act (15 U.S.C. 2066(a)) or other import provisions enforced by the Commission; and

(4) examine, in consultation with U.S. Customs and Border Protection, how to share information required by section 15(j) of the CPSA as added by section 223 of this Act for the purpose of identifying shipments of consumer products in violation of section 17(a) of the Consumer Product Safety Act (15 U.S.C. 2066(a)) or other import provisions enforced by the Commission.

(c) COOPERATION WITH U.S. CUSTOMS AND BORDER PROTECTION.—Not later than 1 year after the date of enactment of this Act, the Commission shall develop a plan for sharing information and coordinating with U.S. Customs and Border Protection that considers, at a minimum, the following:

(1) The number of full-time equivalent personnel employed by the Commission that should be stationed at U.S. ports of entry for the purpose of identifying shipments of consumer products that are in violation of section 17(a) of the Consumer Product Safety Act (15 U.S.C. 2066(a)) or other import provisions enforced by the Commission.

(2) The extent and nature of cooperation between the Commission and U.S. Customs and Border Protection personnel stationed at ports of entry in the identification of shipments of consumer product that are in violation of section 17(a) of the Consumer Product Safety Act (15 U.S.C. 2066(a)) or other import provisions enforced by the Commission under this Act or any other provision of law.

(3) The number of full-time equivalent personnel employed by the Commission that should be stationed at the National Targeting Center (or its equivalent) of U.S. Customs and Border Protection, including—

(A) the extent and nature of cooperation between Commission and U.S. Customs and Border Protection personnel stationed at the National Targeting Center (or its equivalent), as well as at United States ports of entry;

(B) the responsibilities of Commission personnel assigned to the National Targeting Center (or its equivalent) under subsection (b)(3); and

(C) whether the information available at the National Targeting Center (or its equivalent) would be useful to the Commission or U.S. Customs and Border Protection in identifying the consumer products described in subsection (a).

(4) The development of rule sets for the Automated Targeting System and expedited access for the Commission to the Automated Targeting System.

(5) The information and resources necessary for the development, updating, and effective implementation of the risk assessment methodology required in subsection (a).

(d) REPORT TO CONGRESS.—Not later than 180 days after completion of the risk assessment methodology required under this section, the Commission shall submit a report to the appropriate Congressional committees concerning, at a minimum, the following:

(1) The Commission's plan for implementing the risk assessment methodology required under this section.

(2) The changes made or necessary to be made to the Commission's memorandum of understanding with U.S. Customs and Border Protection.

(3) The status of—

(A) the development of the Automated Targeting System rule set required under subsection (c)(4) of this section;

(B) the Commission's access to the Automated Targeting System; and

(C) the effectiveness of the International Trade Data System in enhancing cooperation between the Commission and U.S. Customs and Border Protection for the purpose of identifying shipments of consumer products in violation of section 17(a) of the Consumer Product Safety Act (15 U.S.C. 2066(a)) or other import provisions enforced by the Commission;

(4) Whether the Commission requires additional statutory authority under the Consumer Product Safety Act, the Federal Hazardous Substances Act, the Flammable Fabrics Act, or the Poison Prevention Packaging Act of 1970 in order to implement the risk assessment methodology required under this section.

(5) The level of appropriations necessary to implement the risk assessment methodology required under this section.

SEC. 223. SUBSTANTIAL PRODUCT HAZARD LIST AND DESTRUCTION OF NONCOMPLIANT IMPORTED PRODUCTS.

(a) IDENTIFICATION OF SUBSTANTIAL HAZARDS.—Section 15 (15 U.S.C. 2064), as amended by section 214, is amended by adding at the end thereof the following:

''(j) SUBSTANTIAL PRODUCT HAZARD LIST.—

''(1) IN GENERAL.—The Commission may specify, by rule, for any consumer product or class of consumer products, characteristics whose existence or absence shall be deemed a substantial product hazard under subsection (a)(2), if the Commission determines that—

''(A) such characteristics are readily observable and have been addressed by voluntary standards; and

''(B) such standards have been effective in reducing the risk of injury from consumer products and that there is substantial compliance with such standards.

''(2) JUDICIAL REVIEW.—Not later than 60 days after promulgation of a rule under paragraph (1), any person adversely affected by such rule may file a petition for review under the procedures set forth in section 11 of this Act.''.

(b) DESTRUCTION OF NONCOMPLIANT IMPORTED PRODUCTS.—Section 17(e) (15 U.S.C. 2066(e)) is amended to read as follows:

''(e) Products refused admission into the customs territory of the United States shall be destroyed unless, upon application by the owner, consignee, or importer of record, the Secretary of the Treasury permits the export of the product in lieu of destruction. If the owner, consignee, or importer of record does not export the product within 90 days of approval to export, such product shall be destroyed.''.

(c) INSPECTION AND RECORDKEEPING REQUIREMENT.—The Act is further amended—

(1) by amending section 17(g) (15 U.S.C. 2066(g)) to read as follows:

''(g) Manufacturers of imported products shall be in compliance with all inspection and recordkeeping requirements under section 16 applicable to such products, and the Commission shall advise the Secretary of the Treasury of any manufacturer who is not in compliance with all inspection and recordkeeping requirements under section 16.''; and

(2) by adding at the end of section 16 (15 U.S.C. 2065) the following:

''(d) The Commission shall, by rule, condition the manufacturing for sale, offering for sale, distribution in commerce, or importation into the United States of any consumer product or other product on the manufacturer's compliance with the inspection and recordkeeping requirements of this Act and the Commission's rules with respect to such requirements.''.

SEC. 224. FINANCIAL RESPONSIBILITY.

(a) IN GENERAL.—The Act (15 U.S.C. 2051 et seq.), as amended by section 219, is further amended by adding at the end the following:

''SEC. 41. FINANCIAL RESPONSIBILITY.

''(a) IDENTIFICATION AND DETERMINATION OF BOND.—The Commission, in consultation with U.S. Customs and Border Protection and other relevant Federal agencies, shall identify any consumer product, or other product or substance that is regulated under this Act or any other Act enforced by the Commission, for which the cost of destruction would normally exceed bond amounts determined under sections 623 and 624 of the Tariff Act of 1930 (19 U.S.C. 1623, 1624) and shall recommend to U.S. Customs and Border Protection a bond amount sufficient to cover the cost of destruction of such products or substances.

''(b) STUDY OF REQUIRING ESCROW FOR RECALLS AND DESTRUCTION OF PRODUCTS.—

''(1) STUDY.—The Comptroller General shall conduct a study to determine the feasibility of requiring—

''(A) the posting of an escrow, proof of insurance, or security sufficient in amount to cover the cost of destruction of a domestically-produced product or substance regulated under this Act or any other Act enforced by the Commission; and

''(B) the posting of an escrow, proof of insurance, or security sufficient in amount to cover the cost of an effective recall of a product or substance, domestic or imported, regulated under this Act or any other Act enforced by the Commission.

''(2) REPORT.—Not later than 180 days after the date of enactment of the Consumer Product Safety Improvement Act of 2008, the Comptroller General shall transmit to the appropriate Congressional committees a report on the conclusions of the study required under paragraph (1), including an assessment of whether such an escrow requirement could be implemented and any recommendations for such implementation.''.

(b) CONFORMING AMENDMENTS.—The table of contents in section 1 (15 U.S.C. 2051 note), as amended by section 219, is amended by adding at the end the following:

''Sec. 41. Financial responsibility.''.

SEC. 225. STUDY AND REPORT ON EFFECTIVENESS OF AUTHORITIES RELATING TO SAFETY OF IMPORTED CONSUMER PRODUCTS.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study of the authorities and provisions of the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) to assess the effectiveness of such authorities and provisions in preventing unsafe consumer products from entering the customs territory of the United States;

(2) review and provide recommendations with respect to plans to prevent unsafe consumer products from entering the customs territory of the United States; and

(3) submit to the appropriate Congressional committees a report on the findings of the Comptroller General with respect to paragraphs (1) and (2), including legislative recommendations related to, at a minimum—

(A) inspection of foreign manufacturing plants by the Commission; and

(B) requiring foreign manufacturers to consent to the jurisdiction of United States courts with respect to enforcement actions by the Commission.

Subtitle D—Miscellaneous Provisions and Conforming Amendments

SEC. 231. PREEMPTION.

(a) RULE WITH REGARD TO PREEMPTION.—The provisions of sections 25 and 26 of the Consumer Product Safety Act (15 U.S.C. 2074 and 2075, respectively), section 18 of the Federal Hazardous Substances Act (15 U.S.C. 1261 note), section 16 of the Flammable Fabrics Act (15 U.S.C. 1203), and section 7 of the Poison Packaging Prevention Act of 1970 (15 U.S.C. 1476) establishing the extent to which those Acts preempt, limit, or otherwise affect any other Federal, State, or local law, any rule, procedure, or regulation, or any cause of action under State or local law may not be expanded or contracted in scope, or limited, modified or extended in application, by any rule or regulation thereunder, or by reference in any preamble, statement of policy, executive branch statements, or other matter associated with the publication of any such rule or regulation. In accordance with the provisions of those Acts, the Commission may not construe any such Act as preempting any cause of action under State or local common law or State statutory law regarding damage claims.

(b) PRESERVATION OF CERTAIN STATE LAW.—Nothing in this Act or the Federal Hazardous Substances Act shall be construed to preempt or otherwise affect any warning requirement relating to consumer products or substances that is established pursuant to State law that was in effect on August 31, 2003.

SEC. 232. ALL-TERRAIN VEHICLE STANDARD.

(a) IN GENERAL.—The Act (15 U.S.C. 2051 et seq.), as amended by section 224, is further amended by adding at the end thereof the following:

''SEC. 42. ALL-TERRAIN VEHICLES.

''(a) IN GENERAL.—

''(1) MANDATORY STANDARD.—Notwithstanding any other provision of law, within 90 days after the date of enactment of the Consumer Product Safety Improvement Act of 2008, the Commission shall publish in the Federal Register as a mandatory consumer product safety standard the American National Standard for Four Wheel All-Terrain Vehicles Equipment Configuration, and Performance Requirements developed by the Specialty Vehicle Institute of America (American National Standard ANSI/SVIA–1–2007). The standard shall take effect 150 days after it is published.

''(2) COMPLIANCE WITH STANDARD.—After the standard takes effect, it shall be unlawful for any manufacturer or distributor to import into or distribute in commerce in the United States any new assembled or unassembled all-terrain vehicle unless—

''(A) the all-terrain vehicle complies with each applicable provision of the standard;

''(B) the ATV is subject to an ATV action plan filed with the Commission before the date of enactment of the Act, or subsequently filed with and approved by the Commission, and bears a label certifying such compliance and identifying the manufacturer, importer or private labeler and the ATV action plan to which it is subject; and

''(C) the manufacturer or distributor is in compliance with all provisions of the applicable ATV action plan.

''(3) VIOLATION.—The failure to comply with any requirement of paragraph (2) shall be deemed to be a failure to comply with a consumer product safety standard under this Act and subject to all of the penalties and remedies available under this Act.

''(4) COMPLIANT MODELS WITH ADDITIONAL FEATURES.—Paragraph (2) shall not be construed to prohibit the distribution in commerce of new all-terrain vehicles that comply with the requirements of that paragraph but also incorporate characteristics or components that are not covered by those requirements. Any such characteristics or components shall be subject to the requirements of section 15 of this Act.

''(b) MODIFICATION OF STANDARD.—

''(1) ANSI REVISIONS.—If the American National Standard ANSI/SVIA–1–2007 is revised through the applicable consensus standards development process after the date on which the product safety standard for all-terrain vehicles is published in the Federal Register, the American National Standards Institute shall notify the Commission of the revision.

''(2) COMMISSION ACTION.—Within 120 days after it receives notice of such a revision by the American National Standards Institute, the Commission shall issue a notice of proposed rulemaking in accordance with section 553 of title 5, United States Code, to amend the product safety standard for all-terrain vehicles to include any such revision that the Commission determines is reasonably related to the safe performance of all-terrain vehicles, and notify the Institute of any provision it has determined not to be so related. The Commission shall promulgate an amendment to the standard for all-terrain vehicles within 180 days after the date on which the notice of proposed rulemaking for the amendment is published in the Federal Register.

''(3) UNREASONABLE RISK OF INJURY.—Notwithstanding any other provision of this Act, the Commission may, pursuant to sections 7 and 9 of this Act, amend the product safety standard for all-terrain vehicles to include any additional provision that the Commission determines is reasonably necessary to reduce an unreasonable risk of injury associated with the performance of all-terrain vehicles.

''(4) CERTAIN PROVISIONS NOT APPLICABLE.—Sections 7 and 9 of this Act shall not apply to promulgation of any amendment of the product safety standard under paragraph (2). Judicial review of any amendment of the standard under paragraph (2) shall be in accordance with chapter 7 of title 5, United States Code.

''(c) REQUIREMENTS FOR 3-WHEELED ALL-TERRAIN VEHICLES.—Until a mandatory consumer product safety standard applicable to 3-wheeled all-terrain vehicles promulgated pursuant to this Act is in effect, new 3-wheeled all-terrain vehicles may not be imported into or distributed in commerce in the United States. Any violation of this subsection shall be considered to be a violation

of section 19(a)(1) of this Act and may also be enforced under section 17 of this Act.

''(d) FURTHER PROCEEDINGS.—

''(1) DEADLINE.—The Commission shall issue a final rule in its proceeding entitled 'Standards for All Terrain Vehicles and Ban of Three-wheeled All Terrain Vehicles'.

''(2) CATEGORIES OF YOUTH ATVS.—In the final rule, the Commission, in consultation with the National Highway Traffic Safety Administration, may provide for a multiple factor method of categorization that, at a minimum, takes into account—

''(A) the weight of the ATV;

''(B) the maximum speed of the ATV;

''(C) the velocity at which an ATV of a given weight is traveling at the maximum speed of the ATV;

''(D) the age of children for whose operation the ATV is designed or who may reasonably be expected to operate the ATV; and

''(E) the average weight of children for whose operation the ATV is designed or who may reasonably be expected to operate the ATV.

''(3) ADDITIONAL SAFETY STANDARDS.—In the final rule, the Commission, in consultation with the National Highway Traffic Safety Administration, shall review the standard published under subsection (a)(1) and establish additional safety standards for all-terrain vehicles to the extent necessary to protect the public health and safety. As part of its review, the Commission shall consider, at a minimum, establishing or strengthening standards on—

''(A) suspension;

''(B) brake performance;

''(C) speed governors;

''(D) warning labels;

''(E) marketing; and

''(F) dynamic stability.

''(e) DEFINITIONS.—In this section:

''(1) ALL-TERRAIN VEHICLE OR ATV.—The term 'all-terrain vehicle' or 'ATV' means—

''(A) any motorized, off-highway vehicle designed to travel on 3 or 4 wheels, having a seat designed to be straddled by the operator and handlebars for steering control; but

''(B) does not include a prototype of a motorized, off-highway, all-terrain vehicle or other motorized, off-highway, all-terrain vehicle that is intended exclusively for research and development purposes unless the vehicle is offered for sale.

''(2) ATV ACTION PLAN.—The term 'ATV action plan' means a written plan or letter of undertaking that describes actions the manufacturer or distributor agrees to take to promote ATV safety, including rider training, dissemination of safety information, age recommendations, other policies governing marketing and sale of the ATVs, the monitoring of such sales, and other safety related measures, and that is substantially similar to the plans described under the heading 'The Undertakings of the Companies in the Commission Notice' published in the Federal Register on September 9, 1998 (63 FR 48199–48204).''.

(b) GAO STUDY.—The Comptroller General shall conduct a study of the utility, recreational, and other benefits of all-terrain vehicles to which section 42 of the Consumer Product Safety Act (15 U.S.C. 2085) applies, and the costs associated with all-terrain vehicle-related accidents and injuries.

(c) CONFORMING AMENDMENT.—The table of contents of this Act is further amended by inserting after the item relating to section 42 the following:

''Sec. 42. All-terrain vehicles.''.

SEC. 233. COST-BENEFIT ANALYSIS UNDER THE POISON PREVENTION PACKAGING ACT OF 1970.

Section 3 of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1472) is amended by adding at the end thereof the following:

''(e) Nothing in this Act shall be construed to require the Consumer Product Safety Commission, in establishing a standard under this section, to prepare a comparison of the costs that would be incurred in complying with such standard with the benefits of such standard.''.

SEC. 234. STUDY ON USE OF FORMALDEHYDE IN MANUFACTURING OF TEXTILE AND APPAREL ARTICLES.

Not later than 2 years after the date of enactment of this Act, the Comptroller General, in consultation with the Commission, shall conduct a study on the use of formaldehyde in the manufacture of textile and apparel articles, or in any component of such articles, to identify any risks to consumers caused by the use of formaldehyde in the manufacturing of such articles, or components of such articles.

SEC. 235. TECHNICAL AND CONFORMING CHANGES.

(a) DEFINITIONS.—Section 3(a) (15 U.S.C. 2052) is amended by adding at the end the following:

''(15) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate Congressional committees' means the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

''(16) CHILDREN'S PRODUCT.—The term 'children's product' means a consumer product designed or intended primarily for children 12 years of age or younger. In determining whether a consumer product is primarily intended for a child 12 years of age or younger, the following factors shall be considered:

''(A) A statement by a manufacturer about the intended use of such product, including a label on such product if such statement is reasonable.

''(B) Whether the product is represented in its packaging, display, promotion, or advertising as appropriate for use by children 12 years of age or younger.

''(C) Whether the product is commonly recognized by consumers as being intended for use by a child 12 years of age or younger.

''(D) The Age Determination Guidelines issued by the Commission staff in September 2002, and any successor to such guidelines.

''(17) THIRD-PARTY LOGISTICS PROVIDER.—The term 'third-party logistics provider' means a person who solely receives, holds, or otherwise transports a consumer product in the ordinary course of business but who does not take title to the product.''.

(b) MISCELLANEOUS.—Section 3 (15 U.S.C. 2052) is amended—

(1) by striking ''(a) for purposes of this Act:'' and inserting ''(a) IN GENERAL.—In this Act:'';

(2) by indenting each paragraph and subparagraph of subsection (a) 2 em spaces;

(3) by inserting a heading, in a form consistent with the form of the heading of this subsection consisting of the term defined by such paragraph, after the designation of each paragraph of subsection (a);

(4) by reordering such paragraphs and the additional paragraphs added by paragraph (1) of this subsection in alphabetical order based on the headings of such paragraphs and renumbering such paragraphs as so reordered; and

(5) by inserting ''common carriers, contract carriers, and freight forwarders'' after ''(b)'' in subsection (b).

(c) CONFORMING AMENDMENTS.—

(1) Section 3(b) (15 U.S.C. 2052(b) is amended by inserting ''third-party logistics provider,'' after ''contract carrier,''.

(2) Section 6(e)(4) (15 U.S.C. 2055(e)(4)) is amended by striking ''the Committee on Commerce, Science, and Transportation of the Senate or the Committee on Energy and Commerce of the House of Representatives or any subcommittee of such committee,'' and insert ''either of the appropriate Congressional committees or any subcommittee thereof,''.

(3) Sections 9(a), 9(c), and 35(c)(2)(D)(iii) (15 U.S.C. 2058(a), (c), and 2082(c)(2)(D)(iii), and 2082(e)(1), respectively) are each amended by striking ''the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives'' each place it appears and inserting ''the appropriate Congressional committees''.

(4) Section 32(b)(1) (15 U.S.C. 2050(b)(1)) is amended by striking ''the Committee on Energy and Commerce of the House of Representatives, and by the Committee on Commerce, Science, and Transportation of the Senate.'' and inserting ''the appropriate Congressional committees.''.

(5) Section 35(e)(1) (15 U.S.C. 2082(e)(1)) is amended by striking ''the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Energy and Commerce of the House of Representatives'' and insert ''the appropriate Congressional committees''.

(6) Sections 17(h)(3), 28(j)(10)(F), and 28(k)(1) and (2) (15 U.S.C. 2066(h)(3), 2077(j)(10)(F), and 2077(k)(1) and (2), respectively) are each amended by striking ''the Congress'' and inserting ''the appropriate Congressional committees''.

(7) Section 29(e) (15 U.S.C. 2078(e)) is amended by striking ''The Commission'' and inserting ''Notwithstanding section 6(a)(3), the Commission''.

SEC. 236. EXPEDITED JUDICIAL REVIEW.

(a) IN GENERAL.—Section 11 (15 U.S.C. 2060) is amended by adding at the end thereof the following:

''(g) EXPEDITED JUDICIAL REVIEW.—

''(1) APPLICATION.—This subsection applies, in lieu of the preceding subsections of this section, to judicial review of—

''(A) any consumer product safety rule promulgated by the Commission pursuant to section 15(j) (relating to identification of substantial hazards);

''(B) any consumer product safety standard promulgated by the Commission pursuant to section 42 (relating to all-terrain vehicles);

''(C) any standard promulgated by the Commission under section 104 of the Consumer Product Safety Improvement Act of 2008 (relating to durable infant and toddler products); and

''(D) any consumer product safety standard promulgated by the Commission under section 106 of the Consumer Product Safety Improvement Act of 2008 (relating to mandatory toy safety standards).

''(2) IN GENERAL.—Not later than 60 days after the promulgation, by the Commission, of a rule or standard to which this subsection applies, any person adversely affected by such rule or standard may file a petition with the United States Court of Appeals for the District of Columbia Circuit for judicial review of such rule. Copies of the petition shall be forthwith transmitted by the clerk of the court to the Commission or other officer designated by it for that purpose and to the Attorney General. The record of the proceedings on which the Commission based its rule shall be filed in the court as provided for in section 2112 of title 28, United States Code.

''(3) REVIEW.—Upon the filing of the petition under paragraph (2) of this subsection, the court shall have jurisdiction to review the rule in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief, including interim relief, as provided in such chapter.

''(4) CONCLUSIVENESS OF JUDGMENT.—The judgment of the court affirming or setting

aside, in whole or in part, any final rule under this section shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28, United States Code.

''(5) FURTHER REVIEW.—A rule or standard with respect to which this subsection applies shall not be subject to judicial review in proceedings under section 17 (relating to imported products) or in civil or criminal proceedings for enforcement.''.

(b) PENDING ACTIONS UNAFFECTED.—The amendment made by subsection (a) shall not apply to any petition filed before the date of enactment of this Act for judicial review of any action by the Consumer Product Safety Commission.

SEC. 237. REPEAL.

Section 30 (15 U.S.C. 2079) is amended by striking subsection (d).

SEC. 238. POOL AND SPA SAFETY ACT TECHNICAL AMENDMENTS.

Title XIV of the Energy Independence and Security Act of 2007 (Public Law 110–140) is amended—

(1) in section 1403 by adding at the end the following:

''(8) STATE.—The term 'State' has the meaning given such term in section 3(10) of the Consumer Product Safety Act (15 U.S.C. 2052(10)), and includes the Northern Mariana Islands.''.

(2) in section 1404 by adding at the end of subsection (b) the following: ''If a successor standard is proposed, the American Society of Mechanical Engineers shall notify the Commission of the proposed revision. If the Commission determines that the proposed revision is in the public interest, it shall incorporate the revision into the standard after providing 30 days notice to the public.''; and

(3) by adding at the end the following:

''SEC. 1409. APPLICABILITY.

''This Act is applicable to the United States and its territories, including American Samoa, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands.''.

SEC. 239. EFFECTIVE DATES AND SEVERABILITY.

(a) EFFECTIVE DATES.—

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

(2) CERTAIN DELAYED EFFECTIVE DATES.—The amendments made by sections 103(c) and 214(a)(2) shall take effect on the date that is 60 days after the date of enactment of this Act. Subsection (c) of section 42 of the Consumer Product Safety Act, as added by section 232 of this Act, and the amendments made by sections 216 and 223(b) shall take effect on the date that is 30 days after the date of enactment of this Act.

(b) SEVERABILITY.—If any provision of this Act or the amendments made by this Act, or the application of such provision to any person or circumstance, is held invalid, the remainder of this Act and the amendments made by this Act, and the application of such provision to other persons not similarly situated or to other circumstances, shall not be affected by such invalidation.

And the Senate agree to the same.

JOHN D. DINGELL,
HENRY A. WAXMAN,
BOBBY L. RUSH,
DIANA DEGETTE,
JAN SCHAKOWSKY,
JOE BARTON,
ED WHITFIELD,
CLIFF STEARNS,
Managers on the Part of the House.

DANIEL K. INOUYE,
BARBARA BOXER,
MARK PRYOR,
AMY KLOBUCHAR,
TED STEVENS,
KAY BAILEY HUTCHISON,
JOHN E. SUNUNU,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H.R. 4040, to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

1. SHORT TITLE

House bill

Section 1: ''Consumer Product Safety Modernization Act''.

Senate amendment

Section 1: ''CPSC Reform Act''.

Conference substitute

Section 1: ''Consumer Product Safety Improvement Act of 2008''.

2. REFERENCES

House bill

Section 2: Defines ''Commission'' as meaning the Consumer Product Safety Commission (Commission), provides that amendments in the Act are to the Consumer Product Safety Act (CPSA) except as otherwise provided, and defines ''rule'' as meaning a rule, standard, ban, or order under any Act enforced by the Commission.

Senate amendment

Section 2: Provides that amendments in the Act are to the CPSA except as otherwise provided.

Conference substitute

Section 2: Adds definition of ''appropriate Congressional committees'' as meaning the House of Representatives Committee on Energy and Commerce and the Senate Committee on Commerce, Science, and Transportation. Deletes definition of ''rule''.

3. AUTHORITY TO USE IMPLEMENTING REGULATIONS

House bill

Section 3: Authorizes Commission to issue implementing regulations for the Act and amendments made by the Act.

Senate amendment

No provision.

Conference substitute

Section 3: House provision.

4. PRODUCT SAFETY IMPROVEMENTS AND COMMISSION REFORM

TITLE I—CHILDREN'S PRODUCT SAFETY

Section 101. Children's Products Containing Lead; Lead Paint Rule.

The Conferees agreed to modified language that is similar to the provisions in the House bill and the Senate amendment. The Conference Report ultimately requires that the Commission lower the permissible lead level in children's products to the lowest amount that is technologically feasible. This section provides a definition of technologically feasible, and includes a provision identifying alternative practices, best practices, or other operational changes that would allow a manufacturer to comply with the lead limit. The intent of this alternative and best practices provision is to require manufacturers to use better methods of producing a product that can be achieved without the need for major technological advances, such as taking steps to better clean equipment or the factory, or to make changes in operation, maintenance, or other practices that can reduce or eliminate lead in the product. The Conference Report also establishes a more stringent lead paint limit.

The Conferees acknowledge that several Federal agencies are charged with protecting children from lead. Historically, lead in public water systems has been governed by the Environmental Protection Agency under the Safe Drinking Water Act and its Lead and Copper Rule. The Conferees do not wish to alter that authority. A child may be exposed to lead through drinking fountains and faucets designed or intended primarily for use by children, such as for use in schools and daycare facilities. In any action under this Conference Report and the CPSA to address the specific issue of lead in drinking fountains and faucets that are designed or intended primarily for use by children, such as in schools and daycare facilities, the Conferees wish that both agencies work collaboratively to protect the health of our children from the dangers posed by lead exposure.

Section 102. Mandatory Third Party Testing for Certain Children's Products.

The Conferees agreed to modified language that is similar to the provisions in the House bill and the Senate amendment, requiring third party testing of certain children's products. The Conferees intend that the accreditation structure for governmental participation will apply equally to all entities, be they domestic, non-domestic, joint ventures, or entities controlled in whole by a government. It is not the intention of the Conferees that the subsection restrict equal participation of entities which are not controlled in whole by a government.

Section 103. Tracking Labels for Children's Products.

The Conferees agreed to modified language that is similar to the provisions in the House bill and the Senate amendment. The Conference Report would require manufacturers of children's products to place distinguishing marks on a product and its packaging, to the extent practicable, that would enable the purchaser to ascertain the source, date, and cohort (including the batch, run number, or other identifying characteristic) of production of the product by reference to those marks. To the extent that small toys and other small products are manufactured and shipped without individual packaging, the Conferees recognize that it may not be practical for a label to be printed on each item. The packaging of the bulk shipment of those items, however, would be required to be labeled so that retailers and vendors would be able to easily identify products that are recalled.

Section 104. Standards and Consumer Registration of Durable Nursery Products.

The Conferees agreed to modified language that is similar to the provisions in the House bill and the Senate amendment. The Conference Report requires the Commission to promulgate rules to ensure the highest level of safety for durable infant and toddler products. The Conference Report also establishes

new requirements for registration forms for these products and requires the Commission to review and assess the effectiveness of alternative recall notification technologies.

Section 105. Labeling Requirement for Advertising Toys and Games.

The Conferees agreed to modified language that is similar to language in the House bill and the Senate amendment, requiring a cautionary statement to be displayed with certain advertisements.

Section 106. Mandatory Toy Safety Standards.

The Conferees agreed to modified language that would make the American Society for Testing and Materials (ASTM) International standard F963-07, as it exists on the date of enactment of this Conference Report (except for section 4.2 and Annex 4 or any provision that restates or incorporates an existing mandatory standard or ban promulgated by the Commission or by statute), an interim consumer product safety standard pending evaluation by the Commission. The Commission shall establish the mandatory standards by rule after the relevant components of the rule are evaluated.

In conducting the evaluation required under this section, the Conferees direct the Commission to conduct a study of injuries and deaths related to toy guns and current safety standards applicable to toy guns, and consider the adoption of a consumer product safety rule providing for more distinctive marking of toy guns to distinguish them from actual firearms.

The Conference Report requires the Commission to promulgate rules to ensure the highest level of safety for toys. The Conferees direct the Commission to designate as quickly as possible the form and manner for States to notify the Commission of any existing State laws or regulations relating to safety requirements for toys.

Section 107. Study of Preventable Injuries and Deaths in Minority Children Related to Consumer Products.

The Conferees agreed to modified language that is similar to provisions in the House bill and the Senate amendment. The Conference Report requires the Government Accountability Office (GAO) to assess and report on the racial disparities of the rates of preventable injuries and deaths related to suffocation, poisonings, and drowning among children.

Section 108. Prohibition on Sale of Certain Products Containing Specified Phthalates.

The Conferees agreed to a modified version of the Senate amendment's prohibition on specific phthalates in certain children's products.

TITLE II—CONSUMER PRODUCT SAFETY COMMISSION REFORM

SUBTITLE A—ADMINISTRATIVE IMPROVEMENTS

Section 201. Reauthorization of the Commission.

The Conferees agreed to modified language that would reauthorize the Commission for five years beginning in fiscal year 2010 and provided a specific travel allowance for the Commission.

The Conferees recognize nanotechnology as a new technology utilized in the manufacture of consumer products and its nature as an emerging technology. The Conferees expect the Commission to review such utilization and the safety of its application in consumer products consistent with the Commission's mission.

As part of the general authorizations for fiscal years 2010 through 2014, the Conferees authorized $25,000,000 to establish and maintain the database required by section 212 of the Conference Report and to upgrade and integrate the Commission's information technology systems.

Section 202. Full Commission Requirement; Interim Quorum; Personnel.

The Conferees agreed to modified language that is similar to provisions in the House bill and the Senate amendment. The Conference Report reinstates a five-member Commission after one year, and establishes a two-member quorum for one year after the date of enactment.

Section 203. Submission of Copy of Certain Documents to Congress.

The Conferees agreed to the identical provisions in the House bill and the Senate amendment.

Section 204. Expedited Rulemaking.

The Conferees agreed to modified language that is similar to provisions in the House bill and the Senate amendment. The Conference Report provides the Commission the authority to forgo an Advanced Notice of Proposed Rulemaking.

Section 205. Inspector General Audits and Reports.

The Conferees agreed to modified language that is similar to provisions in the House bill and the Senate amendment. The Conference Report instructs the Inspector General of the Commission to conduct reviews and audits to assess the Commission's capital improvement efforts and the adequacy of procedures for accrediting conformity assessment bodies as required by this Conference Report. The Conference Report also requires that the Commission establish and maintain on the homepage of its Internet website a direct link to the Internet webpage of the Commission's Office of Inspector General.

The Conferees direct the Commission to take steps to inform all employees that they are free to make anonymous complaints through the Inspector General's webpage about waste, fraud and mismanagement within the Commission. The Inspector General should investigate any complaints about the failure of Commission employees to enforce in good faith the rules and regulations of the CPSA or any other Act enforced by the Commission or otherwise carry out their responsibilities under such Acts, including efforts to alter or suppress relevant data, subvert enforcement measures, and succumb to undue influence.

Section 206. Industry-Sponsored Travel Ban.

The House bill and the Senate amendment contained similar provisions. The Senate receded to the House bill with minor modifications.

Section 207. Sharing of Information with Federal, State, Local and Foreign Government Agencies.

The Conferees agreed to modified language that is nearly identical to the provisions in the House bill and the Senate amendment.

Section 208. Employee Training Exchanges.

The Conferees agreed to language that provides the Commission the authority to retain or employ officers or employees of foreign government agencies on a temporary basis or to detail employees of the Commission to work on a temporary basis for appropriate foreign government agencies.

Section 209. Annual Reporting Requirement.

The Conferees agreed to modified language that is nearly identical to the provisions in the House bill and the Senate amendment.

SUBTITLE B—ENHANCED ENFORCEMENT AUTHORITY

Section 211. Public Disclosure of Information.

The House receded to the Senate amendment, which included language that would modify sections 6(a) and 6(b) of the CPSA. The Conference Report includes amendments to the CPSA allowing the Commission, when a manufacturer goes to court under section 6(b)(3) attempting to stop the release of information, to file a request with the Federal District Court for expedited consideration of the matter. While the Conferees expect quick action on these matters to protect public health and safety, they recognize that the prosecution of other matters before the court, such as Class A and Class B felonies, is also extremely important to the public welfare. It is the Conferees' view that the expedited consideration of section 6(b)(3) cases should not delay action on these other important issues.

Section 212. Establishment of a Public Consumer Product Safety Database.

The Conferees agreed to modified language that requires the Commission to establish a publicly available searchable database on the safety of consumer products and other products or substances regulated by the Commission within two years of the date of enactment. The Conferees intend that the Commission prevent duplicative reports from being added to the publicly available database. If multiple reports that describe the same incident are submitted to the database, the Commission should, to the extent practicable, remove unnecessary reports and preserve the most relevant report in the database. However, the Conferees recognize that it is possible that multiple reports regarding the same incident could provide different relevant details and that information from those reports could be helpful to the public and should, therefore, remain in the database. The Conferees also direct the GAO to study the general utility of the database and provide recommendations for measures to increase use of the database.

Section 213. Prohibition on Stockpiling Under Other Commission-Enforced Statutes.

The Conferees agreed to the identical provisions in the House bill and the Senate amendment.

Section 214. Enhanced Recall Authority and Corrective Action Plans.

The Conference Report amends the notification requirements under section 15(b) of the CPSA to promote the timely, accurate, and complete disclosure to the Commission of information that is necessary to protect public health and safety. The Conferees recognize that innovation in the design of consumer products has led to the development of products that can be used in both motor vehicles and the home. For example, some children's car safety seats can be used in a car but also in a frame so that they can be used as strollers or in the home. The Conferees do not intend in the parenthetical language used in section 15(b) to exempt those products from the reporting requirements to the extent that they have defects arising from uses outside a motor vehicle.

To the list of reports required from manufacturers, retailers, and distributors, this section adds the broad requirement to report information that a product fails to comply with any other rule, standard, ban, or order under this Act, or any other Act enforced by the Commission. It also adds a sentence indicating that a report under this new paragraph may not be used as the basis for criminal prosecution of the reporting person under section 5 of the Federal Hazardous Substances Act (FHSA), except for offenses which require a showing of intent to defraud or mislead. With consideration of the increased criminal penalties in the Conference Report, the Conferees took this narrow, limited action in order to avoid an unjust result under a possible construction of section 5 that provides for strict liability for criminal enforcement without regard to any applicable requirement of knowledge, intent, or

willfulness in such situations. The Conferees do not intend for the limited use immunity provided by this section to be used to shelter bad actors from the consequences of their acts but rather to ensure that there are no unintended impediments to the flow of information to the Commission.

The Conferees also agreed to modified language that is similar to provisions in the House bill and the Senate amendment. The Conference Report provides the Commission greater recall authority and creates requirements for recall notices in order to better inform the public of potential product harms.

Section 215. Inspection of Firewalled Conformity Assessment Bodies; Identification of Supply Chain.

The Senate receded to the House bill on language that provides authority to the Commission to inspect firewalled conformity assessment bodies certified as third party conformity assessment bodies. The Conferees also agreed to modified language that is similar to the House bill and the Senate amendment.

Section 216. Prohibited Acts.

The Conferees agreed to modified language that is similar to the provisions in the House bill and the Senate amendment, incorporating into the Prohibited Acts section of the CPSA violations created by this Conference Report. In amending section 19(a) of the CPSA, the restriction on exporting a consumer product subject to a voluntary corrective action is not meant to include products that have been reconditioned or repaired in accordance with the Commission-approved corrective action for such products that are compliant.

Section 217. Penalties.

The Conferees agreed to modified language that increases the civil penalty cap for each violation of a prohibited act under the CPSA, the FHSA, or the Flammable Fabrics Act (FFA) from $8,000 to $100,000, and the maximum civil penalty cap for a related series of violations under each Act from $1,825,000 to $15,000,000. Within one year of the date of enactment of this Conference Report, the Commission is required to issue a final regulation providing its interpretation of factors to be taken into account by the Commission when determining the amount of any civil penalty.

The Conferees agreed to language that is similar to provisions in the House bill and the Senate amendment, which would authorize the Commission to seek asset forfeiture as a penalty for a criminal violation of this Conference Report. The House receded to Senate language that would increase maximum criminal penalties and remove the knowledge of notice of noncompliance requirements for directors, officers, and agents under section 21(b) of the CPSA.

Section 218. Enforcement by State Attorneys General.

The Conferees agreed to modified language that is similar to the provisions in the House bill and the Senate amendment. The Conferees agreed to include amendments to the CPSA and the Poison Prevention Packaging Act (PPPA) to enhance the ability of the attorney general of a State, or other authorized State officer, alleging specified violations under those Acts that affect or may affect the State or its residents, to obtain appropriate injunctive relief. To ensure the efficient operation of enforcement efforts along with the consistent interpretation and application of Commission regulations, the Conferees expect cooperation and consultation to occur between the attorneys general and the Commission in the normal course of business in implementing and carrying out this authority.

This section requires a State attorney general to notify the Commission prior to filing any action and provide the Commission a maximum of 30 days to respond to or assist with an action. The Conferees recognize that certain circumstances require immediate action to protect the public from a substantial product hazard. The Conferees have provided a limited exception that would allow the States to proceed upon notification to the Commission when a substantial product hazard may result from the use of a product. The Conferees believe current and future technologies, such as electronic mail and facsimile, should provide a State attorney general the ability to notify the Commission immediately prior to initiating such enforcement actions.

With regard to the limitation in section 218(b)(5), the Conferees intend to preserve the injunctive authority of State attorneys general to remove dangerous products from the stream of commerce when the Commission is engaged in protracted litigation with defendants. The purpose of this limited exception is to facilitate efficient enforcement of section 19, not impede it. As such, the Conferees do not intend by the parenthetical language to allow unlimited lawsuits against the same defendant in various jurisdictions across the country. Multiple lawsuits involving the same facts and same defendants could delay the prosecution of injunction suits filed by the Commission adding pretrial procedural issues, such as consolidation or transfer. Moreover, the Conferees do not intend for such suits to interfere with the Commission's choice of venue.

Section 219. Whistleblower Protections.

The House receded to the Senate amendment with modifications. The Conference Report includes whistleblower protections for employees of manufacturers, private labelers, retailers, and distributors with respect ot alleged violations of any CPSC-enforced product safety requirements.

SUBTITLE C—SPECIFIC IMPORT-EXPORT PROVISIONS

Section 221. Export of Recalled and Non-conforming Products.

The Conferees agreed to modified language that is similar to provisions in the House bill and the Senate amendment.

Section 222. Import Safety Management and Interagency Cooperation.

The House receded to the Senate amendment with modifications. The Conferees agreed to language that would require the Commission, in consultation with the United States Customs and Border Protections (CBP), to develop a risk assessment methodology for the identification of shipments that are likely to include consumer products that violate section 17(a) of the CPSA. The Conferees also agreed to require the Commission to utilize the International Trade Data System (ITDS) insofar as practicable (i.e., as soon as ITDS is operational) to evaluate and assess information about shipments of consumer products intended for import into the customs territory of the United States when developing the risk assessment methodology pursuant to this section. The Conference Report also requires the Commission to develop a plan for sharing information and enhancing coordination with CBP.

Section 223. Substantial Product Hazard List and Destruction of Noncompliant Imported Products.

The House receded to the Senate amendment with modifications. The Conferees agreed to modified language that would authorize the Commission, by rule, to specify characteristics of a consumer product or class of consumer products whose existence or absence would be deemed to constitute a substantial product hazard. The Conferees also agreed that products refused admission into the customs territory of the United States would be required to be destroyed, unless the Secretary of the Treasury permits the export of the product in lieu of destruction. The Conferees agreed to amend the CPSA to condition the distribution of consumer goods in commerce upon manufacturers' compliance with Commission record-keeping and inspection requirements.

Section 224. Financial Responsibility.

The House receded to the Senate amendment with modifications. The Conferees agreed to modified language regarding identification and determination of a bond amount sufficient to cover the cost of destruction of any consumer product or substance regulated under the CPSA or any other Act enforced by the Commission. The Conferees direct the GAO to conduct a study to determine the feasibility of requiring the posting of an escrow, proof of insurance, or security sufficient in amount to cover the cost of destruction of a domestically-produced product or substance regulated by any Act enforced by the Commission. The GAO is also directed to study the feasibility of posting an escrow, proof of insurance, or security sufficient in amount to cover the effective recall of a domestically-produced or imported product or substance regulated by any Act enforced by the Commission.

Section 225. Study and Report on Effectiveness of Authorities Relating to Safety of Imported Consumer Products.

The House bill and the Senate amendment included language to assess the effectiveness of the Commission's authority in preventing unsafe products from entering the United States. The House receded to the Senate amendment with minor modifications.

SUBTITLE D—MISCELLANEOUS PROVISIONS AND CONFORMING AMENDMENTS

Section 231. Preemption.

The Conferees agreed to language that combines provisions from the House bill and the Senate amendment with modifications. The Conference Report contains a provision reiterating the intentions of sections 25 and 26 of the CPSA, section 18 of the FHSA, section 16 of the FFA, and section 7 of the PPPA. The Conferees recognized that the Commission frequently explains the scope of Commission rules and standards and that this is appropriate in order to give guidance to the States and the State attorneys general. Furthermore, it is not the intention of the Conferees to supersede the otherwise lawful and appropriate preemption of State laws and regulations. As section 26(a) of the CPSA makes clear, ''whenever a consumer product safety standard under this Act is in effect and applies to a risk of injury associated with a consumer product, no State or political subdivision of a State shall have any authority either to establish or to continue in effect any provision of a safety standard or regulation which prescribes any requirements as to the performance, composition, contents, design, finish, construction, packaging, or labeling of such product which are designed to deal with the same risk of injury associated with such consumer product, unless such requirements are identical to the requirements of the Federal standard.'' Given this language, States may not prescribe additional safety standards that go further than Commission regulations when it has been determined that State regulations are preempted, except as provided in sections 18(b)(2)-(4) of the FHSA, sections 26(b) and (c) of the CPSA, sections 16(b) and (c) of the FFA, and sections 7(b) and (c) of the PPPA of 1970. The Conferees also agreed to the preservation of certain State laws.

The Conferees included language intended to clarify that the requirements under the Conference Report and the FHSA shall not be construed to preempt or affect State warning requirements under State laws, such as California's Proposition 65, that were enacted prior to August 31, 2003.

Section 232. All-Terrain Vehicles.

The House receded to the Senate amendment with modifications.

Section 233. Cost-Benefit Analysis Under the Poison Packaging Prevention Act of 1970.

The House receded to the Senate amendment with a technical modification.

Section 234. Study on Use of Formaldehyde in Manufacturing of Textile and Apparel Articles.

The House receded to the Senate amendment with a modification that the GAO shall conduct the study instead of the Commission.

Section 235. Technical and Conforming Changes.

The Conferees agreed to conforming changes throughout the CPSA.

The Senate receded to the House bill and agreed to include the House position that a children's product means a consumer product designed or intended primarily for children 12 years of age or younger.

Section 236. Expedited Judicial Review.

The Conferees agreed to language that would streamline the judicial review of rules promulgated under certain Acts enforced by the Commission.

Section 237. Repeal.

The Conferees agreed to the identical provisions in the House bill and the Senate amendment to repeal section 30(d) of the CPSA.

Section 238. Pool and Spa Safety Act Technical Amendments.

The Conferees agreed to technical amendments to the Virginia Graeme Baker Pool and Spa Safety Act (15 U.S.C. 8001 et seq.).

Section 239. Effective Dates and Severability.

The Conferees agreed to language regarding the effective date of the Conference Report and the effective dates of the amendments to all the Acts under the Commission's jurisdiction as established by the Conference Report. The Conferees also agreed to language with regard to the severability of the Conference Report.

5. SPECIAL ISSUES

The Senate amendment contained several single-product issues that Senate Members believed important for the Commission to address. The House bill contained no title relating to single-product issues because the House Members believed consumers were better served by keeping the House bill focused on the task of reforming the Commission. Many of these issues were raised by Members of the House Committee on Energy and Commerce in colloquies or discussions of amendments that were offered and withdrawn.

While the Conference Report addresses certain single-product issues, other single-product issues from the Senate amendment were not included. Nevertheless, the Conferees believe certain single-product issues require heightened regulatory scrutiny and greater attention.

The Conferees believe the Commission must take additional action to reduce the number of preventable deaths and serious injuries resulting from accidental carbon monoxide poisoning. To that end, the Conferees direct the Commission to expeditiously issue a final rule in its proceeding entitled ''Portable Generators'' for which the Commission issued an Advance Notice of Proposed Rulemaking on December 12, 2006 (71 Fed. Reg. 74472). The Conferees also direct the Commission to review the effectiveness of its labeling requirements for charcoal briquettes (16 CFR 150014(b)(6)) given the events that occurred during the windstorm that struck the Pacific Northwest beginning on December 14, 2006; identify any specific challenges faced by non-English speaking populations with use of the current standards; and make recommendations, if warranted, for improving the labels on bags of charcoal briquettes.

The Conferees support carbon monoxide devices being installed in all residential dwelling units and support the efforts of individual States that have enacted legislation requiring the installation of carbon monoxide devices in homes and other dwelling places. The Conferees believe the Commission should consider the adoption of the American National Standards Institute/Underwriters Laboratories standards ANSI/UL 2034 and ANSI/US 2075 for carbon monoxide devices sold in the United States. The Conferees also direct the Commission to conduct a public awareness campaign to educate consumers about carbon monoxide poisoning and the importance of residential carbon monoxide alarms including recommendations for the effective use and maintenance of carbon monoxide alarms.

The Conferees direct the Commission to conduct a public awareness campaign to educate consumers about the importance of residential smoke alarms and improved smoke detector technology, including the difference between ionization type and photoelectric type alarms. The campaign should include recommendations for effective use and maintenance of smoke alarms.

The Conferees direct the Commission to issue a final rule in its proceeding entitled, ''Safety Standard for Cigarette Lighters'' for which the Commission issued an Advance Notice of Proposed Rulemaking on April 11, 2005 (70 Fed Reg 18339).

The Conferees believe that the Commission must take strong action to reduce the number of preventable fatal traumatic brain injuries resulting from inadequate equestrian helmets. The Conferees direct the Commission to consider establishing a mandatory consumer product safety rule for equestrian helmets that is consistent with current voluntary standards, such as the ASTM standard designated as F 1163 and the Snell Memorial Foundation standard designated as E2001, to the extent such standards would increase safety.

The Conferees believe that the Commission must take action to prevent deaths and serious injuries resulting from garage door entrapment. To that end, the Conferees direct the Commission, in consultation with interested parties consistent with Commission practices, to expeditiously review, revise, and consider the adoption of standards as necessary to ensure the safety and effectiveness of both inherent and external secondary entrapment protection devices that cause the garage door to reverse, including contact and non-contact sensors.

The Conferees believe the Commission should take appropriate action with respect to lead included in any ceramic product within its jurisdiction.

The Conferees direct the Commission to examine its current authority with respect to toys intended for use by household pets, especially those that could become children's play things. If the Commission determines that it has the appropriate authority to regulate such products, the Conferees direct the Commission to consider the adoption of limits regarding the use of lead and lead paint in household pet toys.

The Conferees are aware of tipping dangers presented by furniture, ovens, other large appliances, and television sets that have resulted in serious injuries. In order to help stem preventable accidents and injuries, the Conferees direct the Commission to examine these matters, and, where appropriate, to require stabilizing mechanisms such as braces and clear and conspicuous warning labels, and to make available on its Internet website recommendations on tip-over prevention.

The Conferees intend for the Commission to give priority to the timely and effective implementation of this Conference Report. Nonetheless, the Conferees request that these special issues be given consideration. The Commission's House and Senate authorizing committees intend to review the status of these issues at appropriate intervals to make sure that they are addressed with reasonable diligence.

JOHN D. DINGELL,
HENRY A. WAXMAN,
BOBBY L. RUSH,
DIANA DEGETTE,
JAN SCHAKOWSKY,
JOE BARTON,
ED WHITFIELD,
CLIFF STEARNS,
Managers on the Part of the House.

DANIEL K. INOUYE,
BARBARA BOXER,
MARK PRYOR,
AMY KLOBUCHAR,
TED STEVENS,
KAY BAILEY HUTCHISON,
JOHN E. SUNUNU,
Managers on the Part of the Senate.

REDUCING INFORMATION CONTROL DESIGNATIONS ACT

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6576) to require the Archivist of the United States to promulgate regulations regarding the use of information control designations, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6576

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 ''Reducing Information Control Designations Act''.

SEC. 2. PURPOSE.

The purpose of this Act is to increase Governmentwide information sharing and the availability of information to the public by standardizing and limiting the use of information control designations.

SEC. 3. REGULATIONS RELATING TO INFORMATION CONTROL DESIGNATIONS WITHIN THE FEDERAL GOVERNMENT.

(a) REQUIREMENT TO REDUCE AND MINIMIZE INFORMATION CONTROL DESIGNATIONS.—Each Federal agency shall reduce and minimize its use of information control designations on information that is not classified.

(b) ARCHIVIST RESPONSIBILITIES.—

(1) REGULATIONS.—The Archivist of the United States shall promulgate regulations regarding the use of information control designations.

(2) REQUIREMENTS.—The regulations under this subsection shall address, at a minimum, the following:

(A) Standards for utilizing the information control designations in a manner that is narrowly tailored to maximize public access to information.

(B) The process by which information control designations will be removed.

(C) Procedures for identifying, marking, dating, and tracking information assigned the information control designations, including the identity of officials making the designations.

(D) Provisions to ensure that the use of information control designations is minimized and cannot be used on information—

(i) to conceal violations of law, inefficiency, or administrative error;

(ii) to prevent embarrassment to Federal, State, local, tribal, or territorial governments or any official, agency, or organization thereof; any agency; or any organization;

(iii) to improperly or unlawfully interfere with competition in the private sector;

(iv) to prevent or delay the release of information that does not require such protection;

(v) if it is required to be made available to the public; or

(vi) if it has already been released to the public under proper authority.

(E) Provisions to ensure that the presumption shall be that information control designations are not necessary.

(F) Methods to ensure that compliance with this Act protects national security and privacy rights.

(G) The establishment of requirements that Federal agencies, subject to chapter 71 of title 5, United States Code, implement the following:

(i) A process whereby an individual may challenge without retribution the application of information control designations by another individual and be rewarded with specific incentives for successful challenges resulting in—

(I) the removal of improper information control designations; or

(II) the correct application of appropriate information control designations.

(ii) A method for informing individuals that repeated failure to comply with the policies, procedures, and programs established under this section could subject them to a series of penalties.

(iii) Penalties for individuals who repeatedly fail to comply with the policies, procedures, and programs established under this section after having received both notice of their noncompliance and appropriate training or re-training to address such noncompliance.

(H) Procedures for members of the public to be heard regarding improper applications of information control designations.

(I) A procedure to ensure that all agency policies and standards for utilizing information control designations that are issued pursuant to subsection (c) be provided to the Archivist and that such policies and standards are made publicly available on the website of the National Archives and Records Administration.

(3) CONSULTATION.—In promulgating the regulations, the Archivist shall consult with the heads of Federal agencies and with representatives of State, local, tribal, and territorial governments; law enforcement entities; organizations with expertise in civil rights, employee and labor rights, civil liberties, and government oversight; and the private sector, as appropriate.

(c) AGENCY RESPONSIBILITIES.—The head of each Federal agency shall implement the regulations promulgated by the Archivist under subsection (b) in the agency in a manner that ensures that—

(1) information can be shared within the agency, with other agencies, and with State, local, tribal, and territorial governments, the private sector, and the public, as appropriate;

(2) all policies and standards for utilizing information control designations are consistent with such regulations;

(3) the number of individuals with authority to apply information control designations is limited; and

(4) information control designations may be placed only on the portion of information that requires control and not on the entire material.

SEC. 4. ENFORCEMENT OF INFORMATION CONTROL DESIGNATION REGULATIONS WITHIN THE FEDERAL GOVERNMENT.

(a) INSPECTOR GENERAL RESPONSIBILITIES.—The Inspector General of each Federal agency, in consultation with the Archivist, shall randomly audit unclassified information with information control designations. In conducting any such audit, the Inspector General shall—

(1) assess whether applicable policies, procedures, rules, and regulations have been followed;

(2) describe any problems with the administration of the applicable policies, procedures, rules and regulations, including specific non-compliance issues;

(3) recommend improvements in awareness and training to address any problems identified under paragraph (2); and

(4) report to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Archivist, and the public on the findings of the Inspector General's audits under this section.

(b) PERSONAL IDENTIFIERS.—

(1) IN GENERAL.—For purposes described in paragraph (2), the Archivist of the United States shall require that, at the time of designation of information, the following shall appear on the information:

(A) The name or personal identifier of the individual applying information control designations to the information.

(B) The agency, office, and position of the individual.

(2) PURPOSES.—The purposes described in this paragraph are as follows:

(A) To enable the agency to identify and address misuse of information control designations, including the misapplication of information control designations to information that does not merit such markings.

(B) To assess the information sharing impact of any such problems or misuse.

(c) TRAINING.—The Archivist, subject to chapter 71 of title 5, United States Code, and in coordination with the heads of Federal agencies, shall—

(1) require training as needed for each individual who applies information control designations, including—

(A) instruction on the prevention of the overuse of information control designations;

(B) the standards for applying information control designations;

(C) the proper application of information control designations, including portion markings;

(D) the consequences of repeated improper application of information control designations, including the misapplication of information control designations to information that does not merit such markings, and of failing to comply with the policies and procedures established under or pursuant to this section; and

(E) information relating to lessons learned about improper application of information control designations, including lessons learned pursuant to the regulations and Inspector General audits required under this Act and any internal agency audits; and

(2) ensure that such program is conducted efficiently, in conjunction with any other security, intelligence, or other training programs required by the agency to reduce the costs and administrative burdens associated with the additional training required by this section.

(d) DETAILEE PROGRAM.—

(1) REQUIREMENT FOR PROGRAM.—The Archivist, subject to chapter 71 of title 5, United States Code, shall implement a detailee program to detail Federal agency personnel, on a nonreimbursable basis, to the National Archives and Records Administration, for the purpose of—

(A) training and educational benefit for agency personnel assigned so that they may better understand the policies, procedures, and laws governing information control designations;

(B) bolstering the ability of the National Archives and Records Administration to conduct its oversight authorities over agencies; and

(C) ensuring that the policies and procedures established by the agencies remain consistent with those established by the Archivist of the United States.

(2) SUNSET OF DETAILEE PROGRAM.—Except as otherwise provided by law, this subsection shall cease to have effect on December 31, 2012.

SEC. 5. RELEASING INFORMATION PURSUANT TO THE FREEDOM OF INFORMATION ACT.

(a) AGENCY RESPONSIBILITIES.—The head of each Federal agency shall ensure that—

(1) information control designations are not a determinant of public disclosure pursuant to section 552 of title 5, United States Code (commonly referred to as the ''Freedom of Information Act''); and

(2) all information in the agency's possession that is releasable is made available to members of the public pursuant to an appropriate request under such section 552.

(b) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to prevent or discourage any Federal agency from voluntarily releasing to the public any unclassified information that is not exempt from disclosure under section 552 of title 5, United States Code (commonly referred to as the ''Freedom of Information Act'').

SEC. 6. DEFINITIONS.

In this Act:

(1) INFORMATION CONTROL DESIGNATIONS.—The term ''information control designations'' means information dissemination controls, not defined by Federal statute or by an Executive order relating to the classification of national security information, that are used to manage, direct, or route information, or control the accessibility of information, regardless of its form or format. The term includes, but is not limited to, the designations of ''controlled unclassified information'', ''sensitive but unclassified'', and ''for official use only''.

(2) INFORMATION.—The term ''information'' means any communicable knowledge or documentary material, regardless of its physical form or characteristics, that is owned by, is produced by or for, or is under the control of the Federal Government.

(3) FEDERAL AGENCY.—The term ''Federal agency'' means—

(A) any Executive agency, as that term is defined in section 105 of title 5, United States Code;

(B) any military department, as that term is defined in section 102 of such title; and

(C) any other entity within the executive branch that comes into the possession of classified information.

SEC. 7. DEADLINE FOR REGULATIONS AND IMPLEMENTATION.

Regulations shall be promulgated in final form under this Act, and implementation of

the requirements of this Act shall begin, not later than 24 months after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from North Carolina (Ms. FOXX) will each control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS from 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, I would like to yield to the chairman of the Committee on Oversight and Government Reform, Chairman HENRY WAXMAN, for whatever time he might consume.

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

Representative TOM DAVIS and I introduced H.R. 6576, the Reducing Information Control Designations Act to address the growing number of information controlled designations used by the Federal Government. The Committee on Oversight and Government Reform has held numerous hearings on this issue. Committee investigations have found that there has been a proliferation of pseudo-classification designation such as ''sensitive but unclassified'' or ''for official use only.'' These often vague and undefined markings can be used to prevent or delay information sharing with interested stakeholders or public release of information.

The National Archives and Records Administration reports that currently there are more than 100 information controlled designations applied across the Federal Government. New categories of information controlled designations are being created by the agencies, yet these designations lack a statutory basis, and there is no Federal entity monitoring their use.

This bill addresses all types of information use across the government. Its goal is to promote open government by reducing the number and use of restrictive designations used on government information.

Specifically, this bill calls on the archivists to promulgate regulations to reduce and minimize the use of information controlled designations and to maximize public access to information. The bill allows individuals to challenge designations, requires that agencies' inspectors general conduct random audits to determine whether information controls are being used properly, and requires personal identifiers to be placed on information with an information designation control so agencies identify the individual who made the designation.

This bill also clarifies that agencies may not use information controlled designations in considering whether to release information under the Freedom of Information Act.

Mr. Speaker, I want to thank Ranking Member DAVIS for working with us to improve this bill and to move it quickly to the House floor. The legislation before us includes changes that have been made since the bill passed out of full committee. These changes were made to address concerns raised by the administration and several interested Members of the Congress.

□ 1400

These changes include ensuring that the Archivist's training responds to lessons learned about improper application of control designations and deleting language requiring the regulations to address the duration of a control designation.

Secret government is rarely good government. This bill is an important step in restoring openness to the executive branch.

Mr. Speaker, Representative TOM DAVIS and I introduced H.R. 6576, the Reducing Information Control Designations Act, to address the growing number of information control designations used by the Federal Government.

The Committee on Oversight and Government Reform has held numerous hearings on this issue. Committee investigations have found that there has been a proliferation of pseudoclassification designations such as ''sensitive but unclassified'' or ''for official use only.'' These often vague and undefined markings can be used to prevent or delay information sharing with interested stakeholders or public release of information.

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Specifically, this bill calls on the Archivist to promulgate regulations to reduce and minimize the use of information control designations and to maximize public access to information. The bill allows individuals to challenge designations, requires that agency inspectors general conduct random audits to determine whether information controls are being used properly, and requires personal identifiers to be placed on information with an information designation control so agencies can identify the individual who made the designation. This bill also clarifies that agencies may not use information control designations in considering whether to release information under the Freedom of Information Act.

Mr. Speaker, I want to thank Ranking Member DAVIS for working with me to move this bill quickly to the House floor. The legislation before us includes changes that have been made since the bill passed out of full Committee. These changes were made to address concerns raised by the Administration and several interested members of Congress. These changes include: ensuring that the Archivist's training responds to lessons learned about improper application of control designations and deleting language requiring the regulations to address the duration of a control designation.

Secret government is rarely good government. This bill is an important step in restoring openness to the executive branch.

I am submitting for the RECORD the cost estimate for H.R. 6576 from the Congressional Budget Office.

I urge my colleagues to support this bill.

JULY 29, 2008.

Hon. HENRY A. WAXMAN,
Chairman, Committee on Oversight and Government Reform, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 6576, the Reducing Information Control Designations Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

PETER R. ORSZAG.

Enclosure.

H.R. 6576—Reducing Information Control Designations Act

Summary: H.R. 6576 would amend federal law concerning the security classification of government documents. The legislation would require the National Archives and Records Administration (NARA), in consultation with the Director of National Intelligence and other affected federal agencies, to develop regulations that minimize and reduce the government's use of information-control designations on information that is not classified. The bill also would require training for employees and contractors on using classifications and random audits by inspectors general on the proper use of information-control designations.

CBO estimates that implementing H.R. 6576 would have a discretionary cost of $15 million in 2009 and $45 million over the 2009–2013 period to implement the new regulations, provide training, and conduct audits that would be required under the bill. Although the legislation could affect agencies not funded through annual appropriations (such as the Tennessee Valley Authority or the U. S. Postal Service), CBO estimates that any net increase in spending by those agencies would not be significant. As a result, enacting the bill would have no significant impact on direct spending or revenues.

H.R.6576 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 6576 is shown in the following table. The costs of this legislation fall within most budget functions that contain salaries and expenses.

	By fiscal year in millions of dollars—					
	2009	2010	2011	2012	2013	2009–2013
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Estimated Authorization Level	15	15	5	5	5	45
Estimated Outlays	15	15	5	5	5	45

Basis of estimate: For this estimate, CBO assumes that the bill will be enacted near the start of fiscal year 2009 I and that spending would follow historical patterns for similar programs.

Under current law, agencies are required to develop policies for handling terrorism-related and homeland security information. However, the Government Accountability Office (GAO) , has reported that there are no governmentwide policies and procedures for agencies to use to . classify sensitive, but unclassified information.

Based on the information provided by GAO, NARA, and selected federal agencies. and inspectors general about the current use of information-control designations, CBO estimates that implementing H.R. 6576 would cost $15 million in 2009 and $45 million over the 2009–2013 period, assuming appropriation of the necessary amounts. Initial costs would total about $20 million and would be incurred over the first two years. Ongoing costs would total about $25 million over the 2009–2013 period, mostly for subsequent training and random audits by inspectors general.

Intergovernmental and private-sector impact: H.R. 6576 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Estimate prepared by: Federal Costs: Matthew Pickford; Impact on State, Local, and Tribal Governments: Elizabeth Cove; Impact on the Private-Sector: Paige Piper/Bach.

Estimate approved by: Peter H. Fontaine, Assistant Director for Budget Analysis.

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

Mr. Speaker, in recent years, we've seen an exponential growth in the number and types of non-classified information control designations. These designations carry little, if any, statutory authority, and no Federal entity is monitoring their use. So there is a need for some legislative control over the creation and use of those vague designations. H.R. 6576 attempts to achieve that goal.

This legislation makes it clear Congress intends agencies to limit the use of information control designations, so that government-wide information-sharing is increased and information is more available to the public.

One important component to this legislation is it creates a government-wide solution to this problem, as opposed to allowing each agency to create its own rules for how these designations are handled.

For too long, Federal departments have insisted on treating information they develop as their information. To protect their information, agencies have imposed a variety of sanctions on employees. The net effect of this hyper-protectiveness has been to create an environment where everyone knew something, but no one knew everything.

In May of this year, the President issued a memo establishing new procedures designating the National Archives as responsible for overseeing and managing the implementation of the controlled unclassified information framework.

Our intent with this legislation, for the most part, is to codify the processes laid out in that memo so future administrations cannot roll back these modernizing procedures. The proliferation of ''sensitive but unclassified'' and ''for official use only'' designations is clogging the arteries meant to take critical information to Federal, State and local agencies, and the public.

This legislation instructs the Archivist to establish regulations regarding the use of information control designations, with an emphasis on minimizing agency use, and establishes a process allowing the public to review these documents at the appropriate time.

One section which deviates from the President's plan is a section which would provide an incentive for employees to challenge control designations and be rewarded for succeeding in these challenges.

Upon reflection, I'm concerned this creates the wrong incentive. Are we putting employee personal gain at odds with agency security?

And, how would this system actually work? Who will make awards decisions? When is such a challenge eligible for an award? I expect we will need to clarify this system before the bill becomes law.

On the whole, I am satisfied this legislation will go a long way toward clarifying what types of control designations may be used and when they are not appropriate.

Mr. Speaker, as the security needs of our country change, we need to adjust with them. Our future safety depends on moving from a need-to-know culture to a need-to-share culture.

This legislation will help us reach that goal, and I urge my colleagues to support it.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, H.R. 6576, the Reducing Information Control Designations Act, limits the Federal Government's use of information control designations.

Investigations by the Committee on Oversight and Government Reform have found that Federal agencies have increasingly placed restrictions on unclassified information by using information control designations such as ''sensitive but unclassified.'' These designations are dangerous because they impede information-sharing with State and local governments and the public.

There is no statutory authority for agency use of information control designations. Thus, these designations are not used consistently and are often overused and confusing. In May, the White House issued a memorandum to address this issue. That memo did not go far enough. While it addressed the number of designations, it did not try to limit their use.

This bill further seeks to limit the use of these designations to improve information-sharing within the government and with the public.

I support this bill and urge my colleagues to do the same.

I would reserve the balance of my time.

Ms. FOXX. Mr. Speaker, this is an important bill and it should pass. However, we should be dealing with what is most on the minds of Americans today, the high cost of gasoline brought on since the Democrats gained control of the Congress.

Poll after poll underscores the American people's strong support for increased American energy production to help bring down gas prices. And an increasing number of rank-and-file Democrats in Congress are listening to them and calling for a vote on more environmentally safe oil and gas drilling here at home.

We know that at least two House Democrats have spoken up about this issue and are asking the Democratic leadership to call for more drilling to help lower gas prices, and I want to quote from two of them. It's in Congressional Quarterly, 7/28/08, by Subcommittee Chairman PETER VISCLOSKY: ''We ought to have a vote in the House of Representatives about it,'' meaning lower gas prices.

Representative TIM HOLDEN from Pennsylvania has said: ''Drill everywhere . . . I'm for off-shore (oil) drilling. It needs to be part of a multi-pronged approach.'' This appeared in the Pottsville Republican Herald, 7/28/08.

So how does Speaker PELOSI respond to these ever-intensifying calls for more American energy? She calls it a hoax, and I want to quote from a press release from the Leader's office. In an appearance this morning on NBC's Today show, Speaker PELOSI coldly dismissed the views held by a solid majority of the American people, not to mention a bipartisan majority in Congress, saying, ''It's really a hoax. It's really a hoax on the American people.''

This is just the latest illustration of how out of touch the Speaker and her colleagues in the Democratic leadership are with American families and

small businesses who are being pummeled day in and day out by soaring energy prices.

So, Mr. Speaker, I support the passage of this bill, but I call on the Speaker and the Democratic leadership to bring for a vote bills, among them the American Energy Act introduced last week by the House Republicans, to explore for more oil and to lower the cost of energy in this country.

Mr. Speaker, I yield back.

Mr. DAVIS of Illinois. Mr. Speaker, to get us back to H.R. 6576, the Reducing Information Control Designations Act, I urge its passage.

I yield back the balance of our time.

The SPEAKER pro tempore (Mr. SIRES). 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. 6576, as amended.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

OPTIONAL ELECTRONIC PAY STUBS FOR FEDERAL EMPLOYEES

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6073) to provide that Federal employees receiving their pay by electronic funds transfer shall be given the option of receiving their pay stubs electronically.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6073

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

SECTION 1. ELECTRONIC PAY STUBS.

(a) IN GENERAL.—The Office of Personnel Management shall take such measures as may be appropriate to ensure that all employees who receive their pay by electronic funds transfer shall be given the option of receiving their pay stubs electronically.

(b) DEFINITIONS.—For purposes of this section—

(1) the term ''electronic funds transfer'' has the meaning given such term by section 3332 of title 31, United States Code;

(2) the term ''employee'' means an individual employed in or under an Executive agency; and

(3) the term ''Executive agency'' has the meaning given such term by section 105 of title 5, United States Code.

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, I yield myself as much time as I may consume.

H.R. 6073 would require the Office of Personnel Management to allow Federal employees to receive electronic pay stubs. Most Federal employees receive their pay electronically, which is faster and less costly than using paper checks. This bill helps extend that cost savings to the rest of the payroll process.

More than a decade ago, Congress passed a law requiring that almost all Federal employees be paid by electronic funds transfer, commonly known as direct deposit. Electronic funds transfer is more secure and costs less than printing and distributing paper checks. Employees also have access to their funds sooner, because they do not have to deposit or cash their checks. However, many Federal agencies still print and distribute paper pay stubs for their employees, limiting the gains in efficiency from using electronic funds transfer.

This bill will encourage agencies to handle their entire payroll process electronically. The Office of Personnel Management and the Office of Management and Budget have no objections to this bill. It's a commonsense measure that will help make payroll faster and more efficient, and I want to commend and thank Representative FOXX for introducing it. I appreciate her work in helping us get this bill to the floor and all of her work on the committee.

I also want to thank Chairmen WAXMAN and TOWNS and Ranking Member TOM DAVIS for their support for the bill and urge its swift adoption.

I reserve the balance of my time.

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

Mr. Speaker, I also want to thank Chairman WAXMAN, Ranking Member DAVIS, and Mr. DAVIS from Illinois for their assistance in bringing this bill out of committee and to the floor. I think it is our responsibility as Members of Congress to seek every way possible to save money for the taxpayers of this country, and I appreciate the fact that we're moving this bill along because it is an excellent way for us to save the taxpayers of this country some money.

There are currently 2.7 million Federal employees. Many of these 2.7 million Federal employees have the option of accessing their leave and earnings statement, pay stubs electronically rather than the paper version which we receive in our mailboxes. But there are still executive branch agencies that do not offer this option to their employees. H.R. 6073 would direct the Office of Personnel Management to take such measures as they see appropriate to ensure that all executive agency employees have the option of receiving their pay stub electronically.

The reason that H.R. 6073 affects only the executive branch agencies and not the legislative branch or the judicial branch is because each branch of the Federal Government has different rules and means of payment regulations. Currently, there are 17 executive branch agencies that do not offer their employees the option of receiving their pay stubs electronically. H.R. 6073 would give these employees the option of having access to their pay stubs electronically. This is not a mandate.

Finally, this sensible legislation will save millions of taxpayer dollars and immeasurable amounts of paper.

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

Mr. DAVIS of Illinois. Mr. Speaker, I continue to reserve.

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Ms. FOXX. Mr. Speaker, again I want to thank the folks who have helped bring this bill to the floor.

I am pleased, again, that we have the potential for saving taxpayers much money, but I hope that by the end of this week we're also going to vote on legislation that would bring down gas prices and save much, much more money on behalf of the American people. I think that we need to do that as responsible Members of this Congress.

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

Mr. DAVIS of Illinois. Mr. Speaker, I urge passage of this bill, and 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. 6073.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

PAPERWORK ASSISTANCE ACT

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6113) to amend title 44, United States Code, to require each agency to include a contact telephone number in its collection of information, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6113

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 ''Paperwork Assistance Act''.

SEC. 2. AGENCY CONTACT INFORMATION REQUIREMENT.

Section 3506(c)(1)(B)(iii) of title 44, United States Code, is amended—

(1) in subclause (IV) by striking ''and'' at the end; and

(2) by adding at the end the following:

''(VI) contact information for the agency, including a website and a telephone number, by which a person may obtain a specific contact person responsible for answering questions about the information collection and other information to assist in responding to the information collection; and''.

SEC. 3. REPORT BY THE OFFICE OF MANAGEMENT AND BUDGET.

The Director of the Office of Management and Budget shall include in the report required by section 3514(a)(1)(B) of title 44, United States Code, covering fiscal year 2010 the following:

(1) The status of implementation by agencies of the requirement in section 3506(c)(1)(B)(iii)(VI) of such title 44, as added by section 2 of this Act.

(2) A description of how each agency has responded to complaints made to the agency related to the agency's compliance with such requirement.

SEC. 4. EFFECTIVE DATE.

The amendment made by section 2 shall apply to new or revised collections of information approved by the Director of the Office of Management and Budget beginning 1 year after the date of enactment of this Act.

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 she might consume to the author of this legislation, Representative BOYDA.

Mrs. BOYDA of Kansas. Thank you so much, Mr. DAVIS.

Mr. Speaker, it shouldn't be difficult for Americans to interact with their government. But most citizen interaction with their government is through filling out forms, both paper and online, that are required to be filled out in order to receive grants, tax refunds, passports, and so many other things.

With so many forms, questions about what information is actually needed are bound to arise, but finding the right office to call is difficult. And to get the answers that people need in an orderly manner is, quite frankly, very, very difficult, and it shouldn't be that way. That's why I've introduced bill. And it's very simple. Any form that the government uses to collect information from Americans also has to include contact information—a phone number or a Web site—in which a person can obtain specific information on who to talk to about that form. Hopefully, when they call, a real live person will be at the other end of that line.

This bill also requires the Office of Management and Budget to report to Congress on implementation and a description of how the agencies are responding to complaints about it.

This bill is especially important to small businesses and owners, and the National Federation of Independent Businesses is a strong supporter of my bill. In fact, the idea for this bill came from some of the small businesses right there in Kansas, the good constituents that I get to represent. They were responding to a survey that was distributed to NFIB members in which they overwhelmingly supported legislation to help them get answers to questions about all the government paperwork that they have to fill out. And yes, getting that government paperwork reduced is certainly our first priority, but in the meantime, let's just get an access number so people can call and find out how to fill these forms out efficiently.

I've said time and time again that democracy is a team sport, and this is a perfect example of everyone working together to make our government more responsive. I would like to thank Mr. TOWNS and Ms. WATSON for their assistance in getting this important legislation to the floor. And I urge my colleagues to join me in support of this very, very commonsense bill.

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

Mr. Speaker, as we all know, every year the government asks Americans to provide many kinds information. These forms can often be confusing and complicated. It would be better if we could find a way to reduce the total number of information requests the government makes to the public, but failing that, we ought at least to make sure someone is available to answer questions from people who are trying to comply with these requirements.

H.R. 6113 amends the Paperwork Reduction Act to require agencies to provide contact information for the agency on information collection. I am happy to support this legislation, and I look forward to the day when we actually cut the number and size of information requests generated by this government.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 6113, the Paperwork Assistance Act, is aimed at making it easier for people to fill out government paperwork. I commend Representative BOYDA for her leadership in introducing this bill, and Representative TOWNS for his work on this bill during committee consideration.

The bill would require each agency to include contact information for the agency on its forms. Under this bill, a person filling out a government form would be able to go to the agency and get in touch with the person who is responsible for answering questions about the form.

Based on a suggestion by Representative DIANE WATSON, language was added to the bill during committee consideration to require the Office of Management and Budget to report to Congress on how well agencies are implementing this legislation. This is what one would have to call a good, commonsense piece of government work. It is a good government bill. I urge my colleagues to support it.

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

Ms. FOXX. Mr. Speaker, this bill is aimed at making the Federal Government more friendly and responsive to citizens who interact with the government. How sad that we are not responding to what Americans are asking for right now and what is most on their mind. And I'm quoting a Fox News/Opinion Dynamics poll released last week revealed that 75 percent of Americans and 66 percent of Democrats support immediate oil and gas exploration here at home. According to a CNN poll, 73 percent of Americans favor more exploration of deep ocean energy resources far off American shores. A Reuters/Zogby poll conducted in June shows that 75 percent of Americans support drilling for oil offshore, and 59 percent support drilling in ANWR.

A Rasmussen survey from June showed 67 percent of Americans support deepwater energy exploration, with 64 percent expecting it will lower gas prices. And a recent IBD/TIPP poll shows 64 percent of Americans surveyed support offshore drilling, 65 percent support oil shale development.

We could bring down the price of gas by voting to create more oil supply, but the Speaker, Senator REID, and Senator OBAMA are blocking such votes. It's a shame that very wealthy people who are out of touch with average Americans are blocking the ability to bring down the price of gas.

I'm in favor of doing everything we can to make the Federal Government more responsive to our citizens, including this bill, and I certainly do support it, but I think we need to do more. We need to vote to drill and to create more energy and help the American public.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as she might consume to the author of this legislation, Mrs. BOYDA of Kansas.

Mrs. BOYDA of Kansas. Thank you again, Mr. DAVIS.

When I went home to Kansas this weekend, I went to a couple of county fairs. And everybody was in a very, very festive mood, it's county fair

time. Clearly, there are many things that are challenging the American people and the Kansas people right now, but we have to rejoice that finally we started to see the price of this oil come down. And I think oil has come down by $25 now. Hopefully, today it's continuing to fall more.

I personally believe that that's for a couple of reasons: One, the Agriculture Committee last week—and I serve with Representative FOXX on that committee—we passed through the committee and will bring to the floor legislation that's going to really bring the light down on this speculation and manipulation. And I think we've basically called the bluff of the speculators and the people who are manipulating here, and that's having a real impact for which I'm very, very grateful.

But secondly, I think the thing that's having an impact—and the people of Kansas are grateful to see it come down, and yes, it needs to come down much more—is, quite honestly, we've called the oil companies' bluff and we've said ''drill.'' You have millions and millions of acres to drill. And we're not only asking you to drill, we're going to tell you if you don't drill, we're going to tell you to give those leases up and to give them to companies who will go out there and do it.

Unfortunately, as Ms. FOXX and I heard about a month ago in the Agriculture Committee, the oil companies do not have the drilling equipment. And I'm sure she was as surprised as I was a month ago to hear the American Petroleum Institute say with a totally straight face that they don't have any more equipment to drill onshore or offshore. They can barely keep up with the leases that they have now. And we're not expected to have any more for at least one, and probably two more years.

So we have seen the price of oil come down. We have to increase the supply of energy in this country, and I think we all agree on that. And I would reach across the aisle to my good friend and colleague on the House Agriculture Committee and say, let's work together to bring this price down. And yes, drilling will absolutely be a part of that, I think the American people and the Democrats understand that. I look forward to working together with the gentlewoman from North Carolina (Ms. FOXX) on that as we've been working on the Agriculture Committee. And I think some of the things that we've been doing have really made a difference.

Mr. DAVIS of Illinois. Mr. Speaker, to get us back to H.R. 6113, to amend title 44, United States Code, to require each agency to include a contact telephone number in its collection of information in order to assist people with filling out government forms, I urge passage.

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. 6113, 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.

Mrs. BOYDA of Kansas. 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.

SUPPORTING THE GOALS AND IDEALS OF THE APPLE CRUNCH AND THE NATION'S DOMESTIC APPLE INDUSTRY

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1143) supporting the goals and ideals of the Apple Crunch and the Nation's domestic apple industry.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1143

Whereas October is National Apple Month and is the only national and brand generic apple promotion conducted in the United States;

Whereas each year the Penn State Hershey Center for Nutrition and Activity Promotion, in its mission to encourage individuals to live a healthy lifestyle, promotes the Apple Crunch nationwide;

Whereas the Apple Crunch, held on October 29, 2008, is an event that focuses on healthy food choices, particularly apples, for students, schools, and communities;

Whereas during National Apple Month and the celebration surrounding the Apple Crunch, schools of all levels voluntarily participate in serving apples and apple products as part of cafeteria menus and as snacks in the classroom;

Whereas schools that participate in the Apple Crunch can integrate apples into classroom lessons, or have a State or local apple representatives visit the school;

Whereas community businesses voluntarily support the efforts of schools to celebrate the Apple Crunch by providing apples to employees and customers, featuring apples on restaurant menus, and voicing support for healthy food and beverage choices in schools and communities; and

Whereas 2008 is the second year that the Apple Crunch will be expanded to include schools throughout the Nation: Now, therefore, be it

Resolved, That the United States House of Representatives supports the goals and ideals of National Apple Month and the Apple Crunch.

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, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to stand in support of H. Res. 1143, which recognizes and supports the goals and ideals of the Apple Crunch and the Nation's domestic apple industry.

□ 1430

H. Res. 1143 was introduced by our colleague Representative TODD PLATTS of Pennsylvania on April 23, 2008, and was considered by and reported from the Oversight Committee on July 16, 2008. The measure has the support of 52 Members of Congress and gives us a chance to recognize and celebrate the contributions of the apple and apple growers of our country and their impact to our economy. Whether it's ''as American as apple pie'' or the fact that ''an apple a day keeps the doctor away,'' one thing we do know is that the apple is core to the American way.

Therefore, I would urge my colleagues to join me in supporting the Nation's apple industry and the annual Apple Crunch event by agreeing to H. Res. 1143.

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

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

Mr. Speaker, I rise today in support of this resolution supporting the goals and ideals of the Apple Crunch and the Nation's domestic apple industry.

In an era that sees food serving sizes skyrocketing and in an America that is quickly forgetting the meaning of the phrase ''a la carte,'' it is important to continually encourage children to eat healthily. The goal of the Apple Crunch is just that, to promote healthier snacking by America's youth.

First established in Pennsylvania, the success of Apple Crunch has spread. Apple Crunch, the pinnacle of the celebration of Apple Month in October, is now in its 2nd year as a national practice, with schools and communities across the country joining in festivities.

During the 2006–2007 school year, more than 930 schools and 495,000 citizens in Pennsylvania alone came together to celebrate Apple Crunch. Schools, families, local communities, grocery stores, and the domestic apple industry all join together to encourage adding more fruits and vegetables to our everyday diets. Many schools have gone far past simply featuring apples on the dining menu, integrating apples into classroom lessons and even scheduling field trips to local farmers' markets.

The focus on promoting healthy eating in our schools is vital to the health

of our children and society. According to one of the organizers, ''By making fruits and vegetables fun for kids, our message of healthy snacking is going home and influencing the entire family.''

By joining in the Apple Crunch and bringing more attention to the goal of healthier snacking, we can move our country further towards the future of a healthier Nation.

I urge my colleagues to join in support of the Apple Crunch and embrace an easy and available step toward healthier living. After all, as true now as ever, ''an apple a day keeps the doctor away.''

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

Mr. DAVIS of Illinois. Mr. Speaker, I continue to reserve the balance of my time.

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

I need to respond to my colleague from Kansas, who made some comments earlier about working across the aisle to do something about drilling and providing additional supply.

It sounded, from her experience of going home this weekend, that the message is getting through to some of our Democratic colleagues, and I'm very glad to hear that.

She alluded to some legislation which we have dealt with in committee and on the floor in the past couple of weeks. She mentions the myth again of all these acres that the oil companies have that they have not drilled on and, therefore, we should take away their leases. Well, I think we have pretty well debunked that myth here on the floor and in committee, and I think the media has done a pretty good job of it too.

The oil companies have the greatest incentive to drill on land that they have leased now if there were oil under the ground there. They obviously are smart business people. They know the price of oil is as high as it's ever been. And if there were oil there, they'd be drilling. Obviously, again, our colleagues who are out of touch with how business works don't quite understand that or don't want to accept that.

On the issue of speculators, even in the Agriculture Committee when we had hearings, people who came in there who wanted to say that speculators were causing the high price of gasoline absolutely could provide no proof that that was happening.

What we have to do is increase the supply of oil to this country. Republicans have stood ready to work with the Democrats all year long on this issue, in fact, ever since the price of gas started going up, again, in direct relationship to the Democrats' being in charge of this Congress.

It's a sham what has been happening in this House in terms of our being able to vote on real bills that would increase the supply. These bills wouldn't have failed over and over and over again if that's what the bills were doing.

We are hearing increasing comments from Democrats, and we are glad to hear it. Again, we hope the American public continues to put the pressure on them so that they will bring pressure on their leadership. Certainly we want to work with them to increase supply.

It appears that they think the law of supply and demand can be repealed, but it can't. So I urge the leadership of the House to bring real bills, bills that would do something to increase the supply of oil and gas to this country, and we will vote with you. But we are not going to try to pass sham bills that do nothing to help the average American citizen.

Mr. Speaker, I urge my colleagues to support the resolution we have just debated, and I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I urge passage of H. Res. 1143, and 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 agree to the resolution, H. Res. 1143.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

LANCE CORPORAL MATTHEW P. PATHENOS POST OFFICE BUILDING

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6208) to designate the facility of the United States Postal Service located at 1100 Town and Country Commons in Chesterfield, Missouri, as the ''Lance Corporal Matthew P. Pathenos Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6208

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

SECTION 1. LANCE CORPORAL MATTHEW P. PATHENOS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1100 Town and Country Commons in Chesterfield, Missouri, shall be known and designated as the ''Lance Corporal Matthew P. Pathenos 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 ''Lance Corporal Matthew P. Pathenos 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, I yield myself such time as I may consume.

As a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues, particularly the gentleman from Missouri, in the consideration of H.R. 6208, which names a postal facility in Chesterfield, Missouri, after a fallen hero, Lance Corporal Matthew P. Pathenos.

Introduced on June 9, 2008, H.R. 6208 is sponsored by Congressman TODD W. AKIN, representative of Missouri's Second Congressional District, and cosponsored by the entire Missouri congressional delegation and a total of nine Members of Congress. H.R. 6208 was reported from the Oversight Committee on July 17, 2008, by voice vote.

A native of Ballwin, Missouri, Corporal Pathenos lost his life while serving in Iraq. According to military records, Corporal Pathenos was assigned to the 3rd Battalion, 24th Marine Regiment, from the 4th Marine Division out of Bridgeton, Missouri, 108th, when he was killed on February 14, 2007, while conducting combat operations in the Anbar province of Iraq. Described as a disciplined, dedicated, and patriotic gentleman, Corporal Pathenos served his country proudly.

In tribute to his sacrifice, Mr. Speaker, let us honor the life of Corporal Pathenos and pass H.R. 6208 and designate the post office building in Chesterfield, Missouri, after this fine American Marine.

I urge its passage.

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

Ms. FOXX. Mr. Speaker, I yield such time as he may consume to my distinguished colleague from the State of Missouri and the sponsor of this legislation (Mr. AKIN).

Mr. AKIN. Mr. Speaker, I rise today in support of H.R. 6208, a bill that I introduced to honor the life of Matthew P. Pathenos by designating the post office in Chesterfield, Missouri, as the Lance Corporal Matthew P. Pathenos Post Office Building.

A resident of Ballwin, Missouri, Lance Corporal Matthew P. Pathenos was part of the 3rd Battalion, 24th Marine Regiment, 4th Marine Division of the Marine Forces Reserve. On February 7, 2007, Lance Corporal Pathenos was killed during combat operations in the Anbar province of Iraq.

Matthew was often described by friends and family as a friendly young

man who always had a joke to tell, had a smile on his face. Matthew decided to join the military in order to follow his older brother into the country's service with the hope of helping those who could not help themselves. Matthew's then girlfriend, Erin, calls Lance Corporal Pathenos her hero and wishes that she might one day ''possess a fraction of his bravery and discipline.''

As a father of two marines, one of whom has served in Iraq, it's a privilege to stand here today to honor one of our fallen soldiers. Matthew's commitment and dedication to his country is a shining example of how our military men and women are the finest the Nation has to offer. He and his family's sacrifice should serve as a reminder to all that the freedom we enjoy as Americans is not free but it is the result of the tremendous bravery and self sacrifice of men and women willing to put themselves in harm's way for the cause of freedom.

Throughout the many, many years of our Nation's existence, America has been unique at one particular regard and in many particular regards. America is the only Nation that has a political and religious motto, a code that we go by. It's expressed and it was expressed as the reason why we fought our war to gain our independence in that great sentence. It says that we believe that there are certain inalienable rights that come from God. Among these are life, liberty, and the pursuit of happiness. The sentence goes on to say that governments are instituted among men to protect those basic God-given rights. That has been the reason why we have gone to war, to protect our God-given rights down through the ages, in the War of Independence and other wars as well, and this war is no different.

Matthew Pathenos understood in his heart and in his gut the basic idea that he was defending his family and his homeland.

□ 1445

And so he joins the ranks of those who are still on patrol, whose names we will regard. He joins the ranks of the people who made the ultimate sacrifice; that you and I and future generations of Americans may go free. And in that regard, we honor him by naming this post office after Matthew Pathenos. Please join me by voting ''yes'' on H.R. 6208.

Mr. DAVIS of Illinois. Mr. Speaker, I continue to reserve.

Ms. FOXX. My colleague, Representative AKIN, has made very eloquent remarks on this bill. I will submit my comments for the RECORD, but I urge my colleagues to support H.R. 6208.

Mr. Speaker, I rise today in strong support of this bill designating the facility of the United States Postal Service located at 1100 Town and Country Commons in Chesterfield, MO, as the ''Lance Corporal Matthew P. Pathenos Post Office Building.''

Marine LCpl Matthew P. Pathenos was more than a selfless patriot. He was a loving son, brother, and friend.

As one of his comrades in arms reflected, ''The best thing about Matt was his ability to wake up every day with a smile and hold it all day long.'' Even in the hardships of war, Matt strove to bring joy to his friends.

A native of Ballwin, MO, Matt was an avid golfer and accomplished pilot, earning his license at the age of 14. After graduating high school in 2003, Matt followed in the footsteps of his older brother and mentor, Marine Sgt Christopher Pathenos who enlisted in the wake of September 11.

In the words of one relative, ''For Matty, the motivation was more about Christopher, seeing how the Corps treated him.''

A member of the 3rd Battalion, 24th Marines, Matthew was one of 80 members of his unit that attached to a sister unit, the 1st Battalion, 24th Marines, for deployment to Iraq in September of 2006.

Tragically, on February 6, 2007, Lance Corporal Pathenos lost his life near Fallujah when his Humvee was stuck by an improvised explosive device.

His family will always remember him as the smiling young man who ''sang as though no one could hear him and danced as though no one was watching him.''

In a release shortly after his tragic loss, the family captured the sentiments of a grateful nation. ''Like his brother, Christopher, Matthew was proud to be a Marine and volunteered to serve his country. Matthew paid the ultimate sacrifice for our freedom and the future generations of this country. He loved his country and family, and we will miss him terribly.''

I urge my colleagues to support this bill honoring a courageous young man that embodied the deepest ideals of this great Nation. He lost his life in defense of freedom and this sacrifice shall not be forgotten.

I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I urge passage, and 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. 6208.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

CORPORAL ALFRED MAC WILSON POST OFFICE

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6437) to designate the facility of the United States Postal Service located at 200 North Texas Avenue in Odessa, Texas, as the ''Corporal Alfred Mac Wilson Post Office''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6437

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

SECTION 1. CORPORAL ALFRED MAC WILSON POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 200 North Texas Avenue in Odessa, Texas, shall be known and designated as the ''Corporal Alfred Mac Wilson Post Office''.

(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 ''Corporal Alfred Mac Wilson Post Office''.

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, I yield myself such time as I may consume.

Mr. Speaker, as a Member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in consideration of H.R. 6437, which names the postal facility in Odessa, Texas, after a fallen hero, Corporal Alfred ''Mac'' Wilson.

Our colleague, Representative MIKE CONAWAY of Texas's 11th Congressional District, introduced H.R. 6437 on July 8. The bill is cosponsored by the entire Texas congressional delegation. H.R. 6437 was reported from the Oversight Committee on July 16, 2008, by a voice vote.

Born in 1948 in Olney, Illinois, Alfred ''Mac'' Wilson moved to Odessa, Texas, with his family in 1950. After graduating from Odessa Senior High School in 1967, he enlisted with the United States Marine Corps Reserve. In 1968, Mr. WILSON joined the regular Marine Corps, where he went through recruit training and obtained the rank of Private First Class. After his training was completed, he was deployed to the Republic of Vietnam in July, 1968, and his assigned duty was a rifleman.

On March 3, 1969, while serving with M Company, 3rd Battalion, 9th Marines, 3rd Marine Division, Private First Class Wilson heroically and unhesitatingly threw himself onto an enemy grenade, absorbing the full force of the explosion and saving his fellow marines. It was for this conspicuous gallantry and intrepidity at the risk of his own life above and beyond the call of duty that Alfred ''Mac'' Wilson was posthumously awarded the Medal of Honor on April 20, 1970.

Corporal Wilson was extraordinarily dedicated to this Nation, earning numerous other accolades, including the

Purple Heart with a Gold Star, the Marine Corps Combat Action Ribbon, and the Presidential Unit Citation. In honor of his noble sacrifice, Mr. Speaker, let us pay tribute to the life of Corporal Wilson and pass H.R. 6437, which designates the North Texas Avenue post office in Odessa, Texas, after this outstanding American soldier.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield such time as he may consume to my distinguished colleague and my classmate from the State of Texas (Mr. CONAWAY).

Mr. CONAWAY. Thank you, Ms. FOXX, for the ability to speak on behalf of Corporal Wilson.

Mr. Speaker, I stand here today again to ask the Members of this body to honor the life and memory of one of America's fallen heroes. Marine Corporal Alfred ''Mac'' Wilson of Odessa, Texas, served during the Vietnam War and gave his life so that his brothers might live.

For his extraordinary and selfless acts of bravery, Mac, as his friends and family called him, was posthumously awarded our Nation's highest decoration, the Medal of Honor. Mac died on May 3, 1969, but his legacy endures to this day. His fellow Odessans have asked that we commemorate his sacrifice by designating a post office in his honor. In this way, Mac and his story will always remain a part of the community that he loved. As a fellow Odessan, it is my great honor to play a small part in these efforts.

Mac was born in Olney, Illinois, on January 13, 1948, to Edna and Fred Wilson. The family moved to Odessa, Texas, where Mac attended Odessa High School, where he ran track and played football before he graduated in 1967.

Mac enlisted in the Marine Corps in Abilene, Texas, in the fall of 1967, on the ''buddy plan'' with his high school friends Johnny Wright, Tom Chapman, and Jimmy Whisenhunt. After completing recruit training at San Diego, and Camp Pendleton, California, then Private First Class Wilson deployed to Vietnam on July 21, 1968, as an infantry rifleman with Company M, 3rd Battalion, 9th Marines, 3rd Marine Division.

I imagine that March 3, 1969, unfolded like most every other day in Vietnam. There were posts to stand, missions to undertake, supplies to deliver, and jungles to march through. For Mac, I am certain that earning the Medal of Honor was the furthest thought from his mind as his platoon embarked on that day's reconnaissance mission. Yet, his heroics turned the rout of his platoon by North Vietnamese forces into a victory. His uncommon valor saved the life of his fellow marines; and for those men, March 3, 1969, turned out to be a dramatically different day than it otherwise could have been.

Mac's Medal of Honor citation details his dramatic and selfless actions, and I'd like to read those into the RECORD. On March 3, 1969, while returning from a reconnaissance-in-force mission in the vicinity of Fire Support Base Cunningham in Quang Tri Province, the 1st Platoon of Company M came under intense automatic weapons fire and grenade attack from a well-concealed North Vietnamese force, pinning down the entire center column of the platoon.

Rapidly assessing the situation, Private First Class Wilson, acting as Squad Leader, skillfully maneuvered his squad to form a base of fire and act as a blocking point while the point squad moved to outflank the enemy. During the ensuing fire fight, both his machine gunner and assistant machine gunner were seriously wounded and unable to operate their weapon.

Realizing the importance of recovering the M–60 machine gun and maintaining a heavy volume of fire against the hostile force, Private First Class Wilson, with complete disregard for his own safety, followed by another marine, fearlessly dashed across the fire-swept terrain to recover the weapon.

As they reached the machine gun, a North Vietnamese soldier threw a grenade at the marines. Reacting instantly, Private First Class Wilson fired a burst from his M–16 rifle, killing the enemy soldier. Observing the grenade fall between himself and the other marine, First Class Wilson, fully realizing the inevitable result of his actions, shouted to his companion and unhesitatingly threw himself on the grenade, absorbing the full force of the explosion with his own body.

His heroic actions inspired his platoon members to maximum effort as they aggressively attacked and defeated the enemy. Private First Class Wilson's indomitable courage, inspiring valor, and selfless devotion to duty upheld the highest traditions of the Marine Corps and the United States Naval Service. He gallantly gave his life for his country.

Mac was escorted home by Sergeant Jerry Pruitt, United States Marine Corps, of Odessa, Texas. He is buried in Sunset Memorial Gardens in Odessa, Texas, not far from another Medal of Honor recipient, Army Staff Sergeant Marvin ''Rex'' Young.

The Medal of Honor was presented to his family by Vice President Spiro T. Agnew on April 20, 1970, at the White House. Mac is survived by his sister, Sue Wilson, and by her children, Lloyd Whitehead, Vickie Whitehead, Debbie Frasier, Angie Aleman, Robert Wilson Aleman; and Mac's aunt and uncle, Warren Kininmonth and Kay Kininmonth. Mac's mom, Edna O'Neal Wilson, died 3 months after his death, and his father, Fred Wilson, died in 1969.

Soon after his death, Mac was posthumously promoted to the rank of Corporal to recognize the exceptional potential that he possessed. In addition to the Medal of Honor, Mac earned numerous other awards and decorations: a Purple Heart with Gold Star, the Marine Corps Combat Action Ribbon, a Presidential Unit Citation, an Army Presidential Unit Citation, a Navy Unit Commendation, Meritorious Unit Commendation, the National Defense Service Medal, the Vietnam Service Medal, the Vietnam Merit Medal, the Vietnam Cross of Gallantry with Palm, and the Vietnam Meritorious Unit Citation ribbon bar, the Vietnam Campaign Medal, and a Rifle Sharpshooter Badge.

The great British Prime Minister Benjamin Disraeli once said that, ''The legacy of heroes is the memory of a great name and the inheritance of a great example.'' With this legislation, the people of Odessa will always remember the legacy of Alfred Mac Wilson and his noble and heroic efforts without hesitation to serve his country and defend the lives of the men he served with.

Mr. DAVIS of Illinois. Mr. Speaker, I would continue to reserve.

Ms. FOXX. Mr. CONAWAY and Mr. DAVIS, my colleagues, have spoken very eloquently about the bravery and sacrifice of Corporal Wilson, so I will submit my remarks for the RECORD, but I urge all Members to support the passage of H.R. 6437.

Mr. Speaker, today I am here to recognize the bravery of Corporal Alfred ''Mac'' Wilson for his heroism in Vietnam by naming the Post Office located at 200 North Texas Avenue in Odessa, Texas in his honor.

Shortly after Corporal Wilson's birth on January 13, 1948, he and his family moved from Olney, Illinois to Odessa, Texas. At Odessa Senior High, he was very involved in athletics and was on the football and track teams. A well rounded young man, he also enjoyed shooting, hunting, fishing, and tennis.

After graduating from high school and demonstrating a sense of patriotism and duty to country, Corporal Wilson first joined the Marine Corps Reserve and subsequently, enlisted in the Regular Marine Corps. Upon acceptance into the Corps, Corporal Wilson reported to duty in Abilene, Texas with three friends under the Buddy Plan, which placed friends in the same training platoon. Corporal Wilson and his buddies then underwent their recruit training in California. On July 21, 1968, he was deployed as a Private First Class to Vietnam.

In Vietnam, while returning from a reconnaissance mission on March 3, 1969, he and his squad were attacked by a concealed enemy force. While facing fire to retrieve a machine gun from an injured gunner, an enemy grenade was thrown between Corporal Wilson and a fellow Marine. At that moment, Corporal Wilson signaled a warning to his comrade and bravely proceeded to throw himself on the grenade, thus sacrificing his own life. His sacrifice ultimately enabled his unit to continue the fight and successfully defeat the enemy.

Corporal Wilson's courage under fire was recognized posthumously when he was awarded the Congressional Medal of Honor in addition to his posthumous promotion to Corporal. Corporal Wilson's devastated family proudly accepted the Medal of Honor presented by Vice President Spiro T. Agnew on April 20, 1970 at a White House ceremony.

We can never show adequate appreciation in honoring the brave men and women who give their lives in service to our country. However, naming the post office in his honor is a fitting and meaningful tribute to a proud Marine who served selflessly on behalf of his town and nation.

I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I urge passage of this legislation, and 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. 6437.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

□ 1500

APOLOGIZING FOR THE ENSLAVEMENT AND RACIAL SEGREGATION OF AFRICAN-AMERICANS

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 194) apologizing for the enslavement and racial segregation of African-Americans, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 194

Whereas millions of Africans and their descendants were enslaved in the United States and the 13 American colonies from 1619 through 1865;

Whereas slavery in America resembled no other form of involuntary servitude known in history, as Africans were captured and sold at auction like inanimate objects or animals;

Whereas Africans forced into slavery were brutalized, humiliated, dehumanized, and subjected to the indignity of being stripped of their names and heritage;

Whereas enslaved families were torn apart after having been sold separately from one another;

Whereas the system of slavery and the visceral racism against persons of African descent upon which it depended became entrenched in the Nation's social fabric;

Whereas slavery was not officially abolished until the passage of the 13th Amendment to the United States Constitution in 1865 after the end of the Civil War;

Whereas after emancipation from 246 years of slavery, African-Americans soon saw the fleeting political, social, and economic gains they made during Reconstruction eviscerated by virulent racism, lynchings, disenfranchisement, Black Codes, and racial segregation laws that imposed a rigid system of officially sanctioned racial segregation in virtually all areas of life;

Whereas the system of de jure racial segregation known as ''Jim Crow,'' which arose in certain parts of the Nation following the Civil War to create separate and unequal societies for whites and African-Americans, was a direct result of the racism against persons of African descent engendered by slavery;

Whereas a century after the official end of slavery in America, Federal action was required during the 1960s to eliminate the dejure and defacto system of Jim Crow throughout parts of the Nation, though its vestiges still linger to this day;

Whereas African-Americans continue to suffer from the complex interplay between slavery and Jim Crow—long after both systems were formally abolished—through enormous damage and loss, both tangible and intangible, including the loss of human dignity, the frustration of careers and professional lives, and the long-term loss of income and opportunity;

Whereas the story of the enslavement and de jure segregation of African-Americans and the dehumanizing atrocities committed against them should not be purged from or minimized in the telling of American history;

Whereas on July 8, 2003, during a trip to Goree Island, Senegal, a former slave port, President George W. Bush acknowledged slavery's continuing legacy in American life and the need to confront that legacy when he stated that slavery ''was . . . one of the greatest crimes of history . . . The racial bigotry fed by slavery did not end with slavery or with segregation. And many of the issues that still trouble America have roots in the bitter experience of other times. But however long the journey, our destiny is set: liberty and justice for all.'';

Whereas President Bill Clinton also acknowledged the deep-seated problems caused by the continuing legacy of racism against African-Americans that began with slavery when he initiated a national dialogue about race;

Whereas a genuine apology is an important and necessary first step in the process of racial reconciliation;

Whereas an apology for centuries of brutal dehumanization and injustices cannot erase the past, but confession of the wrongs committed can speed racial healing and reconciliation and help Americans confront the ghosts of their past;

Whereas the legislature of the Commonwealth of Virginia has recently taken the lead in adopting a resolution officially expressing appropriate remorse for slavery and other State legislatures have adopted or are considering similar resolutions; and

Whereas it is important for this country, which legally recognized slavery through its Constitution and its laws, to make a formal apology for slavery and for its successor, Jim Crow, so that it can move forward and seek reconciliation, justice, and harmony for all of its citizens: Now, therefore, be it

Resolved, That the House of Representatives—

(1) acknowledges that slavery is incompatible with the basic founding principles recognized in the Declaration of Independence that all men are created equal;

(2) acknowledges the fundamental injustice, cruelty, brutality, and inhumanity of slavery and Jim Crow;

(3) apologizes to African Americans on behalf of the people of the United States, for the wrongs committed against them and their ancestors who suffered under slavery and Jim Crow; and

(4) expresses its commitment to rectify the lingering consequences of the misdeeds committed against African Americans under slavery and Jim Crow and to stop the occurrence of human rights violations in the future.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Iowa (Mr. KING) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of House Resolution 194, which is bipartisan legislation apologizing for the enslavement and the continued racial segregation of African Americans. For numerous Congresses past, similar resolutions have been introduced, but none have made it to the floor for consideration by the full House. So I salute my colleague, the gentleman from Tennessee, a member of the Judiciary Committee, the Honorable STEVE COHEN, for his leadership and indefatigable energy in bringing us to this point in support of this resolution which he has created.

While much progress has been made since the civil rights era, the legacy of slavery and Jim Crow is still at the root of many critical issues facing the African American community today; educational opportunities, health care access, business capital, they are still victimized by crime, and many other socioeconomic considerations.

Our friend the former President, Bill Clinton, expressed his regrets over the Nation's role in the slave trade. The current President, George W. Bush, described it as ''one of the greatest crimes of history.'' A number of States, Alabama, Maryland, North Carolina, Virginia and New Jersey, have made moving apologies in their own ways. Now, with an official United States Government apology before us, this measure will take us another step forward toward the national healing, atonement and continued progress that must be made along these lines.

The discussion of race is a sensitive, difficult issue even today in our society. And, of course, the apology is not the end of the story, but it does reaffirm our national commitment to understanding and addressing, in the words of the resolution, how to rectify the lingering consequences of the misdeeds committed against African Americans under slavery and Jim Crow and to stop the occurrence of human rights violations in the future.

So I am proud to join the many Members on both sides of the aisle that have helped us bring this suspension forward today.

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

Mr. KING of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Res. 194 appropriately reminds us of the horrors of slavery. Slavery was a stain on our original Constitution. It took the blood of hundreds of thousands of Americans who died in the Civil War to erase that stain and to pave the way for passage of the Civil War amendments to our Constitution. We must never forget that.

This resolution exhorts us not to repeat the mistakes of the past. I would like to address two of those mistakes in some of this time.

One of the clauses of this resolution notes that after emancipation from 246 years of slavery, African Americans soon saw the fleeting political, social and economic gains they made during Reconstruction eviscerated by virulent racism and lynching.

It is worth noting in that regard that the government's campaign against the Ku Klux Klan during the Reconstruction Era included the use of military commissions approved by Congress to try those vicious terrorists of the day. Klan terrorists disguised in plain clothes embarked on a campaign of terror that included lynchings, assassinations and even the disemboweling of their innocent victims.

The experience, Mr. Speaker, of that period, presaged the dangers of extending habeas corpus litigation rights to enemy terrorists today. The campaign to defeat the Klan collapsed during the Reconstruction Era when Klansmen asserted habeas litigation rights in Federal court against their captors.

As one historian has written, the result of the required legal release of the Klan was that Klansmen not only escaped punishment, they turned the law on their erstwhile prosecutors with a series of suits and harassments that drove some of them from the State as fugitives. No sooner had Colonel George W. Kirk, the local commander, brought his prisoners to Raleigh, then two of them sued him for false arrest. He was released on bond and returned to his command, while other similar suits accumulated against him. In effect, he became a refugee from process servers and sheriffs, protected by his own soldiers.

I fear the Supreme Court has repeated that mistake today by granting terrorists habeas litigation rights to challenge their detentions in Federal Court. Resolutions like the one we consider now help to remind the Nation of the mistakes of the past so they will not be repeated in the future.

This resolution also expresses a commitment to rectifying the lingering consequences of the misdeeds committed against African Americans under slavery and Jim Crow. Those misdeeds, of course, were premised in the notion that people should be treated differently on account of their race.

One the most significant civil rights developments out of the 2006 elections was passage of the Michigan Civil Rights Initiative, an amendment to the Michigan State Constitution that passed by a wide margin, 58 percent to 42 percent. The Civil Rights Initiative in relevant part reads simply, and I have heard Ward Connerly make this statement in person and it booms from his voice and it reaches my heart, Mr. Speaker. It says, ''The State shall not discriminate against or grant preferential treatment to any individual or group on the basis of race, sex, color, ethnicity or national origin in the operation of public employment, public education or public contracting.'' Similar efforts are underway in Arizona, Colorado, Missouri, Nebraska and Oklahoma. This resolution reminds us all that American government should operate on a color-blind basis.

As I read through this resolution, I pick out some pieces that don't fit my sense of history. I would add that the Civil War is often taught to being fought over slavery. The people on the south side of the Mason Dixon Line would say it was fought over States' rights. I would say among those States' rights was the argument that the Southern States could declare their policy with regard to slavery.

Slavery has put a scar upon the United States that was a component of history as it arrived here, and it has been a component of most of the history within the continents. It has not, as it says here, imposed a rigid system of officially sanctioned racial segregation in virtually all areas of life. Subsequent to the Civil War and the emancipation, there were many areas in the North that were integrated, socially, economically, with a heart to do so, and I think they deserve some credit here as well, Mr. Speaker.

The vestiges of Jim Crow law today, I hope we learn what they are. The one I can think of is the Davis-Bacon wage scale. That is a vestige of Jim Crow. I can't think of the others.

I do appreciate the language that says, ''However long the journey, our destiny is set: Liberty and justice for all,'' and I mean that sincerely. And as this resolution apologizes to African Americans, I would correct that and say that there are many African Americans in this country who are immigrants from other countries, and they do very well here in America. They haven't felt the same sense as those who are descended from slaves that lived in this country. So I would say this resolution more speaks to the descendants of slaves and those being in this country exclusively African Americans.

I would add that there are some missing components altogether. I brought this book because I think it puts some more perspective on this as well, Mr. Speaker. This is a book written by Robert Davis, ''Christian Slaves, Muslim Masters.'' He is a professor, I believe, at Ohio State University.

I have read this carefully. It grips my soul like this subject grips my soul. It tells the story of 1.25 million Christian slaves hijacked on the seas of the Mediterranean who were subjected to slavery and forced to build the edifices along the Barbary Coast and the northern coast of Africa. They don't have descendants because they were worked to death and dumped overboard from the corsairs, those who pulled on the oars instead of built the edifices. Some of the women were pushed into being concubines. But, for the most part, this is very instructive. It says many of us are descended of relatives of slaves, but there are no descendants from these slaves because they didn't survive. That is 1.25 million.

So I think that in this context, this Nation is rising above this debate, and I would like to think we have put this debate behind us. I know that Chairman CONYERS knows my head and my heart on this, and I have spoken about how deeply it has affected me to walk into a church in Port Gibson, Mississippi, and look up to the balcony and see that that balcony was made for African Americans, while white people went to church downstairs on the ground floor. It is hard for me to fathom a faith that would recognize a division like that, Mr. Speaker.

I know also that Abraham Lincoln spoke to this subject matter, and perhaps I will come back to that.

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

Mr. CONYERS. Mr. Speaker, it is with great pride that I yield such time as he may consume to the author of the measure before us, the distinguished gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Thank you, Mr. Chairman.

It is with pride that I introduced this resolution with 120 cosponsors from both sides of the aisle, and it is with pride that I serve as a Member of this institution and this building that was built with slave labor and for which the new Visitors Gallery will be known as Emancipation Hall. It was the gentleman from this side of the aisle, the party of Lincoln, Representative ZACH WAMP from my State, and this side of the aisle, Representative JESSE JACKSON, JR., who eloquently spoke to a subcommittee of which I am a member urging the remembrance and recognition of the work of the slaves who helped construct this magnificent Capitol Building and have the entryway named Emancipation Hall.

This country had an institution of slavery for 246 years and followed it with Jim Crow laws that denied people equal opportunities under the law. There was segregation in the South and other places in this country at least through the year 1965 when civil rights laws were passed.

There were separate water fountains for people marked ''white'' and ''colored''; there were separate restaurants; there were separate hotels; there were job opportunities that were not available to African Americans; there were

theaters that were segregated. It is hard to imagine today in 2008 that such a society existed and was sanctioned by law, that the laws of this Nation provided for segregation and enforced fugitive slave laws.

In fact, the history of slavery goes not just through the Emancipation Proclamation and the 13th, 14th and 15th amendments to our Constitution, but, as so eloquently written just yesterday in the Baltimore Sun in an editorial by Mr. Leonard Pitts, Jr., that slavery existed up until about World War II, but it was a form of slavery where people were bought and sold for debts. It was slavery by another name.

In a book called ''Slavery by Another Name'' by Douglas Blackman, a correspondent for the Wall Street Journal, he talked about a convict leasing system in the South where poor black men were routinely snatched up and tried on false, petty or nonexistent charges by compliant courts, assessed some fine they could not afford, and then put into the servitude of an individual who bought them. This system continued up until World War II.

The fact is slavery and Jim Crow are stains upon what is the greatest Nation on the face of the Earth and the greatest government ever conceived by man. But when we conceived this government and we said all men were created equal, we didn't in fact make all men equal, nor did we make women equal.

We have worked to form a more perfect Union, and part of forming a more perfect Union is laws, and part of it is such a resolution as we have before us today where we face up to our mistakes and we apologize, as anyone should apologize for things that were done in the past that were wrong, and we begin a dialogue that hopefully will lead us to a better understanding of where we are in America today and why certain conditions exist.

In 1997, President Clinton talked to the Nation about the problem that this country had with race, and he wanted a national dialogue. He considered an apology for slavery. I happened to run into President Clinton at that time at the Amtrak station here in Washington and discussed with him having an apology for Jim Crow as well as slavery. I encompassed that in a letter dated July 2, 1997, that as a State senator from Tennessee I wrote to President Clinton.

□ 1515

In that letter, I urged him to have a slavery apology and a Jim Crow apology, and to mark it on the 30th anniversary of the assassination of Dr. Martin Luther King, an event that tragically took place in April of 1968 in my city, and that the appropriate time for President Clinton to have that apology would be on that 30th anniversary.

In going through my papers as I was elected to Congress, I found this letter and I thought about it and I said to myself, ''You are a Member of Congress. You don't need to wait on a response from the President of the United States, which, my friend, the President's office failed to make a response. I can take action myself.'' So I introduced the resolution in February of 2007, with 120 sponsors joining me as time went on. It is important on this day that we admit our error, that we apologize.

I have been in this body and voted with the rest of the body on a unanimous voice vote to encourage, this past year, the Japanese government to apologize for its use of Chinese women as comfort women during the war, and not a voice was raised questioning that resolution which passed unanimously on us calling on a foreign country to apologize for its use of comfort women.

Twenty years ago, this Congress passed a bill apologizing for the internment of Japanese citizens during World War II. In fact, subsequent to the consideration of this resolution, the distinguished lady from California (Ms. MATSUI) has a resolution recognizing and celebrating the 20th anniversary of the passage of that bill.

This Congress did the right thing in apologizing for the imprisonment of Japanese Americans during World War II and in encouraging the Japanese government to apologize for the use of comfort women. But the fact that this government has not apologized to its own citizens, African Americans, for the institution of slavery and for the Jim Crow laws that followed, and accepted that fact and encouraged changes in our dialogue and understanding and the actions of this country to rectify that, is certainly a mistake, and today we rectify that mistake.

This is a symbolic resolution, but hopefully it will begin a dialogue where people will open their hearts and their minds to the problems that face this country from racism that exists in this country on both sides and which must end if we are to go forward as the country that we were created to be and which we are destined to be.

So it is with great honor that I speak on this resolution and urge the Members of this body to pass this historic resolution, recognize our errors, but also recognize the greatness of this country; because only a great country can recognize and admit its mistakes, and then travel forth to create indeed a more perfect union that works to bring people of all races, religions, and creeds together in unity as Americans, part of the United States of America.

Mr. Speaker, Mr. Chairman, I thank you for the time, and I urge my colleagues to vote unanimously to pass this resolution today.

Mr. KING of Iowa. Mr. Speaker, I yield myself such time as I may consume.

As I listened to this debate, Mr. Speaker, I looked back through some documents that I made sure that I could take a look at before I came to floor, and one of them is H. Res. 1237. That is a resolution that passed here on 18 June 2008. And that date is timely, because it recognizes in the House of Representatives President Lincoln's Emancipation Proclamation, but it recognizes especially Juneteenth, the date upon which the last slaves were freed. And that was roughly about 2 years from the time that President Lincoln signed the Emancipation Proclamation. And it takes me to this point that I think is an important discussion.

This is a piece of information that I gathered from a Washington historian, and I qualify it a little bit because I haven't gone back and Googled it, I haven't checked Wikipedia, but I like this story so much that I want to tell it as qualified in that fashion, from a respectable Washington historian, but this way:

When President Lincoln was considering signing the Emancipation Proclamation, he reportedly called his cabinet together. They sat around the cabinet table, and President Lincoln laid out his argument that he wanted to emancipate the slaves. And so as he made the argument, the men—it would have all been men sitting around the cabinet table then in 1863. He turned to the first cabinet member and said, ''What say you?'' The first cabinet member reportedly said, ''Mr. President, you can't free the slaves. Those who are under your control and authority and jurisdiction are already free; they are north of the Mason-Dixon Line. Those on the other side, you can't reach because they are protected by the Confederate Army.''

And Lincoln turned to the next cabinet man and said, ''What say you?'' The next cabinet member said, ''Mr. President, I would suggest that there are men fighting in Union uniforms today that aren't so enthusiastic about ending slavery. They really want to defend the North and they want to defend the colors that we have, but there are really some racists in the Army. So you are going to lose their support if you emancipate the slaves.''

And he went to the next cabinet member and the next cabinet member, and each one came up with a different argument. As it came around the table, every single cabinet member had said to President Lincoln, ''Mr. President, do not sign the Emancipation Proclamation. My advice to you is there isn't enough upside to offset the downside.'' Or, as we say today, the juice is not worth the squeeze.

President Lincoln reportedly said, ''Well, gentlemen, the aye has it,'' and signed the Emancipation Proclamation.

Now whether that story is true or not, and I know there are a lot of urban legends around Lincoln, I really love that story, because that shows the character and the quality of leadership that we had in the White House at that time, and also a man who gave his life for the emancipation of the slaves. A man who believed it. A man who had such a strong conviction that when I

stand at the Lincoln Memorial and I read the words of President Lincoln's second inaugural address that say, ''Yet, if God wills that it continue until all the wealth piled up by the bondsmen's 250 years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said 3,000 years ago, so still it must be said 'the judgments of the Lord are true and righteous altogether.' ''

Abraham Lincoln's second inaugural address, the central part being: If the price to be paid was until every drop of blood drawn by the bondsmen's lash be paid by another drawn with the sword, Mr. Speaker, that is the powerful vision that there was a sin on this Nation, and Abraham Lincoln understood that. And 600,000 Americans died in the conflict to free the slaves.

I brought with me, this is my great, great, five times great uncle's Bible. This is the Bible that he carried in his shirt pocket for 3 years during the Civil War. If I open it up, I can show you fly specs and verses that are written in this Bible. His sister presented to it to him on the eve of his departure for the war, and he returned with it in his shirt pocket 3 years to the day. I found his grave when I was trimming grass around the gravestones for Memorial Day. No one knew where he had been buried. This is John Richardson's Bible. My great grandfather five times great was killed in the Civil War. All of his artifacts are lost. This remains. This remains as a connection to me, to my family members who were strong and powerful and committed abolitionists, and some of them gave their lives to free the slaves.

So as I read this resolution today, Mr. Speaker, I don't see a reference of gratitude for all the blood that was given by people to end slavery. I think that needs to be part of this record as well. The horrible price that was paid to pay back in blood drawn by the sword for every drop of blood drawn by the bondsmen's lash. That is a point, too, that the next generations need to learn and need to hear.

And then with the balance of this discussion, Mr. Speaker, I just would emphasize that this Nation threw off the yoke of slavery. We rose above it because we had a strong conviction as a people, we had a strong religious faith that rejected slavery as a sin against this Nation. We can be proud of the price that was paid to free the slaves. And it was a struggle of 100 years to pass the Civil Rights Act that lifted another level. And here we are today at a point where I look forward to the time when we can say we are fully integrated and there is no vestige of slavery and no vestige of racism, and an understanding that we are all God's children created in his image. And because he has blessed us with enough distinctions that we can tell each other apart, it is no reason for us to discriminate for or against anyone, as Ward Connerly says and as the Civil Rights Initiative in Michigan says so.

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

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

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in support of House Resolution 194, a resolution that apologizes for the enslavement and segregation of African-Americans.

This is a significant moment in our nation's history when the nearly 20-year fight to consider federal legislation that apologizes for slavery has at last become a reality. Indeed, it is fitting that we consider legislation of this content and caliber at this time. A global trend has emerged within the 21st Century in which governments have apologized for slavery and discriminatory laws and promised to work toward a better future.

Within the past year, states that were once members of the former Confederacy and were a cesspool for racist and bigoted laws and practices did something that no state had done before: they apologized for the enslavement of black people in this country. More than 240 years after the abolition of slavery and more than four decades after the abolition of Jim Crow, it is time for the federal government to do the same.

In 1988, Congress apologized to Japanese-Americans for holding them in concentration camps during World War II. Congress expressed regret for its policies on Hawaii a century after the native Hawaiian kingdom was overthrown. And just five years ago, the Senate apologized for not enacting anti-lynching legislation that would have saved the lives of thousands of black people across the South.

America's greatness is exemplified in part by our ability to evolve. Under federal and state laws and customs, African Americans were denied their fundamental rights from 1619 until 1965. Today, we show our growth by officially acknowledging the wrongful actions and policies that were targeted toward African-Americans during slavery and Jim Crow.

Sadly, there are some who continue to oppose Congress apologizing for slavery and segregation. They see apologizing as a futile action that is too little too late. Others contend that an official apology would do more harm that good and would conjure painful images from the past that would fuel resentment. These assertions miss the point.

Failure to pass this resolution that acknowledges the wrongness of slavery and segregation would send the dangerous message that America is unwilling to come to terms with one of the first and last great atrocities that it placed on its citizens through the rule of law. Slavery and racial segregation were permitted through federal law and our government must express the appropriate and long-overdue remorse for its tolerance of this injustice.

As we all know, Mr. Speaker, words matter. ''All men are created equal,'' is perhaps one of the most famous phrases in American history. In our nation's infancy, this statement encompassed the principles of a country that promised to protect the freedom and well-being of its new citizens. Yet it was written when hundreds of thousands of black men, women and children were enslaved and counted as only ⅗ of a person under the Constitution. Nevertheless, President Abraham Lincoln later used this phrase to argue that the institution of slavery contradicted our nation's most fundamental values. This statement proved that America had the potential and duty to become a fairer and more equal nation.

The legal abolishment of slavery did not translate into the end of racial inequality. Equally, the legal abolishment of Jim Crow has not translated into the elimination of disparities. The reality is that although the men, women and children who were enslaved in this country are long gone, the wealth, culture, and even the congressional buildings that they helped construct remain.

Indeed, in the years following Jim Crow, blacks have undoubtedly taken advantage of increased opportunities and have achieved in every imaginable sector. 246 years after emancipation and 43 years after the abolishment of legal segregation, the United States has made serious improvements in drafting and implementing policies that encourage equality. However, it would be wrong to conclude that these successes negate the fact that 346 years of oppression have contributed to the economic and health disparities that continue to affect much of the black community.

On this historic day, we must recommit ourselves to bringing about an end to these disparities and injustices. And in passing this resolution, the House will send a message to the American people and others that the most powerful nation in the world is willing to look honestly at some of the most shameful parts of its history, accept responsibility, and apologize for its actions. Together, we will continue to lay the necessary foundation to build a stronger future.

Mr. KING of Iowa. Mr. Speaker, I yield back the balance of my time. I thank the gentlemen for their cooperation along with this resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and agree to the resolution, H. Res. 194, 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. KING of Iowa. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

RECOGNIZING THE 20TH ANNIVERSARY OF THE CIVIL LIBERTIES ACT

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1357) recognizing the significance of the 20th anniversary of the signing of the Civil Liberties Act of 1988 by President Ronald Reagan and the greatness of America in her ability to admit and remedy past mistakes, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1357

Whereas President Franklin Delano Roosevelt signed Executive Order 9066 on February 19, 1942, which authorized the forced exclusion of 120,000 Japanese Americans and legal resident aliens from the west coast of the United States and the internment of United States citizens and legal permanent residents of Japanese ancestry in confinement sites during World War II without the benefit of due process;

Whereas no person of Japanese ancestry, who was confined during World War II under the authority of Executive Order 9066, was convicted of espionage, treason, or sabotage against the United States;

Whereas Japanese American men proved their loyalty to the United States with battlefield valor serving in the 442d Regimental Combat Team, the 100th Infantry Battalion, Army Air Corps, and the Military Intelligence Service, and Japanese American women served with distinction in the Women's Army Corps and Army Nurse Corps;

Whereas President Gerald Ford formally rescinded Executive Order 9066 on February 19, 1976, in his speech, ''An American Promise'';

Whereas Congress adopted legislation which was signed by President Jimmy Carter on July 31, 1980, establishing the Commission on Wartime Relocation and Internment of Civilians to investigate the claim that the incarceration of Japanese Americans and legal resident aliens during World War II was justified by military necessity;

Whereas the Commission held 20 days of hearings and heard from over 750 witnesses on this matter and published its findings in a report entitled ''Personal Justice Denied'';

Whereas the Commission's report concluded that the promulgation of Executive Order 9066 was not justified by military necessity and that the decision to issue the order was shaped by ''race prejudice, war hysteria, and a failure of political leadership'';

Whereas the Commission also discovered that the United States Government expanded its internment program and national security investigations to conduct the program and investigations in Latin America;

Whereas according to the Commission, the United States Government financed relocation to the United States, and internment, of approximately 2,300 Latin Americans of Japanese descent, for the purpose of exchanging the Latin Americans of Japanese descent for United States citizens held by Axis countries;

Whereas some of these Latin Americans of Japanese descent were deported to Axis countries to enable the United States to conduct prisoner exchanges;

Whereas during World War II, the United States Government deemed as ''enemy aliens'' more than 600,000 Italian-born and 300,000 German-born United States resident aliens and their families and required them to carry Certificates of Identification and limited their travel and personal property rights;

Whereas during World War II, the United States Government arrested, interned, or otherwise detained thousands of European Americans, some remaining in custody for years after cessation of World War II hostilities, and repatriated, exchanged, or deported European Americans, including American-born children, to European Axis nations, many to be exchanged for Americans held in those nations;

Whereas Congress enacted, with bipartisan support, the Civil Liberties Act of 1988, in which it acknowledged the ''fundamental injustices'' resulting from Executive Order 9066, apologized on behalf of the people of the United States for those injustices, and vowed to ''discourage the occurrence of similar injustices and violations of civil liberties in the future'';

Whereas President Ronald Reagan signed the Civil Liberties Act of 1988 into law on August 10, 1988, proclaiming that ''Here we admit a wrong. Here we affirm our commitment as a Nation to equal justice under the law''; and

Whereas the 20th anniversary of the enactment of the Civil Liberties Act of 1988 provides an opportunity for all United States citizens to appreciate the greatness of our Nation in having the willingness to admit and remedy its past mistakes and for political leaders to learn from those past mistakes by not adopting racially motivated governmental policies: Now, therefore, be it

Resolved, That the House of Representatives—

(1) reaffirms our Nation's commitment to equal justice under the law for all people in celebration of the 20th anniversary of the Civil Liberties Act of 1988;

(2) continues to support the congressional goal embodied in the Civil Liberties Act of 1988 that all persons living under protection of the United States Constitution have a right to enjoy freedom and equality without the constraint of prejudice and discrimination or the lack of due process; and

(3) shall review the wartime treatment of Latin Americans of Japanese descent, German Americans, and of Italian Americans, to determine whether they should also receive an apology and reparations similar to that provided in the Civil Liberties Act of 1988 for Japanese Americans interned during World War II.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Iowa (Mr. KING) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material.

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

There was no objection.

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

Born of war hysteria and racial prejudice, Executive Order 9066 would come to represent a stain on America's reputation for fairness and justice.

128,000 Japanese Americans were ordered to leave behind their entire lives and property and bring only the bare necessities to an unknown place with an unknown future, and they spent 3 long years in internment camps in Arizona, Northern and Central California, Wyoming, Utah, Colorado, and Arkansas. At the conclusion of World War II, they attempted to return home, but many found that their houses were looted and destroyed. They could not find jobs to feed and shelter their property. And, sadly, it took our government nearly 50 years to formally apologize for this serious Constitutional mistake and offer compensation to those who suffered through internment.

On February 19, 1976, President Ford rescinded Executive Order 9066. On July 21, 1980, Congress established the Commission on Wartime Relocation and Internment of Civilians to investigate the internment of World War II. A few years later the Commission reported its finding and recommendations, and on August 10, 1988, the Civil Liberties Act was signed into law authorizing reparations to each person wrongfully interned.

Although there is hardly anything that can replace 3 years lost to internment, an official apology and compensation provided some solace to those who suffered, and helped heal a Nation stained by this terrible mistake made during the Second World War. One of the leaders in that effort was the late Robert Matsui of California.

□ 1530

And so it is today that this resolution introduced by his widow, DORIS MATSUI, we have come to recognize the significance of the 20th anniversary of the signing of the Civil Liberties Act and how America came to admit and remedy past mistakes. Let's hope that will help the Nation remember this mistake and to prevent similar occurrences like that from happening in the future.

We remember others who suffered similar internment or forced deportation in exchange for United States citizens held by axis countries. In its review, the commission also found our government financed relocation to the United States and internment of 2,300 Latin Americans of Japanese descent for the purpose of exchanging Latin Americans of Japanese descent for United States citizens held by axis countries.

I commend XAVIER BECERRA, our distinguished colleague from California, for working to bring this matter also before us today.

In addition, serious allegations have been made that our government also interned German Americans and Italian Americans during World War II. Our distinguished colleague on Judiciary, ROBERT WEXLER of Florida, has worked for years to bring to light this forgotten group of people who also suffered the plight of internment.

This resolution also resolves that Congress will review these claims to determine whether they too should receive and be eligible for similar reparations and apology.

I, of course, urge strongly the support of this resolution, and I reserve the balance of my time.

Mr. KING of Iowa. I yield myself so much time as I may consume.

Mr. Speaker, I support House Resolution 1357, recognizing the significance of the 20th anniversary of the signing of the Civil Liberties Act of 1988.

Executive Order 9066 was signed by President Franklin Delano Roosevelt to authorize the tragic internment of

Japanese Americans at the beginning of World War II. In 1942 President Roosevelt authorized the Army to evacuate more than 100,000 Japanese Americans from the Pacific Coast States, including Washington, Oregon, California and Arizona. This grossly broad approach to maintaining America's security serves as a continuing reminder that the civil rights of American citizens should never be lost, even in the midst of the chaos of war.

President Roosevelt authorized the mass expulsion and incarceration of Japanese Americans by signing Executive Order 9066 on February 19, 1942. He took this ill-fated action, even though, in the words of Stetson Conn, a historian with the Army's Office of Military History, he said, ''The only responsible commander who backed the War Department's mass evacuation plan as a measure required by military necessity, was the President himself, as Commander-in-Chief.'' Even Attorney General Francis Biddle and FBI Director J. Edgar Hoover advised against it.

That tragic misuse of power was met with an equally powerful response but, unfortunately, much too late.

In 1976 President Gerald Ford issued Proclamation 4417, in which he said, ''Learning from our mistakes is not pleasant, but as a great philosopher once admonished, we must do so if we want to avoid repeating them. I call upon the American people to affirm with me this American promise, that we have learned from the tragedy of that long ago experience forever to treasure, we have learned that we should forever treasure liberty and justice for each individual American, and resolve that this kind of action shall never again be repeated.

Congress eventually enacted the Civil Liberties Act of 1988, which this resolution before us recognizes. It apologized on behalf of the Nation for ''fundamental violations of the basic civil liberties and constitutional rights of these individuals of Japanese ancestry.''

President Ronald Reagan signed that action into law on August 10, 1988, proclaiming it a great day for America. 20 years later we stand here today to renew our Nation's commitment to remember the past, and to shepherd its lessons into the future.

I have in the past, and I would again today, Mr. Speaker, address the subject matter of how we should understand history. And quite often I find that we, in this Congress, are judging our ancestors with contemporary values and trying put their actions into a modern context, rather than for us to try to understand the context in which they made those decisions.

And even though I have made the case that J. Edgar Hoover advised against and the Attorney General advised against, Franklin Delano Roosevelt did go ahead with the Executive Order that began the internment of 100,000 or more Japanese Americans here in the United States. It was just months after the Japanese had attacked Pearl Harbor, very much the same scenario, from a national apprehension standpoint, as we had just post September 11, 2001.

And so I think history should not judge our ancestors harshly. We should seek to learn from these examples of history within two contexts; one context being looking back upon it, and another context would be try to place ourselves into the shoes of the people that had to make the decisions in that environment.

I am convinced that Franklin Delano Roosevelt had the best interest of America in mind. I think he was very afraid that there would be some lost intelligence. That was the mind set of the time.

But we have come a long, long way since then, Mr. Speaker, and so far that one of our most important trading partners is Japan. One of our most important strategic partners is Japan.

We have come so far that my father, who spent 2½ years in the South Pacific and forbid rice to be in our household, this young man had dinner with the Minister of Defense of Japan 60 years later. This Nation has many times shaken hands across the Pacific with our good friends in Japan. And this resolution that is before us today acknowledges the history and says that if we had it to do over again we would have done it differently. But it also builds upon it so we can expand our relationships with our good friends, the Japanese.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I now recognize the distinguished gentlelady from California, DORIS MATSUI, who has picked up the baton from her late husband, who formerly represented California from the same district, for as much time as she may consume.

Ms. MATSUI. Mr. Speaker, I thank the chairman for yielding me time and I rise in support of H. Res. 1357.

Mr. Speaker, on August 10, 2008, this Nation will acknowledge the 20th anniversary of the signing of the Civil Liberties Act. This anniversary is an opportunity for all Americans to appreciate our Nation's willingness to admit and remedy its past mistakes, and for Americans to learn from these past mistakes. We must never forget that from past injustice can come great awakening. And today, we remember the past to preserve our future freedoms.

On February 19, 1942, President Franklin D. Roosevelt signed Executive Order 9066, which led to internment of over 120,000 Americans of Japanese descent, including my mother and my father, my grandparents, my aunts and my uncles and all their friends. During that moment, our government, at all levels, was blinded by war and made decisions that are contrary to our Constitution.

The failure of each branch of government to uphold the rights of individuals must be taught so that future generations resist succumbing to the politics of fear.

It took nearly three decades before the government began to acknowledge this failure. President Gerald Ford formally rescinded Executive Order 9066 on February 19, 1976. And shortly after, Congress passed legislation which was signed by President Jimmy Carter on July 31, 1980.

The bill established the Commission on Wartime Relocation and internment of civilians. Its charge was to investigate the internment of Japanese Americans and legal resident aliens during World War II.

After hearing from over 750 witnesses, over 20 days of hearings, the Commission published a report entitled Personal Justice Denied. And I might say that for many of these individuals, that was the first time they ever talked about the internment.

The Commission concluded that Executive Order 9066 was not justified by military necessity. It went on to find that the decision to issue the order was shaped by race prejudice, war hysteria and a failure of political leadership.

Because of these compelling findings, Congress passed the Civil Liberties Act of 1988 with bipartisan support. The bill granted reparations for interned Japanese Americans. It also formally acknowledged the fundamental injustices resulting from the Executive Order, apologized on behalf of the people of the United States for those injustices, and vowed to discourage similar injustices and violations of civil liberties in the future.

And today, 20 years later, we can reaffirm this commitment because of one of the darkest periods of our Nation's history, we learned of the damage that can be done when we let the politics of fear cloud our judgment.

Our efforts to preserve this painful period of our country's history continue to this day. Many of my colleagues are working to support internment site preservation as a physical reminder of past inequality. It is important that future generations will be able to visit the internment camps to gain understanding of the burdens of past generations that have allowed us to live in a free and just society today.

But there is still work to be done. During the interviews the Commission discovered efforts of the United States Government during World War II to relocate and intern approximately 2,300 Latin Americans of Japanese descent. These individuals were not only taken from their country to be interned in another country, but they were also exchanged for United States citizens held by axis nations.

Additionally, the government classified German-born and Italian-born immigrants as enemy aliens and required them to carry identification. They restricted their property rights and travel rights during this time period and arrested, interned and detained thousands of European Americans.

All of those who suffered from misguided government policies during

World War II deserve to have their stories come to light. Their experience should be fully recognized and preserved for future generations to learn from.

I hope every American will take this anniversary to reaffirm their commitment to our Constitution and the rights and protections it guarantees all of us. This commitment is a way to prevent such injustice from ever becoming a reality again.

As you look back on a time in our Nation's history and how our country has responded since, we should have hope for the future.

I urge my colleagues to support this resolution.

Mr. KING of Iowa. Mr. Speaker, I would like to yield as much time as he may consume to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise in support of the bill. Twenty years ago I was privileged to be the only Member of Congress selected to serve on the commission that was referred to just a moment ago, and I served as the vice chairman of that commission.

I accepted appointment to that commission because, as someone who grew up in Southern California, born shortly after World War II, I was one of those many Californians who, frankly, grew up knowing very little, if anything, about the treatment of Japanese nationals and Japanese Americans during World War II.

And yet I was from an area in which we had a mature Japanese American community on Terminal Island prior to World War II. When I grew up, Terminal Island was actually part of the Navy complex in the San Pedro Bay, the Long Beach part of San Pedro Bay. There was nothing left of the Japanese community on Terminal Island at the time I was born and at the time I was growing up.

And while there were many Japanese Americans in our community, there was not much discussion of what took place during World War II. On a number of occasions, there was an attempt to bring up a Commission, and finally, we garnered enough votes to support the commission with the idea that it was important for us, not only to acknowledge what went on during World War II and have a historic examination of what occurred there, but as importantly, if not most importantly, it was a concern of mine and other members of the Commission that we have a continuing remembrance of that experience, not to sort of wallow in the mistakes that were made in the past and to point our finger back at a previous generation, but rather to try and extract lessons from that experience so that it would provide us an understanding of how we made mistakes there, and provide us an opportunity to learn from that, such that we would not make similar mistakes in the future.

□ 1545

It was an interesting time to be on that Commission to hear the accounts of so many who had gone through that experience and to learn that history can be a strange and often an experience that brings you surprises.

For instance, a great civil libertarian in his future years, Earl Warren, as Attorney General and Governor of the State of California, was probably the strongest advocate for the executive order. In his later years, he accepted responsibility for that mistake.

Among the top counsels of government of the Roosevelt administration, there was one individual who stood out from the others who opposed the executive order and believed it was unnecessary and, frankly, overreaching. That person was, interestingly enough, J. Edgar Hoover. J. Edgar Hoover said, ''We don't need to bring all of these Japanese nationals and Japanese Americans away from the coastline. We don't need to have any camps to hold these people in and their families.'' He said, ''We think we have sufficient intelligence for those who may be reasonable suspects and we can just concentrate on that.'' And that was rejected by the national leadership on a bipartisan basis except for one place, Hawaii. The executive order was not carried out in Hawaii because the military leader in Hawaii, when he received the order, responded back to Washington that it would basically cripple the workforce in Hawaii.

And so in Hawaii we had the only place where they followed the suggestion of J. Edgar Hoover not to round up everybody because of their ethnicity.

And the only reason I bring this up is that it is so easy for us to look forward and say we will never repeat anything like that and only this group would do that, and that group wouldn't do that, and that leadership wouldn't do that, but this leadership would. And you will find when you go back in history, under the pressure and stress of a threat, sometimes we do things that we ought not to do.

So I appreciate the kindness of the gentlelady from California. In fact, it was her husband, among others, who convinced me they ought to actually sit on that Commission. And I think that it is extremely important for us to not only remember what happened 20 years ago but more importantly what happened some 60 years ago and to take lessons out of that that will help us ensure that we don't repeat those mistakes in the future no matter what our political philosophy, no matter what our political identification.

I think this is a very worthy bill that we have here today. I thank the gentleman for his time.

Mr. CONYERS. Mr. Speaker, I am proud to now recognize the gentleman from Massachusetts (Mr. FRANK), who at the time was chairman of the Subcommittee on Judiciary that first reported out the measure that we consider today.

I yield him as much time as he may consume.

Mr. FRANK of Massachusetts. I thank my friend from Michigan who then and now has been a leader in the effort to protect the civil liberties which are so important to us.

I had the distinct honor of standing on this floor and presenting that bill as chairman of the subcommittee, and I remember today the emotion I felt then and feel now when I read the words ''on behalf of the Nation, Congress apologizes.''

The ability to admit a mistake is a sign of greatness, and I felt privileged then that we did it.

People have talked about the lessons, and they are important. And we should draw on some of them.

One is that abandoning your principles in the face of a threat is a temptation which ought to be resisted. It's easier for us today than it was in 1948 to be very critical of those who locked up our former colleagues Bob Matsui and Norm Mineta and many, many other totally innocent Americans, Americans of Japanese descent, but we're talking about Americans, people born in this country, American citizens.

But at the time, the notion that the security of the Nation trumped everything else looked like a pretty good argument. J. Edgar Hoover was right, but he wasn't running for office; Earl Warren was. Franklin Roosevelt was. Very few elected officials stood up against that. And that's one of the lessons we ought to draw.

It is much too easy to give in to the temptation to say, ''Well, we're in trouble. Protections of individual rights, civil liberties, they're for the good times.'' And obviously, there are some analogies to today. Now, things are much better today. We haven't done today anything like that. But there are lessons still that we have to look at.

Another is that if you are going to try to protect yourself, as you have a right to do, don't do it en masse, don't say there is this whole group of people, and we're not going to stop and decide whether this or that individual did something wrong; we're going to look at some essential characteristic of their being, and on that basis we're going to penalize them. We're going to restrict them. We're going to segregate them.

Now, obviously, being locked up in a camp for years is a far, far greater wrong than not being able to fly on an airplane. But the fact that it was much worse to lock people up doesn't justify us restricting people's travel rights because of the ethnic group they belong to or because of a mass fear.

So yes, we should be proud of having realized this mistake. Talk about history. I was in college in the 1950s when I read the case, I think it was Korematsu, in which the U.S. Supreme Court said it was perfectly constitutional to do what was done. And I was

appalled. I was a college junior, and I said, ''Boy, this is my country. I didn't know we did things like this.''

And I came here eager to participate in its undoing, and I felt I was very lucky to be chairman of the subcommittee, along with my colleague from California who was then on the Judiciary Committee, Mr. LUNGREN, to be able to bring that bill forward. But I also understand that I had the benefit of hindsight. I had the easy decision to make.

As we legitimately congratulate ourselves today for having recognized 20 years ago a mistake that we made 65 years ago, let's leave a little energy for resolving that we don't do it again. Let's, as we talk about the folly of 1943, be very determined not to repeat it even in a smaller measure and with fewer people.

I believe that we have had government policies in the past couple of years since the terrible mass murders of 2001 that have also failed to live up to our ideals of protecting individuals. Not on the same scale, I acknowledge that, and I think it's a mark of progress. But let's do what we can from this day forward so that no one 20 years later or 40 years later has to apologize to any extent because we let our legitimate need for self-defense diminish us from our principles.

Mr. KING of Iowa. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the remarks from the gentleman from Massachusetts (Mr. FRANK), and particularly we do have the benefit of hindsight; and I don't know that there is a generation that's compelled to apologize for a previous generation or its ancestors. And I would question the real value of descendents of people who had to make decisions in that context apologizing for their actions.

And I look across at some of these that we've done. I remember President Clinton apologizing to Africa for slavery—and we have a resolution that's going to come up for a vote a little bit later on slavery—and I regret those things. I would point out that if indeed these are the sins of our fathers, they're not necessarily visited upon the sons and daughters unto the second or third generation and that we should learn from history. And we do have the opportunity to be Monday morning quarterbacks, to have the perspective of hindsight, as the gentleman from Massachusetts said. I definitely agree with that emotion that's there and that thought process.

But I would caution us that I am watching us move down a path of apologizing for one thing and another, and I'm not watching us stop and give thanks for the wonderful and noble things that this country has done. And I think when we look across the globe at the results of that great effort of World War II, that wonderful victory of the Greatest Generation that this country has ever produced, that we can see that millions of people breathe free air today because of the prices that were paid. And there's never been a war that's been fought without mistakes. There's been mistakes in judgment and in political judgment and military miscalculations, and lives have been lost over and over again in those miscalculations. But we had to find ways to persevere and we have.

And what came out of World War II was the United States emerged as a global power. Our industry was the most powerful industry in the world, unchallenged, because ours was not destroyed and the carnage that visited the competing ideology, so to speak. And our currency became the currency of the world, and American-made products became dominant throughout the world. The American culture spread throughout the world. And our sense of freedom and our language and our civilization rose up to be predominant.

And it was unchallenged at that time until such time as the Soviet Union was quickly formed and came up against the United States. And we saw the Cold War begin within years of the Second World War. That fought for 40 to 45 years, and our way of life succeeded.

All of that flowed out of something that had some mistakes along the way. And anyone that's ever done anything in life knows that there are mistakes, whether you raised a family or fought a war or started a business or entered into public life. All of us made mistakes along the way, but I do not believe that we carry guilt from preceding generations.

But we do have a responsibility. If we fail to learn, then we would carry guilt ourselves if we fail to learn from those actions of our ancestors whom today we judge to be wrong. And I do believe they were wrong, and I do support this resolution. And I support it with the spirit that I have articulated here.

I would reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, we have no further requests for time, and I yield back the remainder of our time.

Mr. KING of Iowa. I'm going to pass up the opportunity for the last word because I have had it. I would urge the adoption.

Mr. HONDA. Mr. Speaker, I rise today to celebrate the passage of H. Res. 1357, which commemorates the 20th Anniversary of the signing of the Civil Liberties Act of 1988. This law officially acknowledged the ''fundamental injustices'' that resulted from Executive Order 9066, which authorized the exclusion and internment of Japanese Americans during World War II.

In 1942, some 120,000 people of Japanese ancestry were rounded up and sent to internment camps by the United States Government—not out of military necessity, but as a result of racial prejudice, war hysteria, and the failure of political leadership. Families were torn apart and property was lost. My family experienced this injustice first-hand, and I spent part of my childhood at the Amache internment camp in Colorado.

Our Government made a mistake when it ignored the civil liberties of Japanese Americans during World War II. That is why passage of the Civil Liberties Act of 1988, which provided for a formal apology from the Government, along with compensation to the victims, still resonates strongly with us today. The significance and meaning of this legislation allowed our community to move forward.

Redress would not have happened without the work of many leaders in the Japanese American community. Senator DANIEL INOUYE, Senator Spark Matsunaga, then Congressman Norm Mineta and Congressman Bob Matsui were integral to ensuring that the Civil Liberties Act moved forward.

I would also like to acknowledge the role played by the Japanese American Citizens League, the oldest and largest Asian American civil rights organization in the United States, and a group I have a long history of involvement with. The JACL worked hard towards achieving redress, and recently passed a resolution also commemorating the 20th anniversary of the passage of redress at their National Convention in Salt Lake City. I commend the JACL for their dedication to our community.

Our country draws strength and greatness from our ability to acknowledge and remedy past mistakes—a virtue that has not only benefited the Japanese American community but has shaped me as a policymaker. Despite our flaws, the United States is looked upon as the nation with the strongest and fairest form of government.

Recognizing and commemorating the significance of the 20th anniversary of the signing of the Civil Liberties Act of 1988 is still meaningful and relevant today, as this resolution reaffirms our commitment as a nation to equal justice under the law.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and agree to the resolution, H. Res. 1357, 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. KING of Iowa. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 1361

Ms. WATERS. Mr. Speaker, I request unanimous consent that my name be removed as a cosponsor of House Resolution 1361.

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

There was no objection.

AUTHORIZING FUNDING FOR THE NATIONAL ADVOCACY CENTER

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6083) to authorize funding for the National Advocacy Center, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6083

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

SECTION 1. TRAINING FOR STATE AND LOCAL PROSECUTORS.

The Attorney General is authorized to award a grant to a national nonprofit organization (such as the National District Attorneys Association) to conduct a national training program for State and local prosecutors for the purpose of improving the professional skills of State and local prosecutors and enhancing the ability of Federal, State, and local prosecutors to work together.

SEC. 2. COMPREHENSIVE CONTINUING LEGAL EDUCATION.

The Attorney General may provide assistance to the grantee under section 1 to carry out the training program described in such section, including comprehensive continuing legal education in the areas of trial practice, substantive legal updates, support staff training, and any other assistance the Attorney General determines to be appropriate.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Attorney General to carry out this Act $4,750,000 for each of the fiscal years 2009 through 2012, to remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Iowa (Mr. KING) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

□ 1600

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 6083, a measure that will fund a National Training Program for State and local prosecutors.

Since 1998, the Attorney General has provided funds to the National District Attorneys Association to offer specialized training for approximately 3,000 State and local prosecutors each year.

This valuable training improves the ability of prosecutors to investigate and try difficult crimes, such as child and elder abuse, identity theft, and gang-related activities. It also provides the latest guidance on complex evidentiary issues, such as the use of DNA in criminal investigations.

While this is a crucial initiative that our communities can ill afford to lose, funding shortages in recent years unfortunately place its future in doubt. Traditional funding sources, such as the Edward Byrne Memorial Grants, have been severely cut over the past several years.

The National District Attorneys Association recently submitted a grant application for the program, but it appears that it will again, at best, receive diminished funding. As a result, there have been significant staff reductions, jeopardizing the program's future.

H.R. 6083 addresses this problem by authorizing $4.75 million for each of fiscal years 2009 through 2012 for the Attorney General to fund a national non-profit organization such as NDAA to train State and local prosecutors.

I commend JOHN SPRATT of South Carolina for his leadership on this very important measure. I urge my colleagues to join me in supporting it.

Mr. Speaker, I ask unanimous consent that the distinguished gentleman from South Carolina (Mr. SPRATT) be given the ability to manage the bill.

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

There was no objection.

Mr. SPRATT. Mr. Speaker, I rise to urge my colleagues' support for H.R. 6083. This bill authorizes funding for a national training program, which is focused on State and local prosecutors. The funding this bill authorizes will be an important step toward ensuring that State and local prosecutors from across the country can have the training they need to be skilled, effective, and more professional prosecutors.

Originally, H.R. 6083 would have authorized $6.5 million per year for 5 years to fund the Ernest F. Hollings National Advocacy Center, the NAC. The NAC is a joint venture of the Department of Justice and the National District Attorneys Association, which is located on the campus of the University of South Carolina in Columbia, South Carolina.

The NAC is a unique facility created specifically to train Federal, State, and local prosecutors in advocacy skills and management. Since 1997, 22,000 prosecutors from across the country have benefited from this program, which makes it a vital resource for the professional education of our State and local prosecutors. The classes and other programs at the NAC strengthen a prosecutor's advocacy skills by offering a wide range of specialized subjects, ranging from child abuse to gang crime to cyber crime and identity theft.

Over the years, operations at the NAC have relied mostly on congressionally directed appropriations. Recognizing the value of a national advocacy center, Congress has consistently seen to it that this support is available to NDAA for services at the NAC. But this year-by-year funding has led to uncertainty in the budgeting and operations of the center, and a cut in funding in recent years, or at least the threat of it, has put this program in doubt. Classes have been canceled, educators have been laid off, all of which is evidence of the impact that unstable funding has had on the programs and, indeed, the NAC's ability to continue fulfilling its mission.

I intended H.R. 6083, as originally written, to be a step away from this perennial end-of-year funding crisis. I wanted to ensure also that State and local prosecutors nationwide could receive the training they need through a broad curriculum. However, with my concurrence, during the markup of H.R. 6083, the bill was amended. In its current form, the bill creates a grant program for comprehensive training, for which national nonprofit organizations, like the National District Attorneys Association, can compete.

In addition, the authorization has been lowered from $6.5 million to $4.75 million per year over a period of 5 years. This was done in response to suggestions from Members of the Senate that it would increase the bill's likelihood of being accepted unanimously there.

This bill enjoys broad bipartisan support in both the House and the Senate. Cosponsors on the bill come from all parts of the country: California, Alabama, Pennsylvania, Tennessee, and of course, South Carolina. It also has the emphatic support of the National District Attorneys Association.

I want to express my great appreciation to the committee chairman, Mr. CONYERS; to the chairman of the subcommittee, Mr. SCOTT; and to the Judiciary Committee staff, particularly Mario Dispenza, for working with dispatch and great diligence so that H.R. 6083 could be reported out of committee and placed on the suspension calendar.

Once again, I urge all my colleagues' support for training our State and local prosecutors, making them more professional. Vote ''yes'' on H.R. 6083.

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

Mr. KING of Iowa. Mr. Speaker, I yield myself so much time as I may consume.

Mr. Speaker, our State and local prosecutors are the heart of our criminal justice system. These dedicated men and women prosecute the majority of criminal cases in the country.

Every State has its criminal problems, and in my home State, we have 350 deputy county attorneys and assistant attorneys general who prosecute thousands of crimes each year. In 2007, for example, State and county prosecutors handled over 68,000 criminal cases in my State alone.

The National District Attorneys Association, working in conjunction with the Department of Justice's Office of Legal Education, provides training to State and local prosecutors at the Ernest F. Hollings National Advocacy Center in Columbia, South Carolina. This comprehensive training improves trial practice and advocacy skills needed to successfully prosecute crimes against children, gang crimes, and other violent criminal activity.

The National Advocacy Center contains over 200,000 square feet of classrooms, conference rooms, and full-size

courtrooms equipped with state-of-the-art audio technology for training. The National District Attorneys Association offers a variety of courses at the center, often including visiting lecturers and experts in specific areas of criminal prosecution.

Since 1998, the NDAA's, National District Attorneys Association, program at the National Advocacy Center has provided specialized training and education to approximately 3,000 local prosecutors each year. And over that time, the center has trained a total of over 20,000 State and local prosecutors.

Unfortunately, Federal funding for this training has significantly decreased in recent years. In fiscal year 2007, the program received no Federal funding. This lack of funding has required the NDAA to lay off employees and require students to pay for their expenses in order to keep the training program up and running.

H.R. 6083 authorizes $6.5 million a year for fiscal years 2009 through 2012 to the Attorney General to carry out this important training program.

It's critical that our prosecutors are properly trained to hone their courtroom skills and adapt to changing trial practices. These prosecutors come from all across the country and converge on South Carolina, where this center of education is there for them, and that means there's also a standard that goes back across the country, and I think that's an important piece of this as well, Mr. Speaker.

I urge my colleagues to join me in supporting H.R. 6083.

I reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Mr. Speaker, my prosecutors at home wrote me on several occasions asking me to support this particular bill. This school helps all of the prosecutors throughout this country in their efforts to fight crime, and if we don't have this school and the instruction it gives our district attorney generals, I think we all lose.

So I just wanted to add my voice to Mr. SPRATT's and others in this House and hope that we can continue the Byrne Center and help in our fight against crime, which ravages people all over this country but greatly in my district and in many inner cities. And unless we have strong prosecutors and others in the criminal justice system, we won't be successful in that fight.

Mr. RUPPERSBERGER. Mr. Speaker, I rise today in support of H.R. 6083, a bill to authorize the Ernest F. Hollings National Advocacy Center in Columbia, South Carolina.

The Ernest F. Hollings National Advocacy Center in Columbia, South Carolina is the largest and most productive national training facility for prosecutors.

The National District Attorneys Association has provided training at the National Advocacy Center for over 23,000 State and local prosecutors since the center's inception in 1998.

The National Advocacy Center is a state-of-the-art facility for prosecutors to learn the art and science of trial advocacy from a faculty of experienced prosecutors.

At the National Advocacy Center, district attorneys learn about new trends in law enforcement and trial advocacy and are taught by experts in specific subject areas.

Authorizing the National Advocacy Center will help ensure that these important programs continue and that our district attorneys have the resources they need to get the job done.

I urge my colleagues to support the bill.

Mr. BARRETT of South Carolina. Mr. Speaker, I appreciate the opportunity to join my colleagues today in voicing my support for H.R. 6083, a bill to authorize funding for the National Advocacy Center.

Mr. Speaker, solicitors and district attorneys are the unsung heroes in the fight to keep our streets, and our homeland safe. They go to work every day fighting for justice and in doing so, protect each and every one of us. These brave men and women are on the ground every day working with law enforcement on how best to enforce our laws, and implement justice, and for that, we owe them a debt of gratitude.

It is vital for the operation of our justice system, and the protection of citizens across this Nation, that our district attorneys be well trained and highly educated. That is why, in 1950, the National District Attorneys Association, the NDAA, was formed. Today, this group is the oldest and largest professional organization representing criminal prosecutors in the world.

In pursuit of its mission to equip State and local prosecutors to best do their jobs, the NDAA operates the National Advocacy Center on the campus of the University of South Carolina in Columbia. In this one of a kind center, the training of State and local prosecutors has been centralized in a single location. Offering classes such as ''Boot camp: An Introduction to Prosecution'' and ''Childproof: Advanced Trial Advocacy for Child Abuse Prosecutors,'' this center delivers unmatched education and training to prosecutors from all across our Nation.

Mr. Speaker, because it is in everyone's best interest to have the best trained legal minds prosecuting criminals, and by doing so, keeping us safe, the National Advocacy Center deserves our full support. And the solicitors, prosecutors, and district attorneys across our Nation deserve our thanks. I urge my colleagues to support this bill.

Mr. WILSON of South Carolina. Mr. Speaker, I wish to take this opportunity to express my strong support for the Ernest F. Hollings National Advocacy Center (NAC) located on the campus of the University of South Carolina and for H.R. 6083, legislation which authorizes funding for NAC to help that organization train State and local prosecutors.

Started by the National District Attorneys Association (NDAA) in 1998, for more than a decade the NAC has educated over 20,000 prosecutors—expanding their knowledge of difficult legal matters and skills to better serve their communities. I am grateful that my son Alan is a graduate of the NAC program. I know firsthand that his experience has been an important part of his legal training.

State and local prosecutors are an invaluable component of our nation's justice system. Their service helps protect American families by keeping criminals off our streets and making our neighborhoods safer for our children. I commend the staff of the National Advocacy Center for their hard work, and I encourage my colleagues to join me in supporting this important program.

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

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

The SPEAKER pro tempore (Mr. JACKSON of Illinois). The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 6083, 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. KING of Iowa. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

PROVIDING FOR PATENT AND TRADEMARK JUDICIAL APPOINTMENTS

Mr. COHEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3295) to amend title 35, United States Code, and the Trademark Act of 1946 to provide that the Secretary of Commerce, in consultation with the Director of the United States Patent and Trademark Office, shall appoint administrative patent judges and administrative trademark judges, and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 3295

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

SECTION 1. APPOINTMENT OF ADMINISTRATIVE PATENT JUDGES AND ADMINISTRATIVE TRADEMARK JUDGES.

(a) ADMINISTRATIVE PATENT JUDGES.—Section 6 of title 35, United States Code, is amended—

(1) in subsection (a)—

(A) in the second sentence, by striking ''Deputy Commissioner'' and inserting ''Deputy Director''; and

(B) in the last sentence, by striking ''Director'' and inserting ''Secretary of Commerce, in consultation with the Director''; and

(C) by adding at the end the following:

''(c) AUTHORITY OF THE SECRETARY.—The Secretary of Commerce may, in his or her discretion, deem the appointment of an administrative patent judge who, before the date of the enactment of this subsection, held office pursuant to an appointment by the Director to take effect on the date on which the Director initially appointed the administrative patent judge.

''(d) DEFENSE TO CHALLENGE OF APPOINTMENT.—It shall be a defense to a challenge to the appointment of an administrative patent

judge on the basis of the judge's having been originally appointed by the Director that the administrative patent judge so appointed was acting as a de facto officer.''.

(b) ADMINISTRATIVE TRADEMARK JUDGES.—Section 17 of the Act entitled ''An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (commonly referred to as the ''Trademark Act of 1946''; 15 U.S.C. 1067), is amended—

(1) in subsection (b)—

(A) by inserting ''Deputy Director of the United States Patent and Trademark Office'', after ''Director,''; and

(B) by striking ''appointed by the Director'' and inserting ''appointed by the Secretary of Commerce, in consultation with the Director''; and

(2) by adding at the end the following:

''(c) AUTHORITY OF THE SECRETARY.—The Secretary of Commerce may, in his or her discretion, deem the appointment of an administrative trademark judge who, before the date of the enactment of this subsection, held office pursuant to an appointment by the Director to take effect on the date on which the Director initially appointed the administrative trademark judge.

''(d) DEFENSE TO CHALLENGE OF APPOINTMENT.—It shall be a defense to a challenge to the appointment of an administrative trademark judge on the basis of the judge's having been originally appointed by the Director that the administrative trademark judge so appointed was acting as a de facto officer.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from Iowa (Mr. KING) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. COHEN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Intellectual property accounts for billions of dollars in our Nation's economy. The success of this industry largely depends on the protections afforded them by the United States Patent and Trademark Office and the decisions made by administrative patent and trademark judges.

In 1999, the process by which administrative patent and trademark judges are appointed was modified as part of the American Inventors Protection Act. That act, which provided greater accountability and efficiencies at the Patent and Trademark Office, transferred the power to appoint these judges from the Secretary of Commerce to the Director of the U.S. PTO.

Recently, however, concerns have been raised as to the constitutionality of the Director making such appointments. Already, at least two U.S. PTO decisions have been challenged on this basis.

We firmly believe that appointments made by the Director are constitutional. Nevertheless, in order to remove any doubts, the House and Senate has reached identical bills to respond to these concerns. H.R. 6362, sponsored by HOWARD BERMAN, JOHN CONYERS, LAMAR SMITH, and HOWARD COBLE, and S. 3295, sponsored by PATRICK LEAHY and ARLEN SPECTER, make three changes to the administrative judge appointments process. Today, we take up the Senate bill, which passed the Senate last week by unanimous consent.

First, S. 3295 restores the statutory appointment authority to the Secretary of Commerce.

Second, it allows the Secretary to retroactively appoint administrative judges who have been acting as de facto judges. The appointments would be effective as of the date the judges were originally appointed by the Patent and Trademark Office Director.

And third, the bill provides a de facto officer defense to counter challenges to the United States Patent and Trademark Office decisions made by these administrative judges prior to their retroactive appointment.

This legislation is intended to ensure certainty in the market and to end unnecessary litigation and the consumption of judicial resources on an issue over which there should be no dispute.

But should these judgeships be found to be unconstitutional and not de facto officers, the courts should remand the affected cases back to the U.S. PTO panels so that they may dealt with expeditiously.

Given the importance of intellectual property to our Nation's economy, years of uncertainty as the courts determine the constitutionality of the appointments process would be devastating.

The sponsors of H.R. 6362 and S. 3295 have provided a way through this uncertainty. Accordingly, I urge my colleagues to support this critical legislation.

I reserve the balance of my time.

Mr. KING of Iowa. Mr. Speaker, I yield myself so much time as I may consume. I rise in support of S. 3295, and I urge the House to adopt the bill.

Mr. Speaker, 9 years ago Congress enacted the American Inventors Protection Act as part of a larger intellectual property and telecommunications reform measure. Among its many provisions, this law confers a measure of autonomy on the Patent and Trademark Office. At the time, inventors, trademark owners, and Members of Congress believed the agency would function more efficiently if it were allowed greater operational freedom. In fact, some of the earliest drafts of the legislation, dating back to the early and mid-1990s, sought to transform the Patent and Trademark Office into a public corporation.

Consistent with this goal, the 1999 law enhances the authority of the Patent and Trademark Office Director to oversee agency affairs. This includes empowering the Director, not the Secretary of Commerce, to appoint administrative law judges serving on the Board of Patent Appeals and Interferences, as well as the Trademark Trial and Appeal Board.

Unfortunately, this small and seemingly innocuous change may very well violate an obscure provision of the United States Constitution, the so-called ''appointments clause.'' That's article II, section 2, which enumerates the powers of the President, including the right to appoint various judges, ministers, and other government officials. The last portion of the clause states that ''Congress may . . . vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.''

In other words, a straightforward reading of article II, section 2, which I strongly endorse, suggests the 1999 authority that Congress bestowed on the Patent and Trademark Office Director to appoint administrative law judges is unconstitutional, inconsistent with article II, section 2. Instead, this right is more properly reserved for the head of the relevant department, the Secretary of Commerce, because the Patent and Trademark Office remains an agency within Commerce.

But what does this mean as a practical matter? Why it is a problem? The answer lies in the number of judges appointed since the 1999 law took effect.

□ 1615

Of the 81 judges serving on the two boards, 50 were appointed by the Patent and Trademark Office Director under his new authority. Those judges have rendered hundreds of decisions, all of which may be constitutionally suspect if challenged. And that is already happening in one case, the Translogic Technologies versus Dudas case, which is pending before the Supreme Court.

This body knows how important intellectual property is to our national economy. With all the other problems plaguing the patent system, the last thing we need is a crisis that reopens settled legal disputes. This isn't fair to the litigants, especially those who won, and it places rights and fair access to inventions in limbo.

The solution we must adopt is S. 3295. The bill transfers the authority to appoint administrative law judges from the Patent and Trademark Office Director to the Secretary of Commerce and makes it consistent with article II, section 2 of the Constitution.

The legislation also adopts two features developed by the Patent and Trademark Office and the Department of Justice. One empowers the Secretary to ''deem'' or ratify all the appointments made by the PTO Director under the 1999 law. The other creates a ''de facto officer'' defense to any challenge made to the appointment of a patent or trademark administrative law judge.

Pursuant to the defense, the acts of a public officer performed under color of authority are considered valid and immune from collateral attack. Born of policy and necessity, the defense protects the interests and reasonable expectations of the public who must rely on the presumptively valid acts of public officials.

In closing, we must enact S. 3295 much sooner rather than later to avert a potential litigation crisis that would prove wasteful, unnecessary, and unfair.

S. 3295 does provide a measure of immunity. Congress clearly has the authority to do so. And today, we have the responsibility to quickly move S. 3295.

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

Mr. COHEN. Mr. Speaker, the bill also makes a technical change to insert the term ''deputy director,'' the term in current use, in place of ''deputy commissioner,'' an outdated term mistakenly used in the 2002 bill. Because related terms no longer appear in the underlying statute, this change could not be properly executed in the 2002 bill.

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 Tennessee (Mr. COHEN) that the House suspend the rules and pass the Senate bill, S. 3295.

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

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

The point of no quorum is considered withdrawn.

SUPPORTING NATIONAL NIGHT OUT

Mr. COHEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1324) requesting that the President focus appropriate attention on neighborhood crime prevention and community policing, and coordinate certain Federal efforts to participate in National Night Out, which occurs the first Tuesday of August each year, including by supporting local efforts and community watch groups and by supporting local officials, to promote community safety and help provide homeland security.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1324

Whereas neighborhood crime is of continuing concern to the American people;

Whereas child safety is a growing concern for parents and communities, as evidenced by several cases of missing and abducted children;

Whereas homeland security remains an important priority for communities and the Nation;

Whereas crime, drugs, and violence in schools is of continuing concern to the American people due to the recent high-profile incidents that have resulted in fatalities at several schools in the United States;

Whereas the fight against neighborhood crime requires people to work together in cooperation with law enforcement personnel;

Whereas neighborhood crime watch organizations effectively promote awareness about, and the participation of volunteers in, crime prevention activities at the local level;

Whereas neighborhood crime watch groups can contribute to the Nation's war on drugs by helping to prevent communities from becoming markets for drug dealers;

Whereas neighborhood crime watch programs play an integral role in combating domestic terrorism by increasing vigilance and awareness and encouraging citizen participation in community safety and homeland security;

Whereas community-based programs involving law enforcement, school administrators, teachers, parents, and local communities work effectively to reduce school violence and crime and promote the safety of children;

Whereas citizens throughout the United States will take part in National Night Out, a unique crime prevention event that will demonstrate the importance and effectiveness of community participation in crime prevention efforts;

Whereas over 35,400,000 people in more than 11,130 communities from all 50 States, territories, District of Columbia, and military bases worldwide participated in National Night Out in 2007;

Whereas National Night Out will celebrate its 25th anniversary on Tuesday, August 5, 2008, when citizens, businesses, local law enforcement officers, mayors, State and Federal officials, and others will celebrate ''America's Night Out Against Crime'' and participate in events to support community crime prevention;

Whereas National Night Out is supporting the Department of Homeland Security's Ready campaign by handing out materials and educating and empowering the public on how to prepare for, and respond to, potential terrorist attacks or other emergencies;

Whereas National Night Out is supporting the National Child Identification Program, a joint partnership between the American Football Coaches Association and the Federal Bureau of Investigation, to provide identification kits to parents to help locate missing children;

Whereas the National Sheriffs Association, the United States Conference of Mayors, and the National League of Cities have officially expressed support for National Night Out; and

Whereas citizens and communities that participate on August 5, 2008, will send a positive message to other communities and the Nation, showing their commitment to reduce crime and promote homeland security: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Night Out; and

(2) requests that the President—

(A) issue a proclamation calling on the people of the United States to conduct appropriate ceremonies, activities, and programs to demonstrate support for National Night Out;

(B) focus appropriate attention on neighborhood crime prevention, community policing, and reduction of school crime by delivering speeches, convening meetings, and directing the Administration to make crime reduction an important priority; and

(C) coordinate the efforts of the Federal Emergency Management Agency, the USA Freedom Corps, the Citizen Corps, the National Senior Service Corps, and AmeriCorps to participate in National Night Out by supporting local efforts and neighborhood watches and by supporting local officials, including law enforcement personnel, to provide homeland security and combat terrorism in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from Iowa (Mr. KING) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. COHEN. Mr. Speaker, I ask unanimous consent that all Members have 5 days to revise and extend their remarks and to include extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of House Resolution 1324, which will press the President to focus appropriate attention on neighborhood crime prevention and community policing. The resolution also asks the President to coordinate certain Federal efforts to participate in National Night Out.

Neighborhood crime is a major concern for many Americans across our Nation. While our police departments are generally as professional and responsive as they can be, preventing neighborhood crimes comes from the efforts of us all.

Community-based programs involving law enforcement, school administrators, teachers, parents, and other citizens are among the most effective ways to reduce violence and crime in our neighborhoods.

Neighborhood Crime Watch groups and Citizens on Patrol groups, for example, can be an integral part of a police department's effectiveness in making our neighborhoods safe. The presence of concerned citizens walking their neighborhoods, in contact with police, help prevent communities from becoming targets for drug dealers. Just as patrol is the great deterrent that police use, patrol can be a deterrent that citizens use. With more potential witnesses on the streets, citizens are much less likely to be robbery victims.

National Night Out is a unique crime prevention event that helps to highlight the importance and effectiveness of community participation in crime prevention efforts. This special event allows citizens, businesses, and local law enforcement officers, along with Federal, State and local officials, to participate in community crime prevention programs.

Last year, more than 35 million people in more than 11,000 communities across America participated in National Night Out. This year marks the 25th anniversary of this special event.

Mr. Speaker, I would like to thank Mr. STUPAK for leadership on this issue. And I ask my colleagues to support National Night Out.

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

Mr. KING of Iowa. Mr. Speaker, I yield myself so much time as I may consume.

Mr. Speaker, on August 5, 2008, thousands of communities and millions of individuals will once again participate in National Night Out. It's an annual event created to raise community awareness of and participation in local crime-fighting programs and organizations.

H. Res. 1324 calls on the administration to coordinate Federal efforts to participate in this nation-wide campaign as well as other community crime-prevention initiatives.

In 1984, the National Association of Town Watch, NATW, decided the 5 to 7 percent of neighborhood residents actively involved in their local crime watch and prevention programs was just not enough. It was out of that concern that a National Night Out was born. Since then, it has been the mission of the National Association of Town Watch and National Night Out to promote and increase the membership of these local crime-fighting initiatives and organizations, to strengthen police community relationships, and to send a message to criminals that neighborhoods and communities are united in their fight against crime.

This year's event will celebrate a National Night Out's 25th anniversary. Since its creation, the event, which began with 2.5 million Americans in 23 States illuminating their homes, has expanded its participation to 35.4 million in all 50 States. And the traditional ''lights on'' has grown to include block parties, neighborhood walks, police meetings, cookouts, and parades.

Unfortunately, crime has found its way into even the safest of neighborhoods. And while our law enforcement officials play a tremendous role in fighting this criminal activity, united communities committed to crime-prevention awareness is essential to this ongoing fight.

I urge my colleagues to support this bill.

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

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

Mr. KING of Iowa. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. POE).

Mr. POE. Mr. Speaker, National Night Out is a crime prevention event that brings awareness to neighborhood crime. The idea is that people will come out of their homes, meet with their neighbors, and become more aware of issues in their community, especially crime concerns.

When people know each other that live around them, they are more apt to work together to prevent crime in their communities. Unfortunately, Americans today don't know their neighbors like they used to. My grandmother used to say that ''we quit knowing our neighbors when they quit building front porches on houses.'' Maybe there's some truth to that statement, Mr. Speaker, because not many people go and visit their neighbors, sit on the porch, and discuss important events like what's taking place in their community.

National Night Out allows neighbors to get together with their kids. Back home in Texas, some communities block off streets, eat barbecue and hot dogs, and invite the local police over to meet with the kids and the neighbors that they protect.

A neighborhood that has visible neighbors is a safer neighborhood. On National Night Out in August, there will be less burglaries, car thefts and vandalism because neighbors will be with other neighbors on watch, protecting the neighborhoods they call home.

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

Mr. KING of Iowa. Mr. Speaker, I yield myself so much time as I may consume.

Mr. Speaker, I appreciate the remarks made by the gentleman that came to the floor. As I listened to Mr. POE and his remarks, I come from an entirely different environment. I do a little inventory, and within a mile radius of my house there are four houses, and that's all, perhaps, in limit of a mile. Not only do we know who drives down our road and where they're going, if the ambulance comes by, we know who's in it. It's a very thinly populated rural area, but we have a neighborhood.

And when I come to Washington, D.C., where my wife and I maintain a residence, we live in a neighborhood. And neighborhoods are similar whether they're in the city or whether they're in the country because you need to get to know each other. And a National Night Out is a way to do that. And when we get to know each other, that opens up our communications. And when we open up our communications, we provide the intelligence that supports our law enforcement so that we can fight crime in a direct effective fashion. That's the essence of the reason that I support this resolution, and I urge its adoption.

Mr. STUPAK. Mr. Speaker, I rise today in support of the Stupak/Ramstad resolution, House Resolution 1324. Our resolution would commemorate the 25th annual National Night Out event, which is sponsored by the National Association of Town Watch.

I would like to thank my Law Enforcement Caucus Co-Chair, Congressman JIM RAMSTAD, for introducing this legislation with me once again this year, and all members of the Law Enforcement Caucus who co-sponsored this resolution.

This bipartisan resolution has had strong Congressional support for several years running and I am pleased we have another opportunity to highlight this important event again this year.

National Night Out, an annual nationwide grassroots crime prevention event, will take place on Tuesday, August 5th.

The event brings together involved citizens, law enforcement agencies, and civic groups throughout the United States to heighten crime and drug prevention awareness and to strengthen neighborhood spirit and police-community partnerships.

Since its inception in 1984, National Night Out has become a crime prevention fixture that is enthusiastically supported by citizens, law enforcement and local officials.

It is the Nation's largest, most cost-effective crime prevention campaign. By building community watch groups and police partnerships at an average cost of about $27 per community, National Night Out allows local law enforcement to extend its reach without incurring additional costs.

Whether it is stopping illegal drug sales, making schools safer, locating missing children, or remaining vigilant against terrorism, local law enforcement officials depend on the support of community networks to succeed.

The active involvement of citizens and the presence of local law enforcement in communities is a winning combination that makes and keeps neighborhoods safe.

Last year's National Night Out campaign involved citizens, law enforcement agencies, civic groups, businesses, neighborhood organizations and local officials from over 11,130 communities in all 50 states, U.S. territories, the District of Columbia, and on U.S. military bases worldwide.

In all, over 35.4 million people participated in National Night Out 2007.

National Night Out is an integral part of America's grassroots efforts to fight crime and create safer neighborhoods.

The Stupak/Ramstad resolution expresses Congress' support for community crime prevention and asks that the President focus Federal attention on the issue.

With this in mind, we hope that you will show your support for the community crime prevention efforts of citizens and police in your district, and across the Nation.

Vote for the Stupak/Ramstad National Night Out Resolution.

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

Mr. COHEN. 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 Tennessee (Mr. COHEN) that the House suspend the rules and agree to the resolution, H. Res. 1324.

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

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further

proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

UNITED STATES PAROLE COMMISSION EXTENSION ACT OF 2008

Mr. COHEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3294) to provide for the continued performance of the functions of the United States Parole Commission.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 3294

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 ''United States Parole Commission Extension Act of 2008''.

SEC. 2. AMENDMENT OF SENTENCING REFORM ACT OF 1984.

For purposes of section 235(b) of the Sentencing Reform Act of 1984 (18 U.S.C. 3551 note; Public Law 98–473; 98 Stat. 2032), as such section relates to chapter 311 of title 18, United States Code, and the United States Parole Commission, each reference in such section to ''21 years'' or ''21-year period'' shall be deemed a reference to ''24 years'' or ''24-year period'', respectively.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from Iowa (Mr. KING) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. COHEN. Mr. Speaker, I ask unanimous consent that all Members have 5 days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, S. 3294, the United States Parole Commission Extension Act of 2008, would authorize the United States Parole Commission for another 3 years.

Under the Sentencing Reform Act of 1984, criminal defendants sentenced for Federal offenses committed on or after November 1, 1987 serve determinate terms and are not eligible for patrol.

Since the elimination of Federal parole in 1987, the Parole Commission has been reauthorized on four prior occasions. Current reauthorization is set to expire October 31, 2008.

The Commission has jurisdiction over Federal offenders sentenced before November 1, 1987, as well as DC offenders sentenced before August 4, 2000. The Commission also has jurisdiction over an increasing number of DC offenders on supervised release.

Should the Commission not be reauthorized, the Department of Justice is concerned that Federal inmates who were sentenced prior to 1987 will begin to file motions for release under the Sentencing Reform Act. This act requires inmates sentenced before 1987 to be given release dates 3 to 6 months prior to the Commission's expiration. This is why it's imperative that Congress act immediately to reauthorize the Parole Commission.

Accordingly, I urge my colleagues to support this bipartisan legislation and I reserve the balance of my time.

Mr. KING of Iowa. Mr. Speaker, I yield myself so much time as I may consume.

Mr. Speaker, I rise in support of S. 3294, the United States Parole Commission Extension Act of 2008.

This bipartisan legislation will extend the authorization of the United States Parole Commission for an additional 3 years.

Judiciary Committee Chairman JOHN CONYERS and Ranking Member LAMAR SMITH introduced the House version of this bill earlier this month. Crime Subcommittee Chairman BOBBY SCOTT and Ranking Member LOUIE GOHMERT also joined as cosponsors.

The Parole Commission is an independent agency within the Department of Justice that has the responsibility of supervising Federal offenders that are eligible for parole. The Parole Commission also has jurisdiction over offenders from the District of Columbia who are parole-eligible and those convicted under current DC law, under which they cannot be paroled.

Today, the great majority of the Commission's workload concerns the District of Columbia offenders. That's because the group of offenders that the Commission was originally intended to supervise—Federal offenders that are eligible for parole—are a small category of prisoners getting smaller every day. This decrease in the number of parole-eligible Federal offenders is the result of a decision by Congress to end indeterminate sentencing, and therefore Federal parole, with the passage of the Sentencing Reform Act, or SRA, of 1984.

As a result of the SRA, the arbitrary and disparate sentences imposed by judges under the old system were replaced with determinate sentences mandated by strong guidelines created by the U.S. Sentencing Commission. This new Federal sentencing arrangement has been an unquestioned success. Determinate sentencing makes incarceration terms more meaningful and ensures that offenders actually serve most of their sentences. Determinate sentencing also helped to restore the credibility of courts by making sentencing more uniform.

Over the last 25 years the national crime rate has dropped. This decrease in crime can be attributed to determinate sentencing, which keeps the violent criminals in prison and off the streets, and it also provides a deterrent.

In an effort to lower local crime rates, the District of Columbia followed the Federal example and abolished parole. Under the new DC system, the DC Superior Court imposes a term of incarceration and supervised release, and the Parole Commission enforces the conditions of the supervised release.

Like the population of Federal offenders eligible for parole, the parole-eligible DC offender population is declining over time, although at a slower rate than Federal offenders.

□ 1630

However, because all incoming offenders are now sentenced under the new law, the DC supervised release offender population is increasing over time.

The Department of Justice has indicated that it will evaluate the future of the commission during the 3-year reauthorization period. The department will review whether any changes to the commission are necessary to reflect its decreasing Federal parole responsibilities and its evolving supervised release responsibilities for the District of Columbia. These changes may include transferring all or some of the commission's functions to an entity or entities inside or outside the Department of Justice.

We hope the department will share the results of this review with Congress as it will help the legislature make an informed decision about the future status of the U.S. Parole Commission.

I urge my colleagues to support this bill.

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

Mr. COHEN. 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 Tennessee (Mr. COHEN) that the House suspend the rules and pass the Senate bill, S. 3294.

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

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

The point of no quorum is considered withdrawn.

DRUG TRAFFICKING VESSEL INTERDICTION ACT OF 2008

Mr. COHEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6295) to amend title 18, United States Code, to prohibit operation by any means or embarking in any submersible or semi-submersible vessel that is without nationality and that is navigating or has navigated into, through or from waters beyond the

outer limit of the territorial sea of a single country or a lateral limit of that country's territorial sea with an adjacent country, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6295

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 ''Drug Trafficking Vessel Interdiction Act of 2008''.

SEC. 2. FINDINGS AND DECLARATIONS.

Congress finds and declares that operating or embarking in a submersible or semi-submersible vessel without nationality and on an international voyage is a serious international problem, facilitates transnational crime, including drug trafficking, and terrorism, and presents a specific threat to the safety of maritime navigation and the security of the United States.

SEC. 3. OPERATION OF SUBMERSIBLE OR SEMI-SUBMERSIBLE VESSEL WITHOUT NATIONALITY.

(a) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by adding at the end the following new section:

''SEC. 2285. OPERATION OF SUBMERSIBLE OR SEMI-SUBMERSIBLE VESSEL WITHOUT NATIONALITY.

''(a) OFFENSE.—Whoever knowingly operates, or attempts or conspires to operate, by any means, or embarks in any submersible or semi-submersible vessel that is without nationality and that is navigating or has navigated into, through, or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country's territorial sea with an adjacent country, with the intent to evade detection, shall be fined under this title, imprisoned not more than 15 years, or both.

''(b) DEFINITIONS.—In this section—

''(1) the term 'submersible vessel' means a watercraft that is capable of operating completely below the surface of the water, and includes manned and unmanned watercraft;

''(2) the term 'semi-submersible vessel' means any watercraft constructed or adapted to be capable of operating with most of its hull and bulk under the surface of the water, and includes manned or unmanned watercraft;

''(3) the term 'vessel without nationality' has the same meaning given that term in section 70502(d) of title 46;

''(4) the term 'evade detection' includes the indicia set forth in section 70507(b)(1)(A), (E), (F), (G), (b)(4), (5), and (6) of title 46; and

''(5) the term 'vessel of the United States' has the same meaning given that term in section 70502(b) of title 46.

''(c) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section, including an attempt or conspiracy to commit such an offense.

''(d) CLAIM OF NATIONALITY OR REGISTRY.—A claim of nationality or registry under this section includes only—

''(1) possession on board the vessel and production of documents evidencing the vessel's nationality as provided in article 5 of the 1958 Convention on the High Seas;

''(2) flying its nation's ensign or flag; or

''(3) a verbal claim of nationality or registry by the master or individual in charge of the vessel.

''(e) AFFIRMATIVE DEFENSES.—

''(1) IN GENERAL.—It is an affirmative defense to a prosecution for a violation of this section, which the defendant has the burden to prove by a preponderance of the evidence, that any submersible or semi-submersible vessel that the defendant operated by any means or embarked in at the time of the offense—

''(A) was a vessel of the United States or lawfully registered in a foreign nation as claimed by the master or individual in charge of the vessel when requested to make a claim by an officer of the United States authorized to enforce applicable provisions of United States law;

''(B) was classed by and designed in accordance with the rules of a classification society;

''(C) was lawfully operated in government-regulated or licensed activity, including commerce, research, or exploration; or

''(D) was equipped with and using an operable automatic identification system, vessel monitoring system, or a long range identification and tracking system.

''(2) PRODUCTION OF DOCUMENTS.—The affirmative defenses provided by this subsection are proved conclusively by the production of—

''(A) government documents evidencing the vessel's nationality at the time of the offense, as provided in article 5 of the 1958 Convention on the High Seas;

''(B) a certificate of classification issued by the vessel's classification society upon completion of relevant classification surveys and valid at the time of the offense; or

''(C) government documents evidencing licensure, regulation, or registration for research or exploration.

''(f) FEDERAL ACTIVITIES.—Nothing in this section applies to lawfully authorized activities carried out by or at the direction of the United States Government.

''(g) APPLICABILITY OF OTHER PROVISIONS.—Sections 70504 and 70505 of title 46 apply to this section.''

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 111 of title 18, United States Code, is amended by adding at the end the following new item:

''2285. Operation of submersible or semi-submersible vessel without nationality.''.

SEC. 4. SENTENCING GUIDELINES.

(a) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall promulgate sentencing guidelines (including policy statements) or amend existing sentencing guidelines (including policy statements) to provide adequate penalties for persons convicted of knowingly operating by any means or embarking in any submersible or semi-submersible vessel as defined in section 2285 of title 18, United States Code.

(b) REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) ensure that the sentencing guidelines and policy statements reflect the serious nature of the offense described in section 2285 of title 18, United States Code, and the need for deterrence to prevent such offenses;

(2) account for any aggravating or mitigating circumstances that might justify exceptions, including—

(A) the use of a submersible or semi-submersible vessels described in section 2285 of title 18, United States Code, to facilitate other felonies;

(B) the repeated use of a submersible or semi-submersible vessel described in section 2285 of title 18, United States Code, to facilitate other felonies, including whether such use is part of an ongoing commercial organization or enterprise;

(C) whether the use of such a vessel involves a pattern of continued and flagrant violations of section 2285 of title 18, United States Code;

(D) whether the persons operating or embarking in a submersible or semi-submersible vessel willfully caused, attempted to cause, or permitted the destruction or damage of such vessel or failed to heave to when directed by law enforcement officers; and

(E) circumstances for which the sentencing guidelines (and policy statements) provide sentencing enhancements;

(3) ensure reasonable consistency with other relevant directives, other sentencing guidelines and policy statements, and statutory provisions;

(4) make any necessary and conforming changes to the sentencing guidelines and policy statements; and

(5) ensure that the sentencing guidelines and policy statements adequately meet the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. COHEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and submit extraneous material on the subject matter of the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 6225, as amended, a bill authorized by my colleague Mr. DAN LUNGREN of California to address the growing problem of self-propelled semi-submersible or fully submersible vessels used for criminal purposes. Not the Hunley, in fact.

According to the United States Coast Guard, international drug traffickers are using these vessels to transport illegal drugs to the United States. They are typically large enough to carry 24 metric tons of contraband, can travel up to 3,500 miles, and are designed so that the crew members can readily sink them within scant minutes of being spotted, thereby making it virtually impossible for authorities to intercept illegal shipments and bring the smugglers to justice.

These vessels sail under no country's flag. They are not registered. They are usually camouflaged and constructed to avoid radar detection, with all but a few inches hidden below the water line.

The Coast Guard estimates that these vessels now account for 32 percent of all maritime cocaine flow to the U.S. from pan-American sources. And they could just as easily carry even more dangerous cargo, posing a serious national security threat.

In recognition of this threat, this bill makes it a felony to operate such a vehicle on the high seas or across our border without national registration and with intent to avoid detection, punishable by up to 15 years in prison.

The version of the bill we are considering reflects a number of improvements developed by Congressman DANIEL E. LUNGREN, Senator BIDEN, and Senator LAUTENBERG in consultation with the Coast Guard and the Department of Justice. I would like to commend them all for their leadership on this important legislation.

I urge my colleagues to support it.

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

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 6295 is a bill on which Congressman POE of Texas and I have worked to address a serious problem relating to the use of submersible and semi-submersible vessels to transport drugs and potentially other contraband which pose a threat to our communities and our national security. The language in the amendment before us reflects an agreement reached with Chairman CONYERS and the majority on the Judiciary Committee, and we thank him and them for their willingness to work with us to address this very serious challenge.

Submersibles and semi-submersibles are watercraft of unorthodox construction capable of putting much of their bulk underneath the surface of the water. This makes them very difficult to detect. These submersible and semi-submersible vessels are typically less than 100 feet in length and usually carry between 5 and 6 tons of illicit cargo, everything from drugs, guns, people, and potentially weapons of mass destruction. The range of these vessels is sufficient to reach the southeastern United States from the north coast of South America without refueling. According to recent press reports, in order to cover even longer distances, some of these vessels have been caught while being towed by larger ships with the idea that they would be released for the final approach to the shores of California or off the northeast coast of the United States.

Now, we're talking about stateless vessels that are built in the jungles of South America. They have no legitimate use. They are built for stealth and are designed to be rapidly scuttled. Their crews often will abandon and sink the vessels and contraband when detected by U.S. law enforcement in order to avoid prosecution. According to the Coast Guard, when you scuttle a vessel and all of the evidence ends up at the bottom of the ocean, it makes prosecution difficult, if not, in most cases, impossible. As a July 9 article in Politico reported:

''On June 16 U.S. forces encountered one of newfangled drug boats northwest of the Colombian-Ecuador border. But before the Americans could get to it, the four Colombians aboard scuttled it, along with the estimated 5 to 10 tons of cocaine they were carrying . . . So what started as a major drug bust ended up as a rescue mission. And with no evidence the government could not prosecute the four drenched sailors.''

This adds a new dimension to the notion of ''submarine warfare,'' and it's critical that our prosecutors be equipped with the tools necessary to adapt to this new challenge facing Federal law enforcement authorities.

Although these new vessels are being used to evade detection and prosecution for drug trafficking, my own interest actually in this issue is even broader. The potential that someone might seek to transport a weapon of mass destruction into the United States is further reason for concern and why we need an aggressive response to alter the calculus of deterrence with respect to the use of these vehicles.

In testimony before our Crime Subcommittee of the Judiciary Committee, the U.S. Coast Guard testified that these semi-submersible vessels present ''one of the emerging and most significant threats we face in maritime law enforcement today.''

In making the case for legislation, the Coast Guard testified that: ''If operation and embarkation in an SPSS were illegal, U.S. interdiction forces and U.S. Attorneys would have the necessary legal tools to combat the threat even in the absence of recovered drugs or other contraband. So criminalizing the operation of these vessels on international voyages would improve officer safety, deter the use of these inherently dangerous vessels, and facilitate effective prosecution of criminals involved in this treacherous and emerging trend.''

The Coast Guard has asked us for help on what they deem to be one of the most significant emerging threats to their mission. Language similar to that before us passed this body by a vote of 408–1 as an amendment to the Coast Guard authorization offered by Mr. POE and me. The recent seizure of a semi-submersible by the Mexican navy a little over a week ago is additional evidence that this pressing challenge to our drug enforcement authorities is no less compelling than it was when this body overwhelmingly supported this request by the Coast Guard before. So I ask once again for the unanimous support of this House.

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

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

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. POE).

Mr. POE. Mr. Speaker, I want to thank the gentleman from California for yielding and for cosponsoring and offering this legislation to capture the individuals who sail these vessels.

Mr. Speaker, here's a photograph that was taken of one of these submersible vessels that we have been talking about this evening. As you can see, it's blue like the water, but it also, as the gentleman from California pointed out, has stealth capability. And these vessels are able to go from the coast of Columbia all the way to the United States without refueling. They are made by the drug cartels in the jungles of Columbia. They're floated down river, and they set sail for the United States.

The United States Coast Guard has brought this to the attention of Congress. What happens is they come upon one of these vessels that are stateless, they have no flag, and as soon as they come upon one of these vessels carrying 9, 10, 11 tons of cocaine, the crew scuttles the vessel. It sinks to the bottom of the ocean, and then the Coast Guard or the United States Navy has to rescue the crew and take care of them and send them back home even though they're criminals smuggling drugs into the United States.

So to prevent that from happening anymore, these stateless vessels will be a crime to be in possession of one of these on the high seas. Thus when our Navy or the Mexican navy, as Mr. LUNGREN pointed out, last week came across one of these vessels, it would be a crime to be in the possession of one of these vessels, and the crew members can be prosecuted for being on board one of these vessels.

The Coast Guard has reported that at any one time, there are over 100 of these vessels on the high seas all headed to the United States, all bringing cargo, drugs or even people. And, Mr. Speaker, this is a photograph of it. And this other chart shows where the United States Coast Guard came across one of these vessels. The crew tried to scuttle it, but it didn't sink fast enough. So the Coast Guard got on board, recovered some of the drugs, captured the outlaws, and they're being prosecuted in Florida as we speak.

So this bill, which I hope all Members of Congress support, will help us fight the sea trafficking of these drug cartels who are relentless in bringing that cancer into the United States.

And, lastly, as pointed out previously, these things are so shallow, even though they are 100 feet long, they are so shallow they can go up our rivers and tributaries into the innermost parts of the United States, and some of them might not even be discovered, and they could bring in weapons of mass destruction, and all types of weapons into the United States.

So it's time to make it a crime to set sail in one of these vessels, these submarines on the high seas, and prosecute these criminals who bring drugs into our country.

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

Mr. DANIEL E. LUNGREN of California. In closing, Mr. Speaker, let me just say that some people look at this and I have had people say to me, well, my goodness, if you have something like that, why don't we just sink them? Why don't we just shoot them down. If this were wartime, we would do that sort of thing. This is not wartime in the judicial sense of the word. So what we need to do is how we can successfully prosecute them to get around

their evasive tactics of scuttling their ships, sinking their ships, throwing their cargo overboard. That's why we need this legislation, to allow us to have a legal premise for prosecuting them for actually being on the high seas.

Secondly, and I don't think this is an idle threat that we ought to consider, one of the most serious concerns I have being a member of the Homeland Security Committee is the possibility of a nuclear weapon or dirty bomb somehow being discharged somewhere in the United States. We think the possibilities of that are rather low, but the fact of the matter is there are possibilities. And these kinds of delivery systems could be modified for that purpose.

So rather than our waiting until we have an even greater problem than we have now, we think this legislation deserves the support of the Members of this committee. There is companion legislation in the other body. We believe that they are very likely to affirmatively respond to this bill. And so if we could get it over there to the Senate as quickly as possible, it enhances the opportunity for this actually becoming law, helping the Coast Guard, helping this Nation, and preventing further tragedy in the future.

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

□ 1645

Mr. COHEN. I want to thank Mr. LUNGREN for bringing this issue to the surface.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and pass the bill, H.R. 6295, as amended.

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

The title was amended so as to read: ''A bill to enhance drug trafficking interdiction by creating a Federal felony relating to operating or embarking in a submersible or semi-submersible vessel without nationality and on an international voyage.''.

A motion to reconsider was laid on the table.

VETERANS' HEALTH CARE POLICY ENHANCEMENT ACT OF 2008

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (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, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6445

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 ''Veterans' Health Care Policy Enhancement Act of 2008''.

SEC. 2. PROHIBITION ON COLLECTION OF CERTAIN COPAYMENTS FROM VETERANS WHO ARE CATASTROPHICALLY DISABLED.

(a) PROHIBITION ON COLLECTION OF COPAYMENTS AND OTHER FEES FOR HOSPITAL OR NURSING HOME CARE.—Section 1710 of title 38, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection (h):

''(h) Notwithstanding any other provision of this section, a veteran who is catastrophically disabled shall not be required to make any payment otherwise required under subsection (f) or (g) for the receipt of hospital care or nursing home care under this section.''.

(b) EFFECTIVE DATE.—Subsection (h) of section 1710 of title 38, United States Code, as added by subsection (a), shall apply with respect to hospital care or nursing home care provided after the date of the enactment of this Act.

SEC. 3. EXPANSION OF AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO PROVIDE COUNSELING FOR FAMILY MEMBERS OF VETERANS RECEIVING NONSERVICE-CONNECTED TREATMENT.

Section 1782(b) of title 38, United States Code, is amended by striking ''if—'' and all that follows and inserting a period.

SEC. 4. COMPREHENSIVE POLICY ON PAIN MANAGEMENT.

(a) COMPREHENSIVE POLICY REQUIRED.—Not later than October 1, 2008, the Secretary of Veterans Affairs shall develop and implement a comprehensive policy on the management of pain experienced by veterans enrolled for health care services provided by the Department of Veterans Affairs.

(b) SCOPE OF POLICY.—The policy required by subsection (a) shall cover each of the following:

(1) The systemwide management of acute and chronic pain experienced by veterans.

(2) The standard of care for pain management to be used throughout the Department.

(3) The consistent application of pain assessments to be used throughout the Department.

(4) The assurance of prompt and appropriate pain care treatment and management by the Department, systemwide, when medically necessary.

(5) The Department's program of research related to acute and chronic pain suffered by veterans, including pain attributable to central and peripheral nervous system damage characteristic of injuries incurred in modern warfare.

(6) The Department's program of pain care education and training for health care personnel of the Department.

(7) The Department's program of patient education for veterans suffering from acute or chronic pain and their families.

(c) UPDATES.—The Secretary shall revise the policy developed under subsection (a) on a periodic basis in accordance with experience and evolving best practice guidelines.

(d) CONSULTATION.—The Secretary shall develop the policy developed under subsection (a), and revise such policy under subsection (c), in consultation with veterans service organizations and organizations with expertise in the assessment, diagnosis, treatment, and management of pain.

(e) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the completion and initial implementation of the policy under subsection (a) and on October 1 of every fiscal year thereafter through fiscal year 2018, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the implementation of the policy developed under subsection (a).

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the policy developed and implemented under subsection (a) and any revisions to such policy under subsection (c).

(B) A description of the performance measures used to determine the effectiveness of such policy in improving pain care for veterans systemwide.

(C) An assessment of the adequacy of the Department's pain management services based on a survey of patients managed in Department clinics.

(D) An assessment of the Department's research programs relevant to the treatment of the types of acute and chronic pain suffered by veterans.

(E) An assessment of the training provided to Department health care personnel with respect to the diagnosis, treatment, and management of acute and chronic pain.

(F) An assessment of the Department's pain care-related patient education programs.

(f) VETERANS SERVICE ORGANIZATION DEFINED.—In this section, the term ''veterans service organization'' means any organization recognized by the Secretary for the representation of veterans under section 5902 of title 38, United States Code.

SEC. 5. ESTABLISHMENT OF CONSOLIDATED PATIENT ACCOUNTING CENTERS.

(a) ESTABLISHMENT OF CENTERS.—Chapter 17 of title 38, United States Code, is amended by inserting after section 1729A the following:

''§ 1729B. Consolidated patient accounting centers

''(a) IN GENERAL.—Not later than 5 years after the date of enactment of this section, the Secretary of Veterans Affairs shall establish not more than seven consolidated patient accounting centers for conducting industry-modeled regionalized billing and collection activities of the Department.

''(b) FUNCTIONS.—The centers shall carry out the following functions:

''(1) Reengineer and integrate all business processes of the revenue cycle of the Department.

''(2) Standardize and coordinate all activities of the Department related to the revenue cycle for all health care services furnished to veterans for nonservice-connected medical conditions.

''(3) Apply commercial industry standards for measures of access, timeliness, and performance metrics with respect to revenue enhancement of the Department.

''(4) Apply other requirements with respect to such revenue cycle improvement as the Secretary may specify.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1729A the following:

''1729B. Consolidated patient accounting centers.''.

SEC. 6. SIMPLIFYING AND UPDATING NATIONAL STANDARDS TO ENCOURAGE TESTING OF THE HUMAN IMMUNODEFICIENCY VIRUS.

Section 124 of the Veterans' Benefits and Services Act of 1988 (38 U.S.C. 7333 note; 102 Stat. 505) and the item relating to such section in the table of contents of such Act (102 Stat. 487) are repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Kansas (Mr. MORAN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

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

We have a number of bills on the floor today, all of which will go to improving both the health and the benefits of our veterans, to whom we owe so

much. The bill on the floor now comes to us from Mr. CAZAYOUX of Louisiana, one of our newest Members, but who has already taken an active role on the Veterans' Committee. In addition, the bill includes elements of bills from Mr. DOYLE of Pennsylvania, Mr. WALZ from Minnesota, Mr. BUYER from Indiana, and Mr. HARE from Illinois, and addresses a number of policies in the VA which directly affect our Nation's veterans.

Within the care the VA gives, there is a small population of veterans who suffer from nonservice-connected but catastrophically disabling injuries. These veterans are stuck in an extreme paradox. They have injuries so severe that it prevents them from maintaining employment and causes them to utilize many more health services than other veterans. Yet, because of the nonservice-connected nature of their injuries, they are forced to bare the burden of copayments, which many of them are ill-equipped to pay. This bill will eliminate the injustice by prohibiting the VA from collecting copayments from this particularly vulnerable population of veterans.

The bill also addresses VA's ability to provide counseling, training, or mental health services to family members of veterans who are seeking treatment for nonservice-connected disabilities. Currently, VA is unable to provide these essential family support services unless the veteran is an inpatient and these services are needed for his or her discharge.

The policy is out of date and is a remnant from the days when the VA was primarily an inpatient system. This bill removes those restrictive requirements and will allow the VA to provide those services to families in need. This is particularly important for our newest generation of veterans, many of whom are struggling with PTSD and depression.

Section 4 of this bill addresses an issue that many veterans face on a daily basis. It is a battle against chronic and acute pain. The pain lingers long after the physical wounds of war have healed and affects the quality of life of many veterans. Although the VA has worked on a national pain management strategy, its implementation remains uneven across our system. This bill will require the VA to develop and implement a systemwide policy on pain management. We thank Mr. WALZ from Minnesota for bringing this to us.

The VA is also currently authorized to collect third-party payments from veterans' insurance companies, but due to ineffective procedures, over a billion dollars go uncollected annually. This is money the VA can reuse for providing medical services to veterans. To address this issue, the VA began a demonstration project of a Consolidated Patient Accounting Center in 2005, and has some success in improving revenue collections. In Section 5 of this bill, we require the VA to establish no more than seven other CPACs, (Consolidated Pain Accounting Centers) to enable it to improve its billing performance.

This service, Mr. Speaker, has been outsourced for the last 5 or 6 years on a sole-source contract. I would urge the VA right now, on the floor, I am urging them in letters and, if necessary, legislation, to open that bidding process to a wider variety of contractors, many of whom have systems to save almost a billion and a half dollars per year, that is not collected for the VA. That money would go directly back to the services of our veterans.

The VA is also the largest provider of HIV/AIDS care in the United States, but its policies regarding HIV testing are based on best practices that date back to the 1980s. The CDC revised their HIV testing guidance in 2006. It now recommends that HIV testing be a part of routine clinical care and that separate written consent for HIV screening should no longer be required.

Section 6 of the bill brings the VA care in this area up to current standards of practice and provides VA the flexibility to update their screening standards in the future without congressional intervention.

Every provision of this bill, we believe, will improve the quality of health care of our veterans. It comes to us on a unanimous basis from the Committee on Veterans' Affairs. I urge my colleagues to support it.

I would reserve the balance of my time.

Mr. MORAN of Kansas. I rise in support of H.R. 6445, as amended, the Veterans' Health Care Policy Enhancement Act of 2008, a bill that amends title 38 to the United States Code to prohibit the Secretary of Veterans Affairs from collecting certain copayments from veterans who are catastrophically disabled, and a number of other purposes. H.R. 6445 includes the text of four other bills introduced by Members, both Republican and Democrat, and all provisions have bipartisan support.

Section 2 of the bill would ensure that veterans who have been determined to be catastrophically disabled from nonservice-connected would not be required to pay any copayment for their inpatient, outpatient, and long-term care needs. These veterans, because of their very complex medical needs, depend heavily upon the VA for their health care.

There are currently about 25,000 seriously disabled veterans who would benefit from this provision, and I thank our new colleague, the gentleman from Louisiana, Representative CAZAYOUX, for introducing this bill.

Section 3 of the bill would eliminate an outdated statutory requirement that a veteran being treated for a nonservice-connected condition be hospitalized in order for the VA to provide counseling services to the family members. In today's delivery of health care, this makes no sense. We must ensure that all families, regardless of the nature of the veteran's condition, are eligible for needed and valuable support services that will aid in the treatment of that veteran patient. I want to thank my friend and colleague from the committee, the gentleman from Illinois (Mr. HARE) for bringing this provision forward.

Section 4 of the bill would require the VA to maintain current pain management policy and ensure that the policy is both effective and implemented in a consistent manner throughout the VA health care delivery system. The VA has long recognized the importance of providing early and appropriate care for management of pain.

In 1998, the VA developed a strategy of ''Pain Assessment, the Fifth Vital Sign,'' which established procedures for pain assessment, treatment, and outcomes at all VA clinical settings. The VA further enhanced its efforts in 2003, and issued a new directive establishing the National Pain Management Strategy. This legislation would support those VA efforts. I thank the gentleman, Mr. WALZ, for introducing this measure to ensure the VA maintains a national standard to reduce the suffering of our veterans experiencing acute and chronic pain associated with a wide range of illnesses.

Section 5 of the bill would improve effectiveness of the VA's process for securing reimbursements from third-party insurance companies. This measure was introduced by our ranking member, the gentleman from Indiana (Mr. BUYER). Mr. BUYER has long been at the forefront of this issue. Every dollar that goes uncollected is one less additional dollar that can be used to enhance the care of our veterans.

The Government Accounting Office has consistently reported the VA's processes and procedures for billing and collecting third-party payments are ineffective and limit the revenue received from those third-party payers. However, in the latest GAO report, June of 2008, the GAO found that the Mid-Atlantic Consolidated Patient Accounting Center, CPAC, achieved better billing performances and reduced billing time, leading to improved collections. The GAO also noted the VA may be leaving over $1.4 billion in uncollected care.

In 2005, the VA created the Mid-Atlantic CPAC in Asheville, North Carolina, to maximize its collections by using a private sector model tailored to VA billing and collection needs. Last Congress, we directed the VA to establish a Revenue Demonstration Project to improve its collections and develop a systemwide model to improve its performance. In fiscal year 2007, CPAC achieved 110 percent of its expected collections, a $20.3 million increase from its performance in the previous fiscal year.

Approximately $12 million for the fiscal year 2007 in additional collections was generated as a result of the Revenue Improvement Demonstration Project. Expanding this project will

continue to improve the VA's collections. Mr. BUYER's measure would require VA to establish no more than seven CPACs within 5 years, modeled after the successful Asheville, North Carolina project.

Improving collections is a win-win for our Nation's veterans, and I want to commend the ranking member for his continued work in this regard.

Finally, Section 6 of the bill would repeal outdated statutory language that requires the VA to provide separate written informed consent for HIV testing, as well as pre-and post-test counseling. Since the requirements were codified almost 20 years ago, there is a better understanding of HIV and its transmission.

The administration in its FY 2009 budget proposal requested this change in law so that veteran patients receive the same standard of HIV care that is recommended by the Centers for Disease Control and Prevention.

Ensuring veterans receive the best care possible requires effective use of VA authorities and resources for the provision of that medical care. I urge my colleagues to support the Veterans' Health Care Policy Enhancement Act.

I now reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I would yield 3 minutes to a new Member from Illinois, but has been very aggressive, coming from the district which give us Lane Evans, former ranking member of the Veterans' Committee, and has been a leader in the search for better mental health care for our veterans.

Mr. HARE. Thank you, Mr. Chairman. I thank you for those kind words.

Mr. Speaker, I rise today in strong support of H.R. 6445, to prohibit the collection of certain copayments from veterans who are catastrophically disabled. I want to commend Representative DON CAZAYOUX of Louisiana for introducing this measure. This bill also includes legislation that I authored, H.R. 6439, the Mental Health for Heroes' Families Act.

Current law allows the VA to provide support services to immediate family members of veterans being treated for service-connected conditions. However, with respect to other veterans, the VA may only provide the services when they are initiated during a period of hospitalization, greatly limiting veterans and their families' access to care.

While not changing the rule that such services must be deemed necessary for the veteran's treatment, my bill simply repeals the precondition that a veteran must be hospitalized before initiating family services.

The VA has begun to transform the delivery of mental health care from an inpatient-based model to an outpatient model, which has improved efficiency and increased veterans' access to care. However, as a result, some families have become ineligible for support services simply because their loved one's care was provided on an outpatient basis. As long as family support services are necessary in connection with the veteran's treatment, it should be irrelevant whether the disability under treatment is service-connected or provided in a hospital.

This bill would make a meaningful difference in the lives of millions of men and women, and I am pleased it is being considered as part of H.R. 6445. I urge all of my colleagues to support Mr. CAZAYOUX's legislation to ensure that our veterans and their families receive the care and support they need.

Once again, I want to thank the chairman of our committee, Chairman FILNER, and Ranking Member BUYER.

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

Mr. FILNER. I yield 3 minutes to the gentleman from Minnesota (Mr. WALZ), the highest ranking enlisted Member ever elected to the United States Congress, Command Sergeant Major WALZ, who I am tempted to say gave us part of this legislation on pain. You've been a great pain, Mr. WALZ, but we love you on our committee.

□ 1700

Mr. WALZ of Minnesota. Thank you to the chairman, the gentleman from California (Mr. FILNER) and thank you to Ranking Member MORAN who is here today.

I rise in strong support of H.R. 6445, but I rise proudly amongst this committee of what the American people I think would be proud to know, this is one committee where both Republican and Democrats are here for a single purpose, and that is to serve our veterans in the best way possible. So I thank the ranking member and the chairman for doing exactly that.

I rise to speak on the portion of this bill that I introduced as the Veterans Pain Care Act of 2008. I was moved to introduce this bill after listening to countless stories, as many Members have, of problems of chronic and acute pain among our veterans.

The single largest cause of disability claims among veterans is acute pain. It erodes the quality of life, it makes work very difficult, and it does not allow our veterans to get back to the point in their life where their quality of life is as high as it possibly could be.

This bill requires the Secretary of the VA to develop and implement a comprehensive policy of pain management for veterans who are enrolled in the VA health care system, and more importantly, or equally important, is to carry out a program of research, training and education on chronic pain.

By directing the VA to update its pain management policies and in light of experience, research and evolving practices, this bill will lay a foundation for ongoing improvements in pain care management for our veterans. In that way, we can work to fulfill what I believe is an absolute moral obligation to care for these veterans with the most innovative, best practices and pain management possible.

This bill has broad support from a large number of pain care organizations that include patients, providers and numerous veterans service organizations. I thank all of them for their indispensable support and hard work in moving this bipartisan piece of legislation.

I would also like to express deep appreciation for the Veterans' Affairs Committee staff on both the majority side and the minority side for working out this piece of legislation. It truly is a compromise. It truly is a piece of legislation, the entire bill, H.R. 6445, that transcends politics and gets at the heart of what the public wants us to do, come together as Americans to pass good legislation that prioritizes this Nation's veterans at the top and cares for them in a fiscally responsible manner that allows them to return to their daily lives after they have served us. It is the very least our country can do, and I am proud to be associated with it.

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

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 6445, as amended.

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

There was no objection.

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

Mr. Speaker, the next bill on our agenda was supposed to be a bill by Mr. MORAN, who is managing the bills today. Due to some bureaucratic delays, we have not been able to put that bill on the floor, but I assure the gentleman from Kansas that we will. He has been a leader in rural health care to veterans. It is a problem that faces many of us all over the country, and we will address these issues that you have raised.

I will yield to the gentleman from Kansas.

Mr. MORAN of Kansas. I appreciate the gentleman from California's comments. I appreciate him yielding me time. I am delighted to hear what he has to say. This is an important piece of legislation that affects many veterans across the country and has the strong support of many Members of Congress. I know we are working to see if we can get it on the suspension calendar tomorrow. I appreciate the gentleman's comments and assurances.

Mr. DOYLE. Mr. Speaker, I rise today in support of H.R. 6445, which will provide important relief to veterans who are catastrophically disabled.

I would like to mention that this bill also contains legislation that I originally introduced as a freestanding bill—H.R. 6114, the Simplifying and Updating National Standards to Encourage Testing of the Human Immunodeficiency Virus Act of 2008—or the SUNSET Act. I introduced this legislation several months ago to modernize the HIV testing policies of the U.S. Department of Veterans Affairs.

The current HIV testing policies used by the VA were mandated in the Veterans Benefits and Services Act of 1988. These policies are now 20 years old, and they fail to reflect everything we've learned about HIV testing and treatment over the last two decades.

Twenty years ago, it took a long time for patients and health care providers to get the results of HIV tests. Today, safe non-invasive tests are available that can provide reliable results in only 20 minutes. Moreover, under the current testing policies, half of all HIV-positive veterans in the VA health care system don't get diagnosed until they've already suffered significant damage to their immune systems. Many of these veterans are already receiving health care services through the VA—diagnosing these veterans earlier would enable the VA to provide them with medical care that could extend their life expectancy and improve their quality of life.

Consequently, I believe that the VA should adopt a more modern policy on HIV/AIDS testing, including the testing of all incoming patients for HIV/AIDS unless a patient specifically opts out.

The VA wants to adopt such policies—while maintaining its counseling and data privacy policies—but since the VA's HIV testing policies are mandated by law, Congress must enact a new law to change them. That's why I introduced the Simplifying and Updating National Standards to Encourage Testing of the Human Immunodeficiency Virus Act of 2008.

This legislation would simply repeal the section of the 1988 law that set out the HIV testing policy the VA must use. This would allow the VA to adopt up-to-date policies that would improve the health care provided to veterans with HIV/AIDS.

I want to thank my friends and former colleagues on the Veterans Committee, Chairman FILNER and Chairman MICHAUD, for supporting the SUNSET Act and moving it expeditiously through the Committee. I'm also grateful to my friend Representative CAZAYOUX for his eagerness to include this provision in his bill. H.R. 6445 deserves our consideration and swift enactment into law with or without the SUNSET Act, but this bill, which includes the SUNSET Act as well, will do even more to help some of our most afflicted veterans.

I urge my colleagues to support this important legislation.

Mr. CAZAYOUX. Mr. Speaker, I rise today in support of H.R. 6445. I'd like to thank the members of the Veterans' Affairs committee—especially Chairman FILNER, Ranking Member BUYER, Subcommittee Chairman MICHAUD, and Ranking Member MILLER—for not only supporting my legislation, but also for adding provisions that go even further in improving health care for our veterans.

My original legislation prohibits the VA from collecting co-payments for hospital and nursing home care from veterans who are catastrophically disabled. This provision aims to ease the burden on veterans who have a permanent, severely disabling injury, disorder, or disease that compromises their ability to carry out the activities of daily living. Currently, those veterans must make co-payments for non-service related injuries at VA facilities. This includes veterans who suffer with, among other things, spinal cord injuries, stroke, diseases such as Parkinson's and ALS, and multiple amputees.

As you could imagine, these disabled veterans are oftentimes some of the poorest of the poor and cannot afford adequate health care, much less the enormous cost that these burdens place on them and their families. This bill hopes to change that and make a positive impact on the 25,000 veterans with catastrophic disability that receive care through VA.

H.R. 6445 incorporates other meaningful provisions authored by some of my colleagues on the committee. It contains a provision that expands the authority of the Secretary of Veterans Affairs to provide counseling for families of veterans receiving non-connected treatment. It directs the VA to develop and implement a comprehensive policy on the management of pain experienced by veterans receiving VA care. It improves billing and accounting procedures at the Veterans Administration by regionalizing the process. Finally, this legislation makes it easier for veterans to get HIV testing if they choose.

Mr. Speaker, we have no greater duty as Members of Congress than to take care of those who have sacrificed life and limb in service to their country. We need to instill faith in the public that when we ask you to serve we will take care of you when you return.

This often repeated quote from George Washington still rings true today: "The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional to how they perceive the Veterans of earlier wars were treated and appreciated by their nation." This legislation helps us fulfill this most sacred duty.

I again thank my colleagues for their excellent contributions to this legislation, and I ask my colleagues in the House to pass this bill without delay.

Mr. MICHAUD. Mr. Speaker, I rise today in support of H.R. 6445, the Veterans Health Care Policy Enhancement Act. I would like to thank Mr. CAZAYOUX for this progressive piece of legislation, and Representatives DOYLE, WALZ, BUYER and HARE for their significant contributions. Thank you also Chairman FILNER and Ranking Member BUYER for your support of this measure. Finally, I would like to acknowledge the great effort of the House Veterans' Affairs Committee staff in compiling this bill and achieving it's strong bi-partisan nature.

Over the past few decades, VA has transformed the way it delivers care to our veterans. This transformation has significantly increased their efficiency, increased veterans' access to care, and aligned the VA with the health care industry at large.

Unfortunately, certain policies that are relics of the previous era of health care delivery remain. This bill will modernize VA policies regarding copayments for nonservice-connected, catastrophically disabled, Category Group 4 veterans; pain care; counseling services for family members; and HIV testing. Additionally, this legislation enhances the VA's ability to collect third party payments.

Currently, there are approximately 25,000 non-service connected catastrophically disabled veterans enrolled in Priority Group 4. These veterans have a permanent, severely disabling injury, disorder, or disease that compromises their ability to carry out many activities of daily living.

The very nature and severity of their disabilities precludes them from employment. Yet current VA policy requires these veterans to pay copayments for their care.

Section 2 of this bill prohibits VA from collecting copayments from these vulnerable veterans.

Another legacy policy of the VA states that families of veterans being treated for non-service connected disabilities are only eligible for family support services, such as counseling, training or mental health services, if they are necessary for the veteran's treatment and they are initiated during the veteran's hospitalization and they are essential for the discharge of the veteran from the hospital.

Since the VA has transformed to a predominantly outpatient-based system, this policy is no longer effective.

Section 3 of this bill removes these restrictions on the provision of family support services. This is essential for our newest generation of veterans and their families.

Veterans suffer from acute and chronic pain in proportions far exceeding the general population. In fact, pain is the leading cause of disability among veterans.

To address the issue, the VA developed a "National Pain Management Strategy" and issued a directive to make pain management a national priority. However, this directive expired May 31, 2008 and reports from the field suggest that implementation has been far from consistent.

Section 4 of this bill mandates that the VA develop and implement a comprehensive policy on the management of pain experienced by veterans. It requires the VA to develop the policy in consultation with veterans service organizations and other7137 organizations with expertise in the assessment, diagnosis, treatment, and management of pain.

Current law authorizes the VA to bill veterans' insurance companies (third-party collections) for non-service connected care provided to veterans enrolled in the VA health care system. A June 2008 report from the Government Accountability Office (GAO) estimated that $1.2 to $1.4 billion dollars go uncollected annually by VA due to improper coding, delays in billing, and collections follow-up.

In 2005, VA created the Mid-Atlantic Consolidated Patient Accounting Center (CPAC) in Asheville, North Carolina which has been tremendously successful.

Section 5 of this bill would require the VA establish no more than seven other CPACs to help maximize its collections by using industry best-practices to improve timely and accurate billing and enhance collections.

The VA is the largest, single provider of HIV/AIDS care in the United States with over 22,800 patients with HIV/AIDS. In 1988, Congress passed legislation that required the VA obtain a veteran's written informed consent before being tested for HIV. This was based on the best practice in 1988.

However, since then our knowledge of HIV/AIDS has increased significantly and treatments have advanced significantly. As a result, in 2006, the CDC revised their recommendations regarding diagnostic HIV testing. CDC now recommends HIV testing be a part of routine clinical care and recommends that separate written consent for HIV screening should no longer be required.

Section 6 of this bill brings VA HIV/AIDS care up to current standards of practice.

All the provisions in this bill are intended to enhance current VA policies to bring them into the 21st century.

The improvements in these policies will have a direct and positive impact on improving the quality of healthcare our veterans receive.

I urge my colleagues to support H.R. 6445.

Mr. BUYER. Mr. Speaker, I rise in support of H.R. 6445, as amended, the Veterans Health Care Policy Enhancement Act of 2008, to amend title 38, United States Code, to make a number of improvements to Department of Veterans Affairs health care policies.

H.R. 6445 is a bipartisan bill that includes provisions from four veterans' health care bills that were introduced by members from both sides of the aisle. I thank our new colleague on the Committee, DON CAZAYOUX, for introducing this bill.

H.R. 6445 would exempt veterans, who have non-service connected catastrophic injuries, from co-payment requirements for treatment at VA facilities. Such veterans require extensive medical care and many have limited financial means. The bill would also require the VA to implement a comprehensive policy on the management of pain experienced by veterans, encourage HIV testing for veterans, and expand the VA's authority to provide counseling for family members of veterans receiving non-service-connected treatment.

I am pleased that this bill also includes the text of H.R. 6366, the Veterans Revenue Enhancement Act of 2008. I, along with MIKE MICHAUD, JEFF MILLER and HENRY BROWN, introduced this bipartisan legislation to help VA better manage third-party collections, and provide additional fiscal responsibility for the department.

The provision would require VA to establish seven Consolidated Patient Accounting Centers (CPACs) modeled after the successful demonstration project in Asheville, NC. The concept of the Consolidated Patient Accounting Center, also known as CPAC, was included as a demonstration project in the Conference Report (House Report 109–95 and Conference Report 109–305) in 2005 accompanying H.R. 2528, requiring the Department of Veterans Affairs (VA) to initiate a revenue improvement demonstration project within 60 days after enactment of the bill (Public Law 109–114). The VA followed the recommendations in the report, and created the Mid-Atlantic Consolidated Patient Accounting Center demonstration project located in Asheville, North Carolina.

The Asheville project proved to be very successful in enhancing revenue by more than $12.5 million in fiscal year 2007 and $6.5 million so far in fiscal year 2008. Building on this success, would enable VA to secure hundreds of millions of dollars that currently go uncollected. These funds could be used to further improve veterans' health care.

I urge my colleagues to support the Veterans' Health Care Policy Enhancement Act of 2008.

Mr. FILNER. Mr. Speaker, I urge my colleagues to support the bill before us, H.R. 6445, as amended, and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 6445, 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. MORAN of Kansas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

ESTABLISHING AN OMBUDSMAN WITHIN THE DEPARTMENT OF VETERANS AFFAIRS

Mr. HARE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2192) to amend title 38, United States Code, to establish an Ombudsman within the Department of Veterans Affairs, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2192

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

SECTION 1. ESTABLISHMENT OF OFFICE OF THE OMBUDSMAN IN VETERANS HEALTH ADMINISTRATION.

(a) OFFICE OF THE OMBUDSMAN.—

(1) ESTABLISHMENT.—Subchapter I of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 7309. Office of the Ombudsman

''(a) OFFICE; DIRECTORS.—There is established in the Veterans Health Administration an Office of the Ombudsman (in this section referred to as the 'Office'). The Office shall be headed by a Director appointed by the Secretary. The Director shall report directly to the Secretary.

''(b) DUTIES OF OFFICE.—The Office shall—

''(1) be responsible for ensuring—

''(A) all matters referred to the Office are handled in a confidential manner; and

''(B) any action taken by the Administration with respect to such a matter does not negatively affect the ability of any veteran to receive health care or benefits under a law administered by the Secretary; and

''(2) serve as a last resort for complaints and issues that cannot be resolved at a local or regional level in the Administration.

''(c) DUTIES OF DIRECTOR.—The Director shall—

''(1) be responsible for overseeing the efforts of patient advocates in the Administration;

''(2) develop and make available to local offices of the Administration tools for monitoring the work of such patient advocates and standards to evaluate the work of such patient advocates;

''(3) determine trends, in terms of numbers, topics, and facility locations, in patient issues and complaints;

''(4) participate in such national quality conferences of the Administration as the Under Secretary for Health may designate;

''(5) help coordinate assistance for veterans who need assistance from the Administration in more than one region of the Administration; and

''(6) maintain a public Web site with links to contact information for each patient advocate at each medical center of the Department.

''(d) REGIONAL ADMINISTRATORS.—The Director shall appoint three regional administrators to support facilities of the Administration and veterans integrated service networks in their patient advocacy work, to identify best practices for patient advocacy work and inform such facilities and networks of such best practices, and to receive and refer to the board established under subsection (e) appeals from veterans in their respective regions who are not satisfied with the efforts of their local medical center of the Department and veteran integrated service network.

''(e) BOARD.—The Director shall establish a board composed of the Director and the three regional administrators appointed under subsection (d) to hear appeals referred to the board by a regional administrator under subsection (d) and issue a letter explaining the board's decision regarding such appeal and outlining possible steps for resolving issues raised in such appeal.

''(f) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as affecting the authority and responsibility of coordinators of patient advocates for severely injured veterans of Operation of Enduring Freedom and severely injured veterans of Operation Iraqi Freedom.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7308 the following new item:

''7309. Office of the Ombudsman.''.

(b) DEADLINE FOR DESIGNATION OF OMBUDSMAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall designate an individual to serve as the Ombudsman of the Veterans Health Administration under section 7309 of title 38, United States Code, as added by subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HARE) and the gentleman from Kansas (Mr. MORAN) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

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

Mr. Speaker, I am glad my colleagues and I on both sides of the aisle were able to work together to craft this important piece of legislation. I would like to thank the Subcommittee on Health Chairman, MIKE MICHAUD of Maine, and Ranking Member JEFF MILLER for the bipartisan leadership they demonstrated in working on this important bill.

Over 30,000 servicemembers have been wounded in Operation Enduring Freedom and Iraqi Freedom. Many of these servicemembers suffer from multiple serious injuries that will require long-term care, spanning beyond their discharge and into the care they receive from the VA.

In 2007, reports from the Independent Review Group, the President's Task Force on Returning Global War on Terror Heroes, and the President's Commission on Care for America's Returning Wounded Warriors, all highlighted the need to improve case management for servicemembers and veterans in the military health system and in the VA. In response, the VA instituted a number of initiatives to support veterans and their families. These measures include appointing patient advocates in every medical center for OEF and OIF coordinators and transition patient advocates for those seriously injured in combat.

The Joint Federal Recovery Coordinator Program was also established to serve as a single point of contact for seriously wounded and ill servicemembers, veterans and their families. However, the scope of the FRCP is very

limited. As of June 1, 2008, there were only eight recovery coordinators working with 80 patients. Less seriously wounded veterans do not have access to the FRCP. Instead, they must attempt to navigate the complex system using medical centers, patient advocates, benefit counselors, OEF and OIF coordinators, transition patient advocates and vet center counselors.

H.R. 2192, as amended, would create the Office of the Ombudsman within the VA to oversee patient advocacy work and coordinate assistance for our Nation's veterans. The office would be tasked with identifying trends across the system in patient issues and complaints that would allow improvements to VA policies, practices and procedures. The office would also serve as the arbiter of last resort for complaints and issues that cannot be resolved at local or regional levels.

Mr. Speaker, I urge all my colleagues to support H.R. 2912.

I reserve the balance of my time.

Mr. MORAN of Kansas. Mr. Speaker, I yield myself such time as I may consume.

As we all know, our Nation owes its very existence to the brave men and women who have served in our Armed Forces. The freedoms and liberties that we cherish today were attained and protected through their sacrifice. These patriotic citizens have earned and should be provided the highest quality health care available.

I want to thank the leaders of the Committee on Veterans' Affairs, Chairman FILNER, Ranking Member BUYER, as well as Subcommittee on Health Chairman MICHAUD and Ranking Member MILLER for their bipartisan efforts in developing the bill before us today. I also want to thank Mr. HODES for introducing this legislation to establish an Office of Ombudsman within Department of Veterans Affairs.

In 2007, following the disclosure of problems at Walter Reed Army Medical Center, the President established a Task Force on Returning Global War on Terror Heroes and a Commission on Care for America's Returning Wounded Warriors. My predecessor in Congress, Senator Dole, co-chaired this commission.

The recommendations of this commission compelled the VA to initiative a variety of measures to better assist veteran patients and their families. Such initiatives included appointing patient counselor advocates at each VA medical center, providing coordinators for returning OEF and OIF veterans, providing transition patient advocates and establishing the Joint Federal Recovery Coordinator program to assist seriously wounded servicemembers.

H.R. 2192, as amended, would establish a centralized office to monitor the performance of these employees and provide veterans with a single point of contact for assistance with problems that cannot be resolved at the local level. The office would also track patient issues and complaints throughout the system and provide recommendations for improvements in policies, practices and procedures.

I support H.R. 2192, as amended, to ensure that our veterans receive the highest quality health care available, and I urge my colleagues to support it as well.

I reserve the balance of my time.

Mr. HARE. Mr. Speaker, at this point I would like to yield 3 minutes to the author of H.R. 2192, a tremendous friend of veterans, not only in New Hampshire, but across this country, Congressman PAUL HODES.

Mr. HODES. Mr. Speaker, I thank my distinguished colleague. I also would like to thank Chairman FILNER, Ranking Member BUYER, as well as Subcommittee Chairman MICHAUD and Ranking Member MILLER, for their strong bipartisan leadership in helping to bring this bill to the floor today.

This bill would establish an Office of the Ombudsman in the Department of Veterans Affairs to help our veterans cut through the red tape of the vast Veterans Administration bureaucracy to get the health benefits they have earned. After serving their country with honor and distinction, the last thing our veterans need is to fight the VA back home. Yet, unfortunately, many veterans have told me stories of drowning in bureaucracy at the VA. The good news is there are lots of numbers to call; the bad news is there are lots of numbers to call.

This bill was filed in response in part to the story of one of my constituents who was one of those soldiers trapped between active duty and veterans status. He was on active duty, but stuck at Walter Reed Army Medical Center, without knowing where to turn.

Chris was in a Humvee which had been blown up with by an IED. His arm was shattered in 13 places. He had metal fragments implanted in his head. He was suffering from a traumatic brain injury. Fortunately, he turned to us and we were able to work with his family and fiancee to advocate for him. He ultimately got the treatment he needed and was honorably discharged. Last week, I saw Chris and his new wife and new baby. He is working in Newport, New Hampshire, as an auto mechanic and owns his own home. He will likely need continuing treatment in the VA system.

This legislation will help veterans like Chris get the care and treatment they deserve, especially during the transition from active duty to the VA system. Our veterans who sacrificed for their country need help navigating that VA medical system. I wish it weren't so, but it is. Under this bill, veterans and their families will have advocates in the VA.

Let's honor our veterans by providing them with the advocates they need and deserve and support the creation of the Office of the Ombudsman.

Mr. BUYER. Mr. Speaker, I rise in support of H.R. 2192, as amended, to establish an Ombudsman within the Department of Veterans Affairs. The extraordinary sacrifices of members of the armed forces have preserved our Nation's liberty and way of life. This bill will help ensure that these brave men and women, who took an oath to defend America, receive the highest quality health care available.

I want to commend the leaders of the Subcommittee on Health, Chairman MIKE MICHAUD and Ranking Member JEFF MILLER, for their bipartisan efforts in developing this bill. I also want to acknowledge Mr. HODES for introducing this legislation to help meet the needs of our veterans.

In 2007, our Nation was outraged when unacceptable conditions at Walter Reed Army Medical Center were exposed in a news article. In response, President Bush established the Task Force on Returning Global War on Terror Heroes and the Commission on Care for America's Returning Wounded Warriors. Based upon recommendations from these blue-ribbon commissions, VA initiated various programs to better assist VA patients and their families. Such programs included: appointing patient advocates at each VA Medical Center, providing coordinators for returning OEF/OIF veterans, providing Transition Patient Advocates, and establishing the joint Federal Recovery Coordinator Program to assist seriously wounded service members.

H.R. 2192, as amended would establish a centralized office to monitor the performance of these employees, and provide veterans with a single point of contact for assistance with problems that cannot be resolved at the local level. The office would also track patient issues and complaints throughout the system and provide recommendations for improvements in policies, practices and procedures.

I support H.R. 2192, as amended, to ensure that our veterans receive the highest quality health care available. I urge my colleagues to support H.R. 2192, as amended.

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

Mr. HARE. 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. HARE) that the House suspend the rules and pass the bill, H.R. 2192, 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. MORAN of Kansas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. HARE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2192, as amended.

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

There was no objection.

UNITED STATES OLYMPIC COMMITTEE PARALYMPIC PROGRAM ACT OF 2008

Mr. HARE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4255) to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide assistance to the Paralympic Program of the United States Olympic Committee, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4255

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 ''United States Olympic Committee Paralympic Program Act of 2008''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) In 1998, Congress enacted the Olympic and Amateur Sports Act Amendments of 1998 (33 U.S.C. 101 note), which amended chapter 2205 of title 36, United States Code, and included a statement that the purpose of the Act was ''to encourage and provide assistance to amateur athletic programs and competition for amateur athletes with disabilities, including, where feasible, the expansion of opportunities for meaningful participation by such amateur athletes in programs of athletic competition for able-bodied amateur athletes''.

(2) The United States Olympic Committee manages and administers the Paralympic Program for physically disabled athletes.

(3) In 2005, the United States Olympic Committee entered into a memorandum of understanding with the Secretary of Veterans Affairs to expand the Paralympic Program to provide special training and rehabilitation to disabled veterans and disabled members of the Armed Forces as part of their rehabilitation and return to an active lifestyle.

(4) The Paralympic Program has a significant positive effect on the quality of life of such veterans and servicemembers, including helping to improve the mobility, vitality, and physical, psychological, and social well-being of disabled veterans and disabled members of the Armed Forces who participate in the program and reducing the incidence of secondary medical conditions in those participants.

(5) Because of Operation Iraqi Freedom and Operation Enduring Freedom, the number of disabled veterans and disabled members of the Armed Forces has increased substantially and it is therefore necessary to expand the scope and size of the Paralympic Program to provide rehabilitative services through sports to disabled veterans and members of the Armed Forces.

(b) PURPOSE.—The purposes of this Act are as follows:

(1) To promote the lifelong health of disabled veterans and disabled members of the Armed Forces through regular participation in physical activity and sports.

(2) To develop a system that promotes disabled sports from the local level through elite levels by creating partnerships among organizations specializing in supporting, training, and promoting programs for disabled athletes.

(3) To provide training and support to local organizations to provide Paralympic sports training to disabled veterans and disabled members of the Armed Forces in their own communities.

(4) To provide support to the United States Olympic Committee for the Paralympic Program to increase the participation of disabled veterans and disabled members of the Armed Forces in sports as part of their rehabilitation.

SEC. 3. DEPARTMENT OF VETERANS AFFAIRS PROVISION OF ASSISTANCE TO UNITED STATES OLYMPIC COMMITTEE PARALYMPIC PROGRAM.

(a) PROVISION OF ASSISTANCE AUTHORIZED.—Subchapter II of chapter 5 of title 38, United States Code, is amended by inserting after section 521 the following:

''§ 521A. Assistance for United States Olympic Committees Paralympic Program

''(a) AUTHORIZATION TO PROVIDE ASSISTANCE.—The Secretary may make grants to the United States Olympic Committee to plan, develop, manage, and implement the Paralympic Program for disabled veterans and disabled members of the Armed Forces.

''(b) OVERSIGHT BY SECRETARY.—As a condition of receiving a grant under this section, the United States Olympic Committee shall permit the Secretary to conduct such oversight of the use of grant funds as the Secretary determines is appropriate.

''(c) APPLICATION REQUIREMENT.—(1) Before the Secretary may make a grant to the United States Olympic Committee under this section, the Committee shall submit to the Secretary an application that describes the activities to be carried out with the grant, including information on specific measurable goals and objectives to be achieved using grant funds. The application shall include a detailed description of all partnerships referred to in paragraph (2) at the national and local levels that will be participating in such activities and the amount of grant funds that will be made available for each of such partnerships.

''(2) PARTNERSHIPS.—Partnerships referred to in this paragraph are agreements between the United States Olympic Committee and national organizations with significant experience in the training and support of disabled athletes and the promotion of disabled sports at the local and national levels. Such organizations include Disabled Sports USA, Blaze Sports, Paralyzed Veterans of America, and Disabled American Veterans. The agreements shall detail the scope of activities and funding provided by the United States Olympic Committee to the partner.

''(d) USE OF FUNDS.—(1) The United States Olympic Committee, with the assistance and cooperation of the Secretary and the heads of other appropriate Federal and State departments and agencies and partnerships referred to in subsection (c)(2), shall use a grant under this section to recruit, support, encourage, schedule, facilitate, supervise, and implement the activities described in paragraph (3) for disabled veterans and disabled members of the Armed Forces either directly or by supporting a program described in paragraph (2).

''(2) A program described in this paragraph is a sport program that—

''(A) promotes basic physical activity, games, recreation, training, and competition;

''(B) is approved by the Secretary; and

''(C)(i) provides services and activities described in paragraph (3) for disabled veterans and disabled members of the Armed Forces; and

''(ii) may also provide services and activities described in paragraph (3) for individuals with disabilities who are not veterans or members of the Armed Forces, or both; except that funds made available to carry out this section may not be used to support those individuals with disabilities who are not veterans or members of the Armed Forces.

''(3) Activities described in this paragraph are—

''(A) instruction, participation, and competition in Paralympic sports;

''(B) training and technical assistance to program administrators, coaches, recreational therapists, instructors, Department employees, and other appropriate individuals; and

''(C) coordination, Paralympic classification of athletes, athlete assessment, sport-specific training techniques, program development (including programs at the local level), program-specific medical and personal care support, sports equipment, supplies, program evaluation, and other activities related to the implementation and operation of the program.

''(4) A grant made under this section may include, at the discretion of the Secretary, an amount for administrative expenses, but not to exceed ten percent of the amount of the grant.

''(5) Funds made available by the United States Olympic Committee to a grantee under subsection (c) may include an amount for administrative expenses, but not to exceed ten percent of the amount of such funds.

''(e) OUTREACH REQUIREMENT.—The Secretary shall conduct an outreach campaign to inform all eligible veterans and separating members of the Armed Forces with physical disabilities about the existence of the Paralympic Program and shall provide for, facilitate, and encourage participation of such veterans and separating servicemembers in programs under this section to the extent possible.

''(f) COORDINATION.—The Secretary shall ensure access to and use of appropriate Department facilities by disabled veterans and disabled members of the Armed Forces participating in the Paralympic Program to the maximum extent possible and to the extent that such access and use does not adversely affect any other assistance provided to veterans.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $8,000,000 annually to carry out this section.

''(h) SEPARATE ACCOUNTING.—The Department shall have a separate line item in budget proposals of the Department for funds to be appropriated to carry out this section. Funds appropriated to carry out this section shall not be commingled with any other funds appropriated to the Department.

''(i) LIMITATION ON USE OF FUNDS.—Except as provided in subsections (d)(4) and (d)(5), funds appropriated to carry out this section may not be used to support or provide services to individuals who are not disabled veterans or disabled members of the Armed Forces.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 521 the following new item:

''521A. Assistance for United States Olympic Committees Paralympic Program.''.

(c) DEADLINE FOR MEMORANDUM OF UNDERSTANDING.—The Secretary of Veterans Affairs may not award a grant under section 521A of title 38, United States Code, as added by subsection (a), until the United States Olympic Committee has entered into a memorandum of understanding or cooperative agreement with the Secretary regarding implementation of the Paralympic Program. Such agreement shall be concluded not later than 180 days after the date of the enactment of this Act.

SEC. 4. DEPARTMENT OF VETERANS AFFAIRS OFFICE OF NATIONAL VETERANS SPORTS PROGRAMS AND SPECIAL EVENTS.

(a) ESTABLISHMENT OF OFFICE OF NATIONAL VETERANS SPORTS PROGRAMS AND SPECIAL EVENTS.—Chapter 3 of title 38, United States Code, is amended by adding at the end the following:

''§ 321. Office of National Veterans Sports Programs and Special Events

''(a) ESTABLISHMENT.—There is in the Department an Office of National Veterans Sports Programs and Special Events. There is at the head of the Office a Director, who shall report directly to the Assistant Secretary for Public and Intergovernmental Affairs of the Department.

''(b) RESPONSIBILITIES OF DIRECTOR.—Subject to the direction of the Secretary, the Director—

''(1) shall establish and carry out qualifying programs and events;

''(2) may provide for sponsorship by the Department of qualifying programs and events;

''(3) may provide for, facilitate, and encourage participation by disabled veterans in qualifying programs and events; and

''(4) shall cooperate with the United States Olympic Committee and its subsidiaries to promote the participation of disabled veterans and disabled members of the Armed Forces in sporting events sponsored by the United States Olympic Committee and its subsidiaries.

''(c) QUALIFYING PROGRAM OR EVENT.—For purposes of this section, a qualifying program or event is a sports program or other event in which disabled veterans and disabled members of the Armed Forces participate and that is approved by the Secretary as being consistent with the goals and missions of the Department.

''(d) MONTHLY ASSISTANCE ALLOWANCE.—(1) The Director may provide a monthly assistance allowance to a veteran with a disability invited by the United States Olympic Committee to compete for a slot on, or selected for, the Paralympic Team for any month in which the veteran is training or competing in any event sanctioned by the United States Olympic Committee or who is residing at a United States Olympic Committee training center.

''(2) The amount of the monthly assistance payable to a veteran under paragraph (1) shall be equal to the monthly amount of subsistence allowance that would be payable to the veteran under chapter 31 of this title if the veteran were eligible for and entitled to rehabilitation under such chapter.

''(3) Any amount of assistance paid to a veteran under this subsection shall be in addition to any other assistance available to the veteran under any other provision of law.

''(4) There is authorized to be appropriated to carry out this subsection $2,000,000 for fiscal year 2009 and each fiscal year thereafter.

''(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as a limitation on current disabled sports and special events supported by the Department.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''321. Office of National Veterans Sports Programs and Special Events.''.

(c) RESPONSIBILITIES OF UNDER SECRETARY FOR HEALTH.—The Secretary of Veterans Affairs shall direct the Under Secretary for Health of the Department of Veterans Affairs—

(1) to make available, to the maximum extent possible, recreational therapists, physical therapists, and other medical staff to facilitate participation of veterans in sporting events conducted under the auspices of the United States Olympic Committee;

(2) to allow such personnel to participate in the United States Olympic Committee Paralympic Program without requiring the use of personal leave; and

(3) to support other similar activities or events as those described in this section and determined to be appropriate by the Secretary.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HARE) and the gentleman from Kansas (Mr. MORAN) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

□ 1715

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

Mr. Speaker, we must honor the sacrifice of our servicemembers by providing them with the resources needed to heal from the wounds of war and to help them live an active life after their service to our country.

While the VA has taken an active role in initiating programs for our most severely injured veterans, I strongly believe that Congress should provide the VA with the needed resources to help meet this growing demand for rehabilitative services. For this reason, H.R. 4255, the United States Paralympic Programs Act of 2008, is introduced, and I urge my colleagues to support this bill.

This bill would establish the Department of Veterans Affairs Office of National Veterans Sports Programs and Special Events; it would authorize the VA to provide grants to the United States Olympic Committee to implement the Paralympic Program; and, authorize a financial assistance program for veterans who participate in events leading to elite competition.

Mr. Speaker, it has been a decade since Congress last revisited this program that provides opportunities for participation in paralympic supports. Our Nation's current commitment in fighting the global war on terror has brought to light the need to reevaluate existing programs to see if they meet the needs of a new generation of disabled veterans and servicemembers.

As the number of disabled servicemembers has substantially increased over the years, it has become necessary to expand available rehabilitative services to ensure that these men and women are afforded the best possible care after their service to our Nation.

Mr. Speaker, I applaud the efforts of the VA for entering into a memorandum of agreement with the United States Olympic Committee to help take care of seriously injured veterans and allowing them to be part of the Paralympic Program. This program helps them to accept new physical limitations and to explore those limits. I, like some of my colleagues in the House, have had the pleasure of meeting some of these servicemembers and veterans who have benefited from programs such as the one being proposed today.

Earlier this year, the chairman had the pleasure of meeting Jose Ramos, a veteran of the Navy originally from El Paso, Texas. Jose testified before the Subcommittee on Economic Opportunity about benefits that adaptive sports programs provide in teaching veterans that they can continue to live productive lives despite their injuries.

I would like to thank the ranking member of the committee, Representative STEVE BUYER, for the bipartisan effort he demonstrated in working on this important piece of legislation. By working together, we were able to incorporate language from his bill and craft H.R. 4255. I ask all my colleagues to join me in showing their strong support for H.R. 4255 as amended, the United States Paralympic Program Act of 2008.

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

Mr. BOOZMAN. Mr. Speaker, I rise in strong support of H.R. 4255 as amended, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide assistance to the Paralympic Program of the United States Olympic Committee, and for other purposes.

Mr. Speaker, I want to recognize the bipartisan manner in which this bill moved through the committee. I want to especially acknowledge Chairman FILNER for introducing H.R. 4255, the United States Olympic Committee Paralympic Act of 2008, and working with Subcommittee Chairwoman STEPHANIE HERSETH SANDLIN and myself to incorporate several provisions from Ranking Member STEVE BUYER's bill, H.R. 1370, Disabled Veterans Sports and Special Events Promotion Act of 2007, into the amended version of the bill.

In 2005, the VA and USOC concluded an agreement to increase efforts to increase participation by disabled veterans in sports at all levels as part of their rehabilitation from their injuries. Ranking Member BUYER was proud to play a role in encouraging the USOC and VA to reach that agreement. By combining those two bills, we will give VA and USOC Paralympics some of the resources they will need to meet that goal.

Through the grant program, this bill uses the USOC and its partners to equip, train, and support disabled veterans' sports, and I look forward to seeing the VA, USOC Paralympics, and their partners to ramp up their efforts.

Most importantly, I am excited that we will have at least 11 disabled veterans participating as members of the U.S. Paralympic team in Beijing. Mr. Speaker, I want to recognize these dedicated Americans who are the beginning of a larger disabled veteran participation in future games.

Disabled veterans on this year's Paralympic Team are:

Chuck Lear from Jacksonville, Illinois, archery;

Carlos Leon from North Lauderdale, Florida, track and field;

Kari Miller from Washington, D.C., sitting volleyball;

T.J. Pemberton from Guthrie, Oklahoma, archery;

Oscar Sanchez from Los Angeles, California, cycling;

Jennifer Schuble from Houston, Texas, cycling;

Melissa Stockwell from Minneapolis, Minnesota, swimming;

Kevin Stone from Kodak, Tennessee, archery;

Casey Tibbs from San Diego, California, track and field;

Scott Winkler from Grovetown, Georgia, track and field; and,

Russell Wolfe from Williamsburg, Virginia, archery.

I am also pleased to see a renewed commitment to providing training opportunities for disabled veterans at all levels of participation.

Mr. Speaker, as I said earlier, I believe Chairman FILNER and Ranking Member BUYER have created a bill that will encourage more disabled veterans to participate in sports from the local level up through elite competition such as the Paralympic Games beginning with games in Beijing. I urge my colleagues to support H.R. 4255, as amended.

I yield back the balance of my time.

Mr. FILNER. I thank Mr. BOOZMAN for participating in this debate and for his leadership on the committee.

GENERAL LEAVE

Mr. FILNER. I would ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4255, as amended.

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

There was no objection.

Mr. FILNER. In conclusion, Mr. Speaker, all of us have been to hospitals, we have been to homes where we have seen disabled veterans, whether from the current war or previous wars. We all know that a major factor in their recovery, especially mentally, is a sense of self-worth, a sense that they have a future, a sense that although they have problems physically, they can overcome that and be productive members of our society.

For many of those veterans who were athletes or who were participating in athletics, the opportunity to participate again competitively is one of the most meaningful things they can have in their recovery. And what this program will do, the Paralympic Program, is give both disabled active duty and veterans, the opportunity to compete, to train, and to have that comradeship with fellow athletes, and to show that they are indeed human beings who can participate in this society. That is a major, major part of the healing process.

I urge my colleagues to support this.

Mr. BOOZMAN. Will the gentleman yield?

Mr. FILNER. I yield to the gentleman from Arkansas.

Mr. BOOZMAN. Mr. Speaker, I just want to associate myself with Mr. FILNER's remarks. I think he said it very, very well. For many individuals, for many soldiers this is such an important thing and truly is part of the healing process. And, again, I just associate myself with his remarks. I also want to again reiterate how much I appreciate Mr. FILNER working with Mr. BUYER to give us such a good bill.

Mr. FILNER. I thank the gentleman.

Ms. HERSETH SANDLIN. Mr. Speaker, as the Chairwoman of the Veterans' Affairs Economic Opportunity Subcommittee, I rise today in strong support of H.R. 4255, as amended, which the Economic Opportunity Subcommittee passed on June 26 and the full Committee approved on July 15.

I would like to congratulate Chairman FILNER for introducing this bill to authorize the VA to make a grant to the United States Olympic Committee to provide and develop activities for servicemembers and veterans with physical disabilities. I also would like to thank full Committee Ranking Member BUYER for his leadership and willingness to work with the majority to combine provisions of his bill, H.R. 1370, with the Chairman's bill.

The United States Olympic Committee Paralympics Program Act will help increase the participation of disabled veterans in physical activities and sports to promote healthy-living, help elite-level athletes compete in sporting programs, and help our wounded servicemembers transition to the next stage in their lives.

Again, I thank the Chairman and Ranking Member BUYER for their leadership on this important issue. I encourage my colleagues to support H.R. 4255.

Mr. BUYER. Mr. Speaker, I rise in strong support of H.R. 4255, as amended, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide assistance to the Paralympic Program of the United States Olympic Committee, and for other purposes.

Mr. Speaker, I want to applaud the bipartisan manner in which this bill moved forward through the Committee. I want to especially acknowledge Chairman FILNER for introducing H.R. 4255, the United States Olympic Committee Paralympic Act of 2008 and working with Subcommittee Chairwoman STEPHANIE HERSETH SANDLIN and Ranking Member JOHN BOOZMAN to incorporate into the amended version of the bill several provisions from my bill, H.R. 1370, The Disabled Veterans Sports and Special Events Promotion Act of 2007.

In 2005, the VA and the USOC concluded an agreement to increase efforts to increase participation by disabled veterans in sports at all levels, as part of their rehabilitation from their injuries. I was privileged to participate in encouraging the USOC and VA to reach that agreement and by combining our two bills, we will give VA and the USOC Paralympics some of the resources they will need to meet that goal. I look forward to seeing the VA, USOC Paralympics and their partners ramp up their efforts and am excited that we will have at least 11 disabled veterans participating as members of the U.S. Paralympic Team in Beijing as a beginning of larger disabled veteran participation in the future games.

I am also pleased to see a renewed commitment to providing training opportunities for veterans that will be offered. Mr. Speaker, as I said earlier, I believe you and I have created a bill that will encourage more disabled veterans to participate in sports from the local level up through elite competition such as the Paralympic games beginning with games in Beijing. Through the grant program, this bill uses the USOC and its partners to equip, train and support disabled veterans' sports and I urge my colleagues to support this bill as amended.

Mr. Speaker, I urge all my colleagues to support H.R. 4255, as amended.

Mr. FILNER. 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. HARE) that the House suspend the rules and pass the bill, H.R. 4255, 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. BOOZMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate insists upon its amendment to the bill (H.R. 4137) ''An Act to amend and extend the Higher Education Act of 1965, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. KENNEDY, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, Mrs. CLINTON, Mr. OBAMA, Mr. SANDERS, Mr. BROWN, Mr. ENZI, Mr. GREGG, Mr. ALEXANDER, Mr. BURR, Mr. ISAKSON, Ms. MURKOWSKI, Mr. HATCH, Mr. ROBERTS, Mr. ALLARD, and Mr. COBURN, to be the conferees on the part of the Senate.

IMPROVING SCRA AND USERRA PROTECTIONS ACT OF 2008

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6225) to amend title 38, United States Code, relating to equitable relief with respect to a State or private employer, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6225

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 ''Improving SCRA and USERRA Protections Act of 2008''.

SEC. 2. EQUITY POWERS.

Section 4323(e) of title 38, United States Code, is amended by striking ''may use'' and inserting ''shall use, in any case in which the court determines it is appropriate,''.

SEC. 3. RELIEF FOR STUDENTS WHO ARE MEMBERS OF ARMED FORCES DURING PERIOD OF MILITARY SERVICE.

(a) IN GENERAL.—Title VII of the Servicemembers Civil Relief Act (50 U.S.C. App. 591 et seq.) is amended by adding at the end the following new section:

''SEC. 707. TUITION, REENROLLMENT, AND STUDENT LOAN RELIEF FOR POSTSECONDARY STUDENTS CALLED TO MILITARY SERVICE.

''(a) TUITION AND REENROLLMENT.—Whenever a servicemember is called, activated, or ordered to military service and withdraws or takes a leave of absence from an institution of higher education in which the servicemember is enrolled, the institution shall—

''(1) provide a credit or refund to the servicemember the tuition and fees paid by

the servicemember (other than from the proceeds of a grant or scholarship) for the portion of the program of education for which the servicemember did not receive academic credit after such withdrawal or leave; and

''(2) provide the servicemember an opportunity to reenroll with the same educational and academic status in such program of education that the servicemember had when activated for military service.

''(b) INSTITUTION OF HIGHER EDUCATION DEFINED.—In this section, the term 'institution of higher education' means a 2-year or 4-year institution of higher education as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).''.

(b) EXEMPTION OF STUDENT DEBTS FROM CREDITOR PROTECTION BASED ON INCOME LEVEL.—Section 207(c) of such Act (50 U.S.C. App. 527(c)) is amended by adding at the end the following new sentence: ''This subsection shall not apply with respect to an obligation or liability that is incurred by a servicemember who, at the time the servicemember is called to military service, is a student enrolled within six months of activation at an institution of higher education on a full-time basis, as determined by that institution.''.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end the following new item:

''Sec. 707. Tuition, reenrollment, and student loan relief for postsecondary students called to military service.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect for periods of military service beginning after the date of the enactment of this section.

SEC. 4. TERMINATION OR SUSPENSION BY SERVICEMEMBERS OF CERTAIN SERVICE CONTRACTS ENTERED INTO BEFORE PERMANENT CHANGE OF STATION OR DEPLOYMENT ORDERS.

(a) TERMINATION.—Title III of the Servicemembers Civil Relief Act (50 U.S.C. App. 531 et seq.) is amended—

(1) by redesignating section 308 as section 309; and

(2) by inserting after section 307 the following:

''SEC. 308. TERMINATION OR SUSPENSION OF SERVICE CONTRACTS.

''(a) TERMINATION OR SUSPENSION BY SERVICEMEMBER.—A person in military service who is party to or enters into a contract described in subsection (c) may terminate or suspend, at the person's option, the contract at any time after the date of the person's military orders, as described in subsection (c).

''(b) SPECIAL RULES.—(1) A suspension under subsection (a) of a contract by a person in military service shall continue for the length of the person's deployment pursuant to the person's military orders.

''(2) A service provider under a contract suspended or terminated under subsection (a) by a person in military service may not impose a suspension fee or early termination fee in connection with the suspension or termination of the contract, other than a nominal fee for the suspension; except that the service provider may impose a reasonable fee for any equipment remaining on the premises of the person in military service during the period of the suspension. The person in military service may defer, without penalty, payment of such a nominal fee or reasonable fee for the length of the person's deployment pursuant to the person's military orders.

''(3) In any case in which the contract being suspended under subsection (a) is for cellular telephone service or telephone exchange service, the person in military service, after the date on which the suspension of the contract ends, may keep, to the extent practicable and in accordance with all applicable laws and regulations, the same telephone number the person had before the person suspended the contract.

''(c) COVERED CONTRACTS.—This section applies to a contract for cellular telephone service, telephone exchange service, multichannel video programming service, Internet access service, water, electricity, oil, gas, or other utility if the person enters into the contract and thereafter receives military orders—

''(1) to deploy with a military unit, or as an individual, in support of a contingency operation for a period of not less than 90 days; or

''(2) for a change of permanent station to a location that does not support the contract.

''(d) MANNER OF TERMINATION OR SUSPENSION.—

''(1) IN GENERAL.—Termination or suspension of a contract under subsection (a) is made by delivery by the person in military service of written notice of such termination or suspension and a copy of the servicemember's military orders to the other party to the contract (or to that party's grantee or agent).

''(2) NATURE OF NOTICE.—Delivery of notice under paragraph (1) may be accomplished—

''(A) by hand delivery;

''(B) by private business carrier;

''(C) by facsimile; or

''(D) by placing the written notice and a copy of the servicemember's military orders in an envelope with sufficient postage and with return receipt requested, and addressed as designated by the party to be notified (or that party's grantee or agent), and depositing the envelope in the United States mails.

''(e) DATE OF CONTRACT TERMINATION OR SUSPENSION.—Termination or suspension of a service contract under subsection (a) is effective as of the date on which the notice under subsection (d) is delivered.

''(f) OTHER OBLIGATIONS AND LIABILITIES.—The service provider under the contract may not impose an early termination or suspension charge, but any tax or any other obligation or liability of the person in military service that, in accordance with the terms of the contract, is due and unpaid or unperformed at the time of termination or suspension of the contract shall be paid or performed by the person in military service.

''(g) FEES PAID IN ADVANCE.—A fee or amount paid in advance for a period after the effective date of the termination of the contract shall be refunded to the person in military service by the other party (or that party's grantee or agent) within 60 days of the effective date of the termination of the contract.

''(h) RELIEF TO OTHER PARTY.—Upon application by the other party to the contract to a court before the termination date provided in the written notice, relief granted by this section to a person in military service may be modified as justice and equity require.

''(i) PENALTIES.—

''(1) MISDEMEANOR.—Whoever knowingly violates or attempts to violate this section shall be fined not more than $5,000 in the case of an individual or $10,000 in the case of an organization.

''(2) PRESERVATION.—The remedy and rights provided under this section are in addition to and do not preclude any remedy for wrongful conversion otherwise available under law to the person claiming relief under this section, including any award for consequential or punitive damages.

''(j) EQUITABLE RELIEF.—

''(1) IN GENERAL.—In addition to any other remedy available under law, if a person in military service has reason to believe that another party to a contract has violated or is violating this section, the person in military service may—

''(A) bring an action to enjoin the violation in any appropriate United States district court or in any other court of competent jurisdiction; or

''(B) bring an action in any appropriate United States district court or in any other court of competent jurisdiction to recover damages equal to three times the amount for which the other party is liable to the person in military service under this section.

''(2) ATTORNEY FEES.—If a person in military service is awarded damages under an action described under paragraph (1), the person shall be awarded, in addition, the costs of the action and reasonable attorney fees, as determined by the court.

''(k) DEFINITIONS.—For the purposes of this section, the following definitions apply:

''(1) MULTICHANNEL VIDEO PROGRAMMING SERVICE.—The term 'multichannel video programming service' means video programming service provided by a multichannel video programming distributor, as such term is defined in section 602(13) of the Communications Act of 1934 (47 U.S.C. 522(13)).

''(2) INTERNET ACCESS SERVICE.—The term 'Internet access service' has the meaning given that term under section 231(e)(4) of the Communications Act of 1934 (47 U.S.C. 231(e)(4)).

''(3) CELLULAR TELEPHONE SERVICE.—The term 'cellular telephone service' means commercial mobile service, as that term is defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d)).

''(4) TELEPHONE EXCHANGE SERVICE.—The term 'telephone exchange service' has the meaning given that term under section 3 of the Communications Act of 1934 (47 U.S.C. 153).''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by striking the item relating to section 308 and inserting the following new items:

''Sec. 308. Termination or suspension of service contracts.

''Sec. 309. Extension of protections to dependents.''.

SEC. 5. PENALTIES FOR VIOLATION OF INTEREST RATE LIMITATION UNDER SERVICEMEMBERS CIVIL RELIEF ACT.

Section 207 of the Servicemembers Civil Relief Act (50 U.S.C. App. 527) is amended by adding at the end the following new subsections:

''(e) PENALTY.—Whoever knowingly violates subsection (a) shall be fined not more than $5,000 in the case of an individual or $10,000 in the case of an organization.

''(f) RIGHTS OF SERVICEMEMBERS.—

''(1) EQUITABLE RELIEF.—

''(A) IN GENERAL.—In addition to any other remedies as are provided under Federal or State law, if a servicemember has reason to believe that a creditor has violated or is violating this section, the servicemember may—

''(i) bring an action to enjoin such violation in any appropriate United States district court or in any other court of competent jurisdiction; and

''(ii) bring an action to recover damages equal to three times the amount of the interest charged in violation of this section (plus interest) for which the creditor is liable to the servicemember under this section as a result of the violation.

''(B) DETERMINATION OF NUMBER OF VIOLATIONS.—In determining the number of violations by a creditor for which a penalty is imposed under subsection (e) or subparagraph

(A), the court shall count as a single violation each obligation or liability of a servicemember with respect to which—

''(i) the servicemember properly provided to the creditor written notice and a copy of the military orders calling the servicemember to military service and any orders further extending military service under subsection (b); and

''(ii) the creditor failed to treat in accordance with subsection (a).

''(2) ATTORNEY FEES.—If a servicemember is awarded damages under an action described under paragraph (1), the servicemember shall be awarded, in addition, the costs of the action and reasonable attorney fees, as determined by the court.

''(g) PRESERVATION OF OTHER REMEDIES.—The rights and remedies provided under subsections (e) and (f) are in addition to and do not preclude any other remedy available under law to a person claiming relief under this section, including any award for consequential or punitive damages.''.

SEC. 6. GUARANTEE OF RESIDENCY FOR SPOUSES OF MILITARY PERSONNEL.

(a) GUARANTEE OF RESIDENCY.—Section 705 of the Servicemembers Civil Relief Act (50 U.S.C. App. 595) is amended—

(1) by striking ''For'' and inserting ''(a) For''; and

(2) by adding at the end the following new subsection:

''(b) For the purposes of voting for any Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a State or local office, a person who is absent from a State because the person is accompanying the person's spouse who is absent from that same State in compliance with military or naval orders shall not, solely by reason of that absence—

''(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

''(2) be deemed to have acquired a residence or domicile in any other State; or

''(3) be deemed to have become a resident in or a resident of any other State.''.

(b) CLERICAL AMENDMENTS.—

(1) The heading for such section is amended to read as follows:

''SEC. 705. GUARANTEE OF RESIDENCY FOR MILITARY PERSONNEL AND SPOUSES OF MILITARY PERSONNEL.''.

(2) The item relating to such section in the table of contents in section 1(b) of such Act is amended to read as follows:

''Sec. 705. Guarantee of residency for military personnel and spouses of military personnel.''.

SEC. 7. RESIDENCE FOR TAX PURPOSES.

Section 511(a) of the Servicemembers Civil Relief Act (50 U.S.C. App. 571(a)) is amended—

(1) by striking ''A servicemember'' and inserting the following:

''(1) SERVICEMEMBER.—A servicemember''; and

(2) by adding at the end the following:

''(2) SPOUSE OF SERVICEMEMBER.—A spouse of a servicemember shall neither lose nor acquire a residence or domicile for purposes of taxation with respect to the person, personal property, or income of the spouse by reason of being absent or present in any tax jurisdiction of the United States solely to be with the servicemember in compliance with the servicemember's military orders if the residence or domicile, as the case may be, is the same for the servicemember and the spouse.''.

SEC. 8. SPOUSE'S COMPENSATION DURING MILITARY SERVICE.

Section 511 of the Servicemembers Civil Relief Act (50 U.S.C. App. 571(b)) is amended—

(1) by striking the subsection designation and heading and all that follows through ''Compensation'' and inserting the following:

''(b) MILITARY SERVICE AND SPOUSE'S COMPENSATION.—

''(1) MILITARY SERVICE COMPENSATION.—Compensation''; and

(2) by adding at the end the following:

''(2) SPOUSE'S COMPENSATION.—Compensation of a spouse of a servicemember shall not be deemed to be income for services performed or from sources within a tax jurisdiction of the United States if, when the compensation is earned, the spouse of the servicemember is not a resident or domiciliary of the jurisdiction and the jurisdiction is the jurisdiction in which the servicemember is serving in compliance with military orders.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. I thank the Speaker, and I want to thank my distinguished colleague, the chairwoman of our Subcommittee on Economic Opportunity, Ms. HERSETH SANDLIN of South Dakota, for her bipartisan leadership in crafting this bill, Improving Servicemen's Civil Relief Act and USERRA Protections Act of 2008, to help protect our Nation's veterans. Congresswoman SUSAN DAVIS from my hometown of San Diego, Congressman PATRICK MURPHY who will be heard from soon from Pennsylvania, and Congressman JOHN CARTER from Texas also introduced language that is part of this legislation.

When they are called to duty, our servicemembers across the Nation leave their loved ones, they leave school, they leave work behind. Unfortunately, as we have many examples today, some of these servicemembers find difficulty in spite of presumed law to get back their old job, to get back into their housing or their enrollment at an institute of higher education. We have to make sure that all these men and women who are called up for service who do their duty don't have to face these difficulties which many thought were protected in law. We must honor their sacrifice by providing them with adequate protections so that they may have peace of mind that their interests and their families' interests are protected while serving our Nation.

This bill will protect these men and women by encouraging courts to use their full equity powers, including temporary or permanent injunctions, temporary restraining orders, and contempt orders, to protect the rights and benefits of these veterans. This section would amend title 38 by changing the ''may'' word to ''shall.''

Language that was authored by Congresswoman SUSAN DAVIS of California requires institutions of higher education to refund tuition for servicemembers who have not received academic credit, or allow servicemembers the opportunity to reenroll in the same academic status prior to their military service. The language also places a cap on the interest of student loans at 6 percent while the student is fulfilling military service.

As we will hear, language was included by our new member, PATRICK MURPHY of Pennsylvania, to allow servicemembers to terminate or suspend service contracts such as cell phone, housing, or utility contracts, due to a permanent station of change of station or deployment orders. And Congressman CARTER of Texas included the allowance of the spouse of an active duty member to maintain the same State of residency as the servicemember for State taxation, and to allow the spouse to claim the same State as the servicemember in regards to State and property taxes, and voter registration.

Mr. Speaker, we must honor our men and women who dutifully serve our Nation. When they leave home, they should not have to worry about receiving a negative academic status, paying for a service which they cannot use, or paying taxes in a State for this which they don't claim. They should be afforded the rights and benefits that they honorably are fighting for. I urge my colleagues to support the bill to protect these servicemembers and veterans.

I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I rise in support of H.R. 6225, as amended, the Injunctive Relief for Veterans Act of 2008. This bill as amended would amend title 38, United States Code, relating to equitable relief with respect to a State of private employer.

Mr. Speaker, once again, working in a bipartisan manner Chairwoman HERSETH SANDLIN of the Subcommittee on Economic Opportunity worked with me to pull together several fine bills into one cohesive package to provide new USERRA and SCRA protections to our military servicemembers and their spouses.

H.R. 6225 as amended incorporates provisions of H.R. 2910 introduced by Representative SUSAN DAVIS of California, H.R. 3298 introduced by Representative PATRICK MURPHY of Pennsylvania, and H.R. 6070 introduced by Representative JOHN CARTER of Texas. And I appreciate their hard work in bringing to the committee such excellent bills.

This legislation would encourage the courts to utilize their equity powers when deemed appropriate in USERRA cases. During the full committee markup of this section of the legislation, Subcommittee Chairwoman HERSETH SANDLIN and Ranking Member BUYER had a very good colloquy on the intent of this section of the bill, to clarify that injunctive relief is available under the discretion of the judge hearing the facts, and that this section is not intended to create a new avenue of appeal in USERRA cases.

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The bill, as amended, would also require colleges and universities to refund a student's tuition and fees for

unearned credit for the semester or quarter when they are called up for active duty, and allow these same students to re-enter the institution with identical and academic status that they had when they were activated to duty.

Finally, this bill would also extend Servicemembers Civil Relief Act protections to enable servicemembers with deployment orders to more easily terminate or suspend service contracts without fee or penalty for such services to include cellular phones, utilities, cable television or Internet access. It would also add penalties to those creditors under the SCRA who refuse to reduce interest rates, as currently required.

Additionally, H.R. 6225, as amended, would extend the same residency protections to military spouses as those granted to the military members for purposes of voting and paying taxes.

Mr. Speaker, I am re-emphasizing the Court's injunctive relief in USERRA cases requiring schools to refund tuition to those ordered to active duty, giving servicemembers the option of terminating certain service contracts, and making sure that military spouses are treated equitably for residency.

H.R. 6225, as amended, provides our men and women in our Armed Forces the protections they need to transition back to civilian life when their tour of duty is completed.

I congratulate Chairwoman HERSETH SANDLIN for once again doing yeoman work in crafting some very good bipartisan legislation. I support H.R. 6225, as amended, and I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I have said several times today that our new Members have been very aggressive and active in extending the rights and care for our Nation's veterans. The same is true for Mr. PATRICK MURPHY from Pennsylvania, a new Member, our only Iraqi veteran, in fact, serving in the Congress, and has dedicated a lot of time to making sure his comrades get the health care and attention and benefits that they need.

I would yield to him 3 minutes.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Speaker, I rise today in support of the 21st Century Servicemembers Protection Act and to address the problem that my buddy and fellow paratrooper in the 101st Airborne Division brought to my attention, one that affects our deployed troops overseas when they return home.

Mr. Speaker, some cell phone companies and Internet service providers are not allowing deployed troops to suspend or terminate their contracts. Some troops, many troops, have had their credit reports damaged. We owe our brave troops better than this, and we need to do better for folks like Sergeant Patrick Campbell, who spent, on his first day back from deployment, 8 hours in a mall cell phone store the day he got back from Iraq trying to sort out his cell phone contract so he could call his loved ones and straighten out a wrongful credit report.

Mr. Speaker, our servicemen and -women must focus on completing their mission and returning home safely. They should not have to worry about creditors harassing their family or if a cell phone company is ruining their credit.

This bill also allows our heroes to keep their cell phone numbers so they can better reconnect with their loved ones once they return home. This is crucial when you look at one in five Iraq and Afghanistan veterans have symptoms of Post-Traumatic Stress Disorder or TBI, traumatic brain injury, the two signature injuries of the Iraq and Afghanistan war.

Mr. Speaker, this is not a Democrat or a Republican issue. This is about doing what is right for our troops.

With that, I would like to thank Chairman FILNER. I would like to thank Mr. BUYER. I would also like to thank Chairwoman HERSETH SANDLIN and Mr. BOOZMAN for their leadership and bipartisan efforts on behalf of our veterans, and for including my bill in their legislation.

I am a proud Member of the 110th Congress, a Congress that worked in a bipartisan fashion for our veterans, the one that passed the largest increase in veterans benefits in the VA history; the one that passed the new GI bill for our troops, so they get 4 years of college education or technical school, and a Congress that now passes this great bill in the Halls of Congress.

Mr. Speaker, I rise today in strong support of H.R. 6225.

I would like to thank Chairman FILNER and Ranking Member BUYER as well as Chairwoman HERSETH SANDLIN and Ranking Member BOOZMAN for their leadership on behalf of veterans and for including my bill, the 21st Century Servicemembers Protection Act, in this great legislation.

Mr. Speaker, my bill addresses a problem that a JAG attorney in the 101st Airborne brought to my attention soon after my election to Congress.

He alerted me to the disturbing fact that some of our troops have had their credit reports damaged during their deployments overseas.

They are having trouble suspending or breaking their contracts with cell phone companies or internet service providers—even if they present deployment orders.

In fact, the JAG attorney who called me was able to suspend one of his own contracts during his deployment, but to do so he was forced to pay a costly fee.

Looking into this further, I also discovered that some financial institutions are slow or unwilling to reduce servicemembers' interest rates during deployments . . . even though these creditors are already required to do so by law.

Mr. Speaker, we owe our brave troops, and their brave families better than this. While facing the strain of long deployments, they should not have to face repeated harassment by collection agencies.

As we continue to send a new generation into harm's way, it is our duty to protect these brave troops and do right by their families.

Our servicemen and women should be allowed to focus on completing their mission and returning home safely—they should not have to worry about creditors harassing their family, or if their cell phone company is ruining their credit.

Mr. Speaker, my portion of this bill expands the existing Servicemembers Civil Relief Act to cover 21st century service contracts such as cellular phones, utilities, cable television, and internet access.

Quite simply, my measure will allow troops with deployment orders to terminate or suspend their service contracts without fee or penalty and it will force creditors who knowingly or negligently fail to reduce interest rates to face penalties.

While I believe this to be a serious problem faced by our troops, most service providers take steps to allow servicemembers facing deployment or change of station to terminate or suspend service without penalty, and I appreciate the input I have received from a variety of industries on this bill.

Most companies have programs in place, and train their customer service representatives to deal appropriately with these situations. However, I recognize that mistakes do happen, especially in large companies with millions of customers and many thousands of employees.

My intention is not to use the most severe penalties available under this bill to punish occasional innocent mistakes. Instead, the penalties that are included in this bill should be applied proportionally with consideration given to the frequency, severity, and intent of the violation or violations.

In instances where a servicemember is only minimally inconvenienced, and the serviceprovider promptly rectifies the situation, no criminal penalty may be necessary at all. However, when the violations are intentional and repeated, the full penalty available should be applied.

Mr. Speaker, as a veteran of the United States Army and the war in Iraq, I know how important it is that our troops be able to focus on accomplishing their mission without worrying about credit trouble back at home.

This is not a Democratic or Republican issue. This is about doing what's right for our troops. With that, I would again like to thank Chairman FILNER and Mr. BUYER for their leadership.

Mr. BOOZMAN. Mr. Speaker, I want to compliment Mr. MURPHY for bringing forward this part of the legislation that is included in the bill. We appreciate you bringing it to our attention, and we appreciate your hard work in getting this done. The cell phone, the Internet, things like that that we take for granted truly are a hassle.

The other thing I want to compliment you on is listening to Sergeant Campbell. And so many times we hear of these instances and we don't follow up. So that really is important. So we thank you very much.

At this time, Mr. Speaker, I would like to yield as much time as he would like to Mr. CARTER, the gentleman from Texas.

Mr. CARTER. I thank my friend from Arkansas, the ranking member, Mr. BOOZMAN. And I want to thank Ms. HERSETH SANDLIN for the work she did

incorporating into 6225, which I rise in support of, H.R. 6070, the Military Spouses Residency Relief Act.

I have a very similar story to the previous story. I had a spouse of a captain at Fort Hood come to me and say, you know, we have been transferred to the Pentagon. And my husband, he still votes, pays his taxes and everything else in Killeen, Texas. But I have been transferred with my husband up here to Virginia, and now I am having to register to vote in Virginia. My Congressman is from Virginia. I have to register my car titles and everything in Virginia, independently of my husband. I have to pay State income taxes in Virginia. And quite frankly, my husband serves in the Army, and we serve the military out of patriotism to our country, and we are proud to do it. But I make twice as much money as he does, and this is a burden upon me, taxwise and it is a burden on me with my family.

And I made the assumption that that was fixed, had been fixed a long time ago. So this, 6070, which is incorporated in 6225, allows the spouse to have the same benefits we have given to our soldiers, sailors, airmen and Marines, that they can designate a residency and that remains their residency no matter where the military sends them.

My wife is from Holland, and she has a little saying in Dutch that she has got written on the wall. And it says, ''It's not the mountain you have to climb that gets you, it's the grain of sand in your shoe.'' And this is one of those grains of sand in the shoes of the spouses of our military which is an irritant to them that is easy for us to fix.

And I want to thank all those involved in allowing this to go forward. This will be something that seems small to some, but it is a big hurdle to the spouses of our military.

Mr. FILNER. Mr. Speaker, I would yield 2 minutes to my colleague from San Diego, Congresswoman SUSAN DAVIS.

Mrs. DAVIS of California. Mr. Speaker, as chairwoman of the House Armed Services Subcommittee on Personnel, I strongly support the Injunctive Relief for Veterans Act, H.R. 6225.

Now, early in the 110th Congress I introduced the Veterans Education Tuition Support Act, or H.R. 2910, to guarantee tuition reimbursement and readmission for every servicemember deployed while attending college. Now, I did that because I had heard from a number of servicemembers about their situations. Many reported that they had problems during activations, including harassment from bill collectors for tuition, and difficulty re enrolling back into school.

Our men and women in uniform already face unthinkable levels of pressure and stress while fighting in Afghanistan and Iraq, and they deserve to know that they will treated fairly by their institution and can easily return to their studies after the mission is over.

I am pleased that Chairwoman HERSETH SANDLIN has included provisions from H.R. 2910 into H.R. 6225, and I want to thank the committee for taking up this very important issue.

Mr. BOOZMAN. Mr. Speaker, I yield myself as much time as I might consume.

I want to thank Mr. CARTER for bringing forward the legislation that he did that was included in this bill, the ability to designate a residency along with the husband, and not go through the hassle of having split residencies, which, again, it is little things like that as he alluded to, that truly are a hassle, and that the committee is working hard to address and trying to fix these things.

I also want to thank Mrs. DAVIS from California. Again, very much the same thing. You are working hard, you are in school and all of a sudden you get called up. You do your duty in a very glad way, to serve your country, but then you come back and you have got the hassle of half a semester that has to be dealt with. Most of the time the institutions are good about doing that, but they are not always, as we are hearing.

So I very heartily support this bill. I want to thank Ms. HERSETH SANDLIN and her staff. And I want to thank my staff for their hard work in getting it together.

I yield back the balance of my time.

Mr. FILNER. Mr. Speaker, again, I want to thank Mr. BOOZMAN, who worked so well with Ms. HERSETH SANDLIN on their committee. In the spirit that they worked together, we had contributions from older Members, younger Members, Republicans, Democrats in what is an extremely good bill.

GENERAL LEAVE

Mr. FILNER. I would ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 6225, as amended.

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

There was no objection.

Ms. HERSETH SANDLIN. Mr. Speaker, as the Chairwoman of the Veterans' Affairs Economic Opportunity Subcommittee and sponsor of the bill, I rise today in strong support of H.R. 6225, as amended, which the Economic Opportunity Subcommittee passed on June 26 and the full Committee approved on July 15.

I would like to thank full Committee Chairman FILNER, Ranking Member BUYER, and Subcommittee Ranking Member BOOZMAN for their leadership and bipartisan support of this bill, which I introduced on June 10, 2008.

The bill would amend section 2 of title 38 by declaring the court ''shall'' instead of ''may'' use its full equity powers, including temporary or permanent injunctions, temporary restraining orders, and contempt orders, to protect the rights and benefits of veterans. It is my expectation that more courts will use this remedy when deemed appropriate that equitable relief is warranted.

I also would like to thank Mr. Matthew Tully of Tully and Rinckey LLC, who specializes in law under USERRA, and brought the need for this change to our Subcommittee's attention during a hearing on February 13 of this year.

I also would like to thank Representative SUSAN DAVIS for the introduction of H.R. 2910, ''The Veterans Education Tuition Support Act,'' Representative PATRICK MURPHY for the introduction of H.R. 3298 ''The 21st Century Servicemembers Protection Act,'' and Representative JOHN CARTER for the introduction of H.R. 6070, ''The Military Spouses Residency Relief Act''—all of which have also been included in H.R. 6225.

These bills take steps in the right direction to providing greater protections and safeguards to those that have answered the call to duty.

Again, I thank Chairman FILNER for his support of these important bills. I encourage my colleagues to support H.R. 6225, as amended.

Mr. BUYER. Mr. Speaker, I rise in support of H.R. 6225, as amended, the Injunctive Relief for Veterans Act of 2008. This bill would amend title 38, United States Code, with regard to equitable relief with respect to a State or private employer.

Mr. Speaker, I commend the Committee on Veterans Affairs Subcommittee on Economic Opportunity for its bipartisan efforts in bringing this bill before us. Subcommittee Chairwoman HERSETH SANDLIN and Subcommittee Ranking Member BOOZMAN have brought together some good provisions from several bills to improve upon existing Uniformed Services Employment and Reemployment Rights Act, USERRA, and Servicemember's Civil Relief Act, SCRA, protections for our military servicemembers and their spouses.

H.R. 6225, as amended, incorporates provisions of H.R. 2910, introduced by Representative SUSAN DAVIS of California; H.R. 3298, introduced by Representative PATRICK MURPHY of Pennsylvania; and, H.R. 6070 introduced by Representative JOHN R. CARTER of Texas.

The intent of the legislation is to encourage courts to utilize equity powers in appropriate USERRA cases that come before them. During discussion of the bill that took place during the full Committee markup, Subcommittee Chairwoman HERSETH SANDLIN clarified that injunctive relief is available under the discretion of the judge hearing the facts at a preliminary hearing, and that this section is not intended to create a new avenue of appeal in USERRA cases.

The bill, as amended, would also require colleges and universities to provide refunds on tuition and fees for students who are called up for active duty, and it would allow such students to reenter the institution at the same educational and academic status that was held at the time of activation.

Mr. Speaker, this bill would extend SCRA protections to enable servicemembers with deployment orders to more easily terminate or suspend service contracts without fee or penalty for such services to include cellular phones, utilities, cable television, or internet access. It would also add penalties to those creditors under SCRA who refuse to reduce interest rates as currently required.

Additionally, H.R. 6225, as amended, would allow a military spouse to vote in the same location of Federal, State and local elections as the servicemember, and pay taxes in the same State as the servicemember.

Mr. Speaker, H.R. 6225, as amended, provides members of the Armed Forces necessary protections that will enable them to make a seamless transition back to civilian life after their tour of duty is completed. These brave men and women put their lives on hold to ensure the freedom and safety of our Nation, and we owe it to them to provide relief when and where we can.

I support H.R. 6225, as amended, and I urge my colleagues to support the bill.

Mr. FILNER. I urge my colleagues to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 6225, 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. BOOZMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

IMPROVING VETERANS' OPPORTUNITY IN EDUCATION AND BUSINESS ACT OF 2008

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6221) to amend title 38, United States Code, to require the Secretary of Veterans Affairs to include in each contract the Secretary enters for the acquisition of goods and services a provision that requires the contractee to comply with the contracting goals and preferences for small business concerns owned or controlled by veterans, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6221

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 ''Improving Veterans' Opportunity in Education and Business Act of 2008''.

SEC. 2. CONTRACTING GOALS AND PREFERENCES FOR VETERAN-OWNED SMALL BUSINESS CONCERNS.

Section 8127 of title 38, United States Code, is amended—

(1) by redesignating subsections (j) and (k) as subsections (k) and (l), respectively; and

(2) by inserting after subsection (i) the following:

''(j) APPLICABILITY OF REQUIREMENTS TO CONTRACTS.—(1) If the Secretary enters, on or after June 1, 2007, into a contract, memorandum of understanding, agreement, or other arrangement with any governmental entity or person to acquire goods or services, or both, the Secretary shall include in such contract, memorandum, agreement, or other arrangement a requirement that the entity or person will comply with the provisions of this section in acquiring such goods or services, or both.

''(2) COORDINATION.—The Secretary shall take such action as may be necessary to ensure that the efforts to comply with this section of the Department and governmental entities and persons to which paragraph (1) applies are coordinated.

''(3) The Secretary shall modify contracts, memoranda of understanding, agreements, and other arrangements of the Department in effect on the date of enactment of the Improving Veterans' Opportunity in Education and Business Act of 2008 to comply with this subsection.

''(4) Nothing in this subsection shall be construed to supersede or otherwise affect the authorities provided by and under the Small Business Act (15 U.S.C. 631 et seq.)''.

SEC. 3. FIVE-YEAR PILOT PROGRAM FOR ON-CAMPUS WORKSTUDY POSITIONS.

(a) ESTABLISHMENT OF PILOT PROGRAM.—The Secretary of Veterans Affairs shall conduct a five-year pilot project to test the feasibility and advisability of expanding the scope of qualifying workstudy activities for purposes of section 3485(a)(4) of title 38, United States Code, including workstudy positions available on site at educational institutions.

(b) TYPE OF WORKSTUDY POSITIONS.—The workstudy positions referred to in subsection (a) may include positions in academic departments (including positions as tutors or research, teaching, and lab assistants) and in student services (including positions in career centers and financial aid, campus orientation, cashiers, admissions, records, and registration offices).

(c) REGULATIONS.—The Secretary shall issue regulations to carry out the pilot project under this section, including regulations providing for the supervision of workstudy positions referred to in subsection (a) by appropriate personnel of the Department.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $10,000,000 for each of fiscal years 2009 through 2013 to carry out the pilot project under this section.

(e) FUNDING.—Notwithstanding any other provision of law, this section shall not be carried out with any funds provided for or under any authority of the Readjustment benefits program described by the list of Appropriated Entitlements and Mandatories for Fiscal Year 1997 contained in the Conference Report to accompany H.R. 2015 of the 105th Congress, the Balanced Budget Act of 1997 (H. Report 105-217). Instead, no funds shall be obligated for the purpose of carrying out this section except discretionary funds appropriated specifically for the purpose of carrying out this section in appropriation Acts enacted after the date of the enactment of this Act.

SEC. 4. MILITARY OCCUPATIONAL SPECIALTY TRANSITION (MOST) PROGRAM.

(a) IN GENERAL.—Subchapter II of chapter 36 of title 38, United States Code, is amended by inserting after section 3687 the following new section:

''§ 3687A. Military occupational specialty transition (MOST) program

''(a) ESTABLISHMENT; ELIGIBILITY.—

''(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall carry out a program of training to provide eligible veterans with skills relevant to the job market.

''(2) ELIGIBLE VETERAN.—For purposes of this section, the term 'eligible veteran' means any veteran if—

''(A) such veteran's military occupational specialty at the time of discharge is determined by the Secretary to have limited transferability to the civilian job market;

''(B) such veteran is not otherwise eligible for education or training services under this title;

''(C) such veteran has not acquired a marketable skill since leaving military service;

''(D) such veteran was discharged under conditions not less than general under honorable conditions; and

''(E)(i) such veteran has been unemployed for at least 90 of the 180 days preceding the date of application for the program established under this section; or

''(ii) the maximum hourly rate of pay of such veteran during such 180-day period is not more than 150 percent of the Federal minimum wage.

''(b) MOST PROGRAM.—The program established under this section shall provide for payments to employers who provide for eligible veterans a program of apprenticeship or on-the-job training if—

''(1) such program is approved as provided in paragraph (1) or (2) of section 3687(a) of this title;

''(2) the rate of pay for veterans participating in the program is not less than the rate of pay for nonveterans in similar jobs; and

''(3) the Secretary reasonably expects that—

''(A) the veteran will be qualified for employment in that field upon completion of training; and

''(B) the employer providing the program will hire the veteran at the completion of training.

''(c) PAYMENTS TO EMPLOYERS.—

''(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall enter into contracts with employers to provide programs of apprenticeship or on-the-job training which meet the requirements of this section. Such contract shall provide for the payment of the amounts described in subsection (b) to employers whose programs meet such requirements.

''(2) AMOUNT OF PAYMENTS.—The amount paid under this section with respect to any eligible veteran for any period shall be 50 percent of the wages paid by the employer to such veteran for such period. Wages shall be calculated on an hourly basis.

''(3) AMOUNT AND DURATION OF PAYMENTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B)—

''(i) the amount paid under this section with respect to a veteran participating in the program established under this section may not exceed $20,000 in the aggregate and $1,666.67 per month; and

''(ii) such payments may only be made during the first 12 months of such veteran's participation in the program.

''(B) VETERANS PARTICIPATING ON LESS THAN FULL-TIME BASIS.—In the case of a veteran participating in the program on a less than full-time basis, the Secretary may extend the number of months of payments under subparagraph (A) and proportionally adjust the amount of such payments, but the maximum amount paid with respect to a veteran may not exceed the maximum amount of $20,000 and the maximum amount of such payments may not exceed 24 months.

''(4) PAYMENTS MADE ON QUARTERLY BASIS.—Payments under this section shall be made on a quarterly basis.

''(5) EMPLOYER REPORT.—Each employer providing a program of apprenticeship or on-the-job training pursuant to this section shall submit to the Secretary on a quarterly basis a report certifying the wages paid to eligible veterans under such program (which shall be certified by the veteran as being correct) and containing such other information as the Secretary may specify. Such report

shall be submitted in the form and manner required by the Secretary.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $60,000,000 for each of fiscal years 2009 through 2018 to carry out this section.

''(e) REPORTING.—The Secretary shall include a detailed description of activities carried out under this section in the annual report prepared by the Veterans Benefits Administration.

''(f) SEPARATE ACCOUNTING.—The Department shall have a separate line item in budget proposals of the Department for funds to be appropriated to carry out this section.''.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 3687 the following new item:

''3687A. Military occupational specialty transition (MOST) program.''.

(c) CONFORMING AMENDMENTS.—(1) Subsection (a)(1) of section 3034 of such title is amended by striking ''and 3687'' and inserting ''3687, and 3687A''.

(2) Subsections (a)(1) and (c) of section 3241 of such title are each amended by striking ''section 3687'' and inserting ''sections 3687 and 3687A''.

(3) Subsection (d)(1) of section 3672 of such title is amended by striking ''and 3687'' and inserting ''3687, and 3687A''.

(4) Paragraph (3) of section 4102A(b) of such title is amended by striking ''section 3687'' and inserting ''section 3687 or 3687A''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, I yield myself 1 minute. I want to thank Mr. BOOZMAN, and he included parts of a bill from Ms. HERSETH SANDLIN and from Mr. WELCH from Vermont, another new Member who has been a great participant in our deliberations.

I would like to thank my distinguished colleague, Ranking Member JOHN BOOZMAN in the Subcommittee on Economic Opportunity, for his bipartisan efforts in crafting H.R. 6221, as amended, Improving Veterans' Opportunities in Education and Business Act.

I also want to thank Subcommittee Chairwoman STEPHANIE HERSETH SANDLIN and Congressman PETER WELCH for introducing language included in this important legislation.

Many of our veterans today are currently transitioning into the workforce or continuing their studies in higher education.

Some of our disabled veterans own small businesses, while others are receiving training to pursue other careers. Our veterans deserve to receive the necessary resources to succeed in life after the military. We must work together to ensure that our Nation's heroes are equipped and provided the training they need for their future careers.

H.R. 6221 would clarify a provision in current law that was intended to assist veterans in the Federal procurement process. This provision has been interpreted by the VA General Counsel that it does not apply to agents acting on behalf of the VA. H.R. 6221 would clarify congressional intent and require any entity that purchases goods and services on behalf of the VA to comply with the contracting goals and preferences for small businesses owned or controlled by veterans.

Language introduced by Representative STEPHANIE HERSETH SANDLIN of South Dakota would authorize $10 million for VA to conduct a 5-year pilot program to expand the veterans' campus work study program.

Eligible work-study may include positions in academic departments and student services, such as jobs in tutoring, research, career services, and campus orientation.

Language was introduced by Representative PETER WELCH of Vermont to authorize $60 million for the next 10 years to fund the Service Members' Occupational Conversion and Training Act, commonly called SMOCTA.

SMOCTA is a successful training program that was instituted in the early 1990's and targeted to servicemembers leaving military service with few or no job skills to transition to the civilian marketplace.

The program assists veterans in obtaining meaningful employment after their military service and is a timely program that would greatly assist today's returning veterans.

Mr. Speaker, we must honor our men and women who dutifully serve our Nation.

We must serve our disabled veteran small business owners and students with opportunities to succeed, and fund successful programs that develop job skills needed in today's workforce. Our servicemembers deserve the proper training and provisions that ensure a seamless transition into civilian life.

I urge all my colleagues to join me in support of H.R. 6221, as amended.

Since this bill is authored by Mr. BOOZMAN, I will reserve the balance of my time to allow him to explain it.

Mr. BOOZMAN. Mr. Speaker, I yield myself as much time as I might consume.

I rise in support of H.R. 6221, as amended, the Veteran-Owned Small Business Protection and Clarification Act of 2008.

H.R. 6225, as amended, makes three important improvements for our veterans. First, it closes a loophole in title 38, United States Code, to require that contracts awarded on behalf of Department of Veterans Affairs by agents of the Department include provision to comply with the disabled veteran-owned small business provisions in public law 109–461.

Second, the bill would expand the types of VA work-study jobs on college campuses to provide more jobs for student veterans and widen interaction between veterans, the faculty, staff and, most importantly, other students.

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Finally, H.R. 6221, as amended, would take provisions from H.R. 6272 introduced by Congressman WELCH to create the Military Occupational Specialty Transition (MOST) program, a modernized version of the old Service Members Occupational Conversion and Training Act, or SMOCTA.

Focusing on veterans whose military specialty does not translate well into civilian life and who do not have other training opportunities available under title XXXVIII, this bill will benefit veterans whose job skills no longer match what is needed by today's economy.

For example, today's army or marine infantryman is experienced with some types of technology related to their specialty, but most of their training is in small unit tactics and weapons. They are not like the technicians who service and operate sophisticated systems on a daily basis. While an infantryman has developed soft skills such as leadership and initiative that are valuable in many work places, many hands-on skills are usually not part of the resume.

Or take a sailor whose main job is to move aircraft around on the flight deck of a carrier. He works in a very dangerous environment but other than working the light line at an airport, his skill is not very transferable.

Or take the airman who is a load master who is responsible for the safe loading of cargo on aircraft. Outside of working for an airline in the same capacity, the load master has few directly transferable military skills.

I appreciate our colleague from Vermont (Mr. WELCH) for his initiative to renew funding for the old Service Members Occupational Conversion and Training Act, or SMOCTA. Again, in a bipartisan manner, the Economic Opportunity Subcommittee has brought us a bill that meets Mr. WELCH's goal of providing a training program for veterans who finish military service with few or no skills that are transferable to regular life.

Mr. Speaker, I extend my gratitude to Chairman FILNER, Ranking Member BUYER, and subcommittee Chairwoman HERSETH SANDLIN for working together to bring this bill to us as a bipartisan effort to make veterans more competitive in the job market. I also want to thank our staffs for their hard work.

Mr. Speaker, I urge our colleagues to support H.R. 6221, and I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I have no further speakers.

Mr. BOOZMAN. Mr. Speaker, I have no further speakers also.

Again, I want to encourage my colleagues to vote for the bill, and I also want to thank Mr. WELCH for his hard work in bringing forward, I think, this reauthorization. With the changes that are being made with his help is really going to help the servicemember that comes out who is disadvantaged because he hasn't received as much training in specialized fields as the other members.

I yield back the balance of my time.

GENERAL LEAVE

Mr. FILNER. I would ask, Mr. Speaker, that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 6221, as amended.

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

There was no objection.

Ms. HERSETH SANDLIN. Mr. Speaker, as the Chairwoman of the Veterans' Affairs Economic Opportunity Subcommittee and sponsor of the ''Pilot College Work Study Programs for Veterans Act,'' which has been included in the ''Improving Veterans' Opportunity in Education

and Business Act,'' I rise today in strong support of H.R. 6221, as amended.

I would like to thank full Committee Chairman FILNER, Ranking Member BUYER, and the sponsor of the bill, Subcommittee Ranking Member BOOZMAN for their leadership and bipartisan support of this bill, which the Economic Opportunity Subcommittee passed on June 26 and the full Committee approved on July 15.

As I noted, this important measure to improve business and education opportunities for veterans includes the ''Pilot College Work Study Programs for Veterans Act,'' which I introduced on June 10 of this year. The purpose of my bill is to direct the Secretary of Veterans Affairs to conduct a 5-year pilot program to expand on existing work-study activities for veterans. Currently, veterans that qualify for work-study would be limited to working on VA related work. My bill would allow those veterans the option of working in academic departments and student services. This change would put them at par with students that qualify for a work-study position under programs not administered by the VA.

I also would like to thank Representative PETER WELCH for a bill, which was also included in H.R. 6221, to reauthorize the Military Occupational Specialty Transition (MOST) Program, and Subcommittee Ranking Member BOOZMAN for the introduction of the underlying bill to require VA contractees to comply with contracting goals and preferences for small businesses owned by veterans.

Again, I thank Chairman BOOZMAN for sponsoring this important bill. I encourage my colleagues to support H.R. 6221, as amended.

Mr. BUYER. Mr. Speaker, I rise in support of H.R. 6221, as amended, the Veteran Owned Small Business Protection and Clarification Act of 2008. This bill, as amended, would amend title 38, United States Code, to require the Secretary of Veterans Affairs to include in each contract the Secretary enters for the acquisition of goods and services a provision that requires compliance with the contracting goals and preferences for small business concerns owned or controlled by veterans, and for other purposes.

H.R. 6221, as amended, does 3 very good things for veterans.

First, it closes a loophole in the service disabled veteran-owned business provisions in Public Law 109–461 to require that any VA agreement with other entities to provide contracting services include provisions to comply with those provisions.

Second, the bill would expand the types of VA work study jobs on college campuses to provide more jobs for student veterans, and widen interaction between veterans, the faculty, staff and most importantly, other students.

Finally, H.R. 6221, as amended, would take provisions from H.R. 6272, introduced by Congressman WELCH to create the Military Occupational Specialty Transition (MOST) program, a modernized version of the old Service Members' Occupational Conversion and Training Act or SMOCTA.

Focusing on veterans whose military specialty does not translate well into civilian life and who do not have other training opportunities available under title 38, this bill will benefit veterans whose job skills no longer match what is needed by today's economy.

I appreciate our colleague from Vermont, Mr. WELCH, for his bill which would renew funding for the old Service Members' Occupational Conversion and Training Act or SMOCTA. Again, in a bipartisan manner, the Economic Opportunity Subcommittee has brought us a bill that meets Mr. WELCH's goal of providing a training program for veterans who finish military service with few or no skills that are transferrable to civilian life.

Mr. Speaker, I extend my gratitude to Chairman FILNER, Subcommittee Chairwoman HERSETH SANDLIN and Ranking Member BOOZMAN for working together to bring this bill to us as a bipartisan effort to make veterans more competitive in the job market.

Mr. Speaker, I urge my colleagues to support H.R. 6221.

Mr. FILNER. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 6221, 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. BOOZMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

EXTENDING ADVISORY COMMITTEE ON MINORITY VETERANS

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 674) to amend title 38, United States Code, to repeal the provision of law requiring termination of the Advisory Committee on Minority Veterans as of December 31, 2009.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 674

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

SECTION 1. REPEAL OF SUNSET PROVISION FOR ADVISORY COMMITTEE ON MINORITY VETERANS.

Subsection (e) of section 544 of title 38, United States Code, is repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Colorado (Mr. LAMBORN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

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

This bill comes to us from our colleague from Chicago, Congressman LUIS GUTIERREZ, and this would repeal the law that requires the termination of the Advisory Committee on Minority Veterans on December 31 of 2009. We cannot let this important committee vanish.

Today, Mr. Speaker, over 14 percent of veterans are from racial or ethnic minority groups. African Americans comprise about 10 percent. The rest are Hispanic, Asian, or Native American. However, the Census Bureau projects that the number of minority Americans will shift significantly in the future and will grow to about 35 percent of the total population by 2050. Undoubtedly, that will be reflected in the percentage of people of color in the military, which is already steadily on the rise.

This trend has been true for black women who are joining the military at a greater rate than they are represented in the overall population and in a greater ratio than their male counterparts. In fact, black women comprise almost 35 percent of female servicemembers. This pattern will affect the VA's mission and scope, and it must be prepared to respond to properly deliver benefits.

Congress developed the Center for Minority Veterans and the Advisory Committee in 1994 to advise VA and Congress on providing health care and delivering benefits to minority veterans because there were disparities in such service. We had hoped to improve VA practices for future generations of minority veterans. This center has issued an annual report since 1994, and it's mandated to focus specific attention on African American, Hispanic, Asian, Native American, and Pacific Islanders, which it has done by conducting town hall meetings and site visits to such places as inner city Los Angeles and Native American tribes in Alaska.

The House Committee on Veterans' Affairs has explored these disparities and has been greatly assisted by the Committee on Minority Veterans. Its recommendations regarding outreach, research, education, staff diversity, translation services, and housing have been extremely enlightening and have resulted in many improvements.

At the present time, the Advisory Committee on Minority Veterans is due to sunset in 2009. This bill would prevent this from occurring and would serve to bring permanent awareness to cultural, racial, and ethnic issues among veterans to Congress and VA leadership.

I urge this Congress to support the bill and allow the Advisory Committee on Minority Veterans to continue its work uninterrupted and fully supported.

I reserve the balance of my time.

Mr. LAMBORN. Mr. Speaker, I rise in support of H.R. 674, a bill to amend title XXXVIII, United States Code, to permanently establish the Advisory Committee on Minority Veterans which is set to expire on December 31, 2009. I commend my colleague from Illinois, LUIS GUTIERREZ, for introducing this bill.

Mr. Speaker, in 1994 under Public Law 103–446, the Veterans' Benefits Improvements Act, Congress established the Advisory Committee on Minority Veterans. The committee is comprised of veterans who represent their respective minority groups and are recognized authorities in fields pertinent to their needs. The committee's goal is to promote the use of VA programs, benefits, and services by minority veterans, to make benefits and services more accessible to minority veterans, and to evaluate current programs and make recommendations on how the VA can better serve minority veterans.

As I said, current authority for the committee is set to expire December 31, 2009. By supporting H.R. 674, we eliminate the expiration date and permanently extend this important committee to ensure the perspectives of minority veterans are considered during the establishment of VA benefits and services. I urge my colleagues to support the bill.

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

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I would again ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 674.

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

There was no objection.

Mr. GUTIERREZ. I rise today to urge my colleagues to support H.R. 674, legislation to make the Advisory Committee on Minority Veterans permanent. I have sponsored this legislation along with Congresswoman CORRINE BROWN, who serves on the Veterans' Affairs Committee. Current law mandates the termination of the Advisory Committee on Minority Veterans (ACMV) on December 31, 2009. This bill would simply repeal the provision of law that sunsets this important committee so that its critical work on behalf of minority veterans can continue.

The Advisory Committee on Minority Veterans operates in conjunction with the VA Center for Minority Veterans. This committee consists of members appointed by the Secretary of Veterans Affairs and includes minority veterans, representatives of minority veterans groups and individuals who are recognized authorities in fields pertinent to the needs of minority veterans.

The Advisory Committee on Minority Veterans helps the VA Center for Minority Veterans by advising the Secretary on the adoption and implementation of policies and programs affecting minority veterans, and by making recommendations to the VA for the establishment or improvement of programs in the department for which minority veterans are eligible.

The Committee has consistently provided the VA and Congress with balanced, forward-looking recommendations, many of which go far beyond the unique needs of minority veterans. In 2002, the Committee met in my hometown of Chicago and warned that in the Chicago regional office, ''it was mentioned that it was much easier to deny benefits than to grant benefits because of stringent requirements of the Veterans Benefits Administration and the Court of Appeal for Veterans Claims.''

The Chicago Sun-Times later exposed that Illinois veterans ranked 50th in disability benefit compensation. That information' sparked a campaign by the Illinois Congressional Delegation to rectify the situation. Since then, the VA Inspector General has issued his report and recommendations, and the Secretary has pledged additional staff and resources to the Chicago regional office.

The Committee will also be needed in the future since the unique concerns of minority veterans will become increasingly important for our nation over the next decade.

Currently, 17 percent of the troops serving in Iraq and Afghanistan are African-American, while 11 percent are Hispanic. The concerns of these veterans and others will not disappear on December 31, 2009, nor should the Committee that represents them. The Advisory Committee on Minority Veterans has helped our minority veterans from past wars with programs to address their concerns. We should not shortchange our newly returning soldiers by allowing this Committee's tenure to expire.

Many specific issues of concern to minority veterans need to be addressed further. Minority veterans confront the debilitating effects of post-traumatic stress disorder (PTSD) and substance abuse in greater numbers. Minority veterans suffer from a higher incidence of homelessness. Access to health care for Native American veterans is also a common problem. In addition, access to adequate job training is a difficulty for many minority veterans, a high percentage of whom qualify as low-income, category A veterans.

Unfortunately, discrimination and cultural insensitivity remain problematic for minority veterans at many VA facilities. The Advisory Committee on Minority Veterans still has a lot of work to do, and I urge my colleagues to support this legislation to make this important Committee permanent.

Mr. BUYER. Mr. Speaker, I rise in support of H.R. 674, a bill to amend title 38, United States Code, to permanently establish the Advisory Committee on Minority Veterans, which is set to expire December 31, 2009.

I commend my colleague from Illinois, LUIS GUTIERREZ for introducing this bill.

Mr. Speaker, in 1994, under Public Law 103–446, the Veterans' Benefits Improvements Act, Congress established the Advisory Committee on Minority Veterans.

The Committee is comprised of veterans who represent their respective minority groups and are recognized authorities in fields pertinent to their needs. The Committee's goal is to: promote the use of VA programs, benefits, and services by minority veterans; make benefits and services more accessible to minority veterans; and, evaluate current programs and make recommendations on how VA can better serve minority veterans.

As I previously stated, authority for the Committee will expire December 31, 2009. By supporting H.R. 674, we eliminate the expiration date and permanently extend this important committee to ensure the perspectives of minority veterans are considered during the establishment of VA benefits and services.

I urge my colleagues to support the bill.

Mr. FILNER. Mr. Speaker, I urge my colleagues to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 674.

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

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

The point of no quorum is considered withdrawn.

VETERANS DISABILITY BENEFITS CLAIMS MODERNIZATION ACT OF 2008

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5892) to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to modernize the disability benefits claims processing system of the Department of Veterans Affairs to ensure the accurate and timely delivery of compensation to veterans and their families and survivors, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5892

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 ''Veterans Disability Benefits Claims Modernization Act of 2008''.

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

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) At the end of fiscal year 2007, there were nearly 24,000,000 veterans in America.

(2) According to the latest Annual Report from the Veterans Benefits Administration, there were 3,582,255 veterans and survivors receiving compensation and pension benefits under laws administered by the Secretary of Veterans Affairs at the end of fiscal year 2006.

(3) The number of veterans and survivors at the end of fiscal year 2006 included 2,725,824 veterans receiving service-connected disability benefits, 325,939 survivors receiving service-connected death benefits, 329,856 veterans receiving non-service-connected disability benefits, and 200,636 survivors receiving non-service-connected death benefits.

(4) During fiscal year 2006, almost 250,000 beneficiaries began receiving benefits with 162,805 of these being veterans whose compensation claims were granted.

(5) Since October 7, 2001, the number of claims for new or increased benefits has risen sharply, exceeding 838,000 in 2007.

(6) The Department of Veterans Affairs projects that the number of claims will surpass 1,000,000 by the end of fiscal year 2008.

(7) The number of disability compensation claims pending before the Department stands at nearly 630,000, as of the date of the enactment of this Act, about a quarter of which have been backlogged for over six months.

(8) Processing times have increased from an average of 177 days in 2006 to 183 days in 2007.

(9) The paper-based, labor-intensive process employed by the Department leaves many disabled veterans and survivors waiting months or years to receive the benefits they have earned.

(10) The most prevalent disabilities among veterans that are service-connected are auditory, with almost 840,000 veterans receiving compensation for such a disability, followed by musculoskeletal disabilities and arthritis.

(11) Post-traumatic stress disorder is the sixth most common disability, with more than 269,399 service-connected veterans.

(12) In 2006, the Veterans Health Administration treated 345,713 veterans with post-traumatic stress disorder, which was an increase of 27,099 over 2005.

(13) By January 2008, of the 1,600,000 veterans who served in the Armed Forces after October 7, 2001, the Veterans Health Administration had treated 59,838 for post-traumatic stress disorder.

(14) Disabilities are evaluated in accordance with the Department of Veterans Affairs Schedule for Rating Disabilities (referred to in this section as the ''VASRD'') under title 38, United States Code of Federal Regulations, part 4.

(15) This schedule was originally created in 1917 and was last comprehensively revised in 1945.

(16) The VASRD contains many outdated and archaic criteria and lacks more commonly accepted medical practices and procedures.

(17) Studies conducted by the Institute of Medicine found it to be an inadequate instrument for compensating disabilities for the average impairments of earning capacity, especially in areas of mental health, unemployability, and for younger and severely injured veterans, and recommended it be revised using more modern medical concepts.

(18) The Department of Veterans Affairs must modernize the claims processing system of the Veterans Benefits Administration to make it a first-class, veteran-centered system that uses 21st century technologies and paradigms and reflects the dignity and sacrifices made by disabled veterans, their families, and survivors.

TITLE I—MATTERS RELATING TO MODERNIZING THE DISABILITY COMPENSATION SYSTEM OF DEPARTMENT OF VETERANS AFFAIRS

SEC. 101. OFFICE OF SURVIVORS ASSISTANCE.

(a) IN GENERAL.—Chapter 3 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 321. Office of Survivors Assistance

''(a) ESTABLISHMENT.—The Secretary shall establish in the Veterans Benefits Administration an Office of Survivors Assistance (in this section referred to as the 'Office') to provide direct assistance regarding all benefits and services delivered by the Department—

''(1) to survivors and dependents of all deceased veterans; and

''(2) to survivors and dependents of all deceased members of the Armed Forces.

''(b) DUTIES.—The Office shall—

''(1) be responsible for ensuring that—

''(A) survivors and dependents of deceased veterans and deceased members of the Armed Forces have access to applicable benefits and services under this title;

''(B) programs carried out by the Department under this title for such survivors and dependents are carried out in a manner that is responsive to such survivors and dependents and their unique needs;

''(C) regular and consistent monitoring of benefits delivery occurs;

''(D) appropriate referrals are being made with respect to such survivors and dependents by, to, and within the Veterans Benefits Administration, Veterans Health Administration, and National Cemetery Administration; and

''(E) such survivors and dependents are treated with dignity and respect by personnel of the Department; and

''(2) act as a primary advisor to the Secretary on all matters related to the policies, programs, legislative issues, and other initiatives affecting such survivors and dependents.

''(c) ANNUAL REPORT.—The Secretary shall identify and include the activities of the Office in the annual report to Congress under section 529 of this title.

''(d) GUIDANCE FROM STAKEHOLDERS.—In establishing the Office, the Secretary shall seek guidance from interested stakeholders, including appropriate employees, employee representatives, managers, and appropriate public and private entities, including veteran service organizations and other service organizations.

''(e) RESOURCES.—The Secretary shall ensure that appropriate personnel, funding, and other resources are provided to the Office to carry out its responsibilities.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''321. Office of Survivors Assistance.''.

SEC. 102. STUDY ON READJUSTMENT OF SCHEDULE FOR RATING DISABILITIES.

(a) STUDY ON ADJUSTMENT OF SCHEDULE.—

(1) STUDY REQUIRED.—The Secretary of Veterans Affairs shall conduct a study on adjusting the schedule for rating disabilities adopted and applied by the Secretary under section 1155 of title 38, United States Code, so as to base the schedule on standards, practices, and codes in common use by the medical, mental health, and disability professions that are current as of the date of the enactment of this Act.

(2) CONTENTS OF STUDY.—In conducting the study under this subsection, the Secretary shall—

(A) determine how the schedule could be adjusted to take into account the loss of quality of life and loss of earnings that result from specific disabilities;

(B) examine the nature of the disabilities for which disability compensation is payable under laws other than laws administered by the Secretary;

(C) examine whether disparities exist between the rating of physical and mental disabilities, especially with respect to how the severity of mental disabilities should be adjudicated to ensure parity with physical disabilities whereby a veteran can be rated totally disabled while maintaining some level of employment;

(D) measure the effect of disabilities on the psychological states, physical integrity, and social adaptability of veterans with such disabilities; and

(E) examine the effect of a veteran's injury or combination of injuries on—

(i) the average loss of the veteran's earnings capacity, including the veteran's inability to work in certain occupations;

(ii) the veteran's quality of life, including activities of independent living, recreational and community activities, and personal relationships, including the inability to participate in favorite activities, social problems related to disfigurement or cognitive difficulties, and the need to spend increased amounts of time performing activities of daily living; and

(iii) the extent to which benefits for veterans may be used to encourage veterans to seek and undergo vocational rehabilitation.

(3) CONSULTATION.—In conducting the study under this subsection, the Secretary shall consult with appropriate public and private entities, agencies, and veterans service organizations, and shall employ consultants.

(4) DEADLINE FOR COMPLETION.—The Secretary shall complete the study required under this subsection by not later than 180 days after the date of the enactment of this Act.

(5) REPORT TO CONGRESS.—Not later than 60 days after completing the study required under this subsection, the Secretary shall submit to Congress a report on the study. The report shall include—

(A) the results of the study on quality of life and the payment of compensation for service-connected disabilities for which the Secretary entered into a contract on January 28, 2008;

(B) the Secretary's findings and conclusions with respect to adjusting the schedule for rating disabilities adopted and applied by the Secretary under section 1155 of title 38, United States Code, to account for the loss of quality of life and loss of earnings that result from specific disabilities;

(C) the Secretary's findings and conclusions with respect to—

(i) the report of the Veterans' Disability Benefits Commission;

(ii) the report of the President's Commission on the Care for America's Returning Wounded Warriors;

(iii) the report of the Institute of Medicine entitled ''A 21st Century System for Evaluating Veterans for Disability Benefits''; and

(iv) any other independent or advisory commission report on matters relating to such schedule that the Secretary determines is appropriate;

(D) the Secretary's recommendations with respect to the appropriate disabilities for inclusion in the schedule;

(E) the Secretary's recommendations with respect to the amount of compensation payable to veterans for the loss of quality of life and the basis for such recommendations;

(F) the Secretary's recommendations with respect to the amount of compensation payable to veterans for average loss of earnings capacity and the appropriate standards for determining whether a disability has caused a veteran to incur a loss of earnings capacity;

(G) the Secretary's assessment of the effect of the treatment of mental disabilities under the schedule for rating disabilities, as in effect on the date of the enactment of this Act; and

(H) the Secretary's determination with respect to whether the regulations prescribed pursuant to section 1154 of title 38, United States Code, are consistent with providing, to the maximum extent possible, the benefit of the doubt to veterans covered by that section in the absence of official military records pertaining to the service-connection of a veteran's disability, and in particular, of post-traumatic stress disorder, when a determination of service-connection would be consistent with the duties, conditions, and hardships of service in the Armed Forces.

(b) SUBMISSION OF PLAN.—

(1) PLAN REQUIRED.—Not later than 120 days after the date on which the Secretary submits the report required under subsection (a)(5), the Secretary shall submit to Congress a plan to readjust the schedule for rating disabilities adopted and applied by the Secretary under section 1155 of title 38, United States Code. In developing the plan required under this subsection, the Secretary shall consider the report submitted under subsection (a)(5) and shall provide for the readjustment of such schedule for rating disabilities to—

(A) align the schedule with medical concepts considered best practices as of the date of the enactment of this Act, including those provided in the Current Procedural Terminology Manual, International Classification of Diseases, the Diagnostic and Statistical Manual of Mental Disorders, and applicable American Medical Association Guides;

(B) bridge the gap between the schedule, as in effect on the date of the enactment of this Act, and medical understandings, as of such date, of injuries and diseases and the affects of such injuries and diseases on the ability of a person suffering from them to function;

(C) prioritize such readjustment with respect to post-traumatic stress disorder, other mental disorders, neurological disorders, traumatic brain injury, orthopedic disabilities, and digestive disabilities;

(D) ensure that the schedule is automated in accordance with the review and comprehensive plan of the Secretary under section 110 of this Act; and

(E) ensure that a transition plan is provided to ease the transition from the schedule for rating disabilities, as in effect on the date of the enactment of this Act, to the implementation of the schedule for rating disabilities, as proposed to be readjusted by the plan under this subsection.

(2) TIMELINE FOR READJUSTMENT.—The Secretary shall include in the plan submitted under the subsection a proposed timeline for when the Secretary intends to readjust the schedule. Such proposed timeline may not exceed three years.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out subsections (a) and (b).

(d) ADVISORY COMMITTEE ON DISABILITY COMPENSATION.—

(1) ESTABLISHMENT.—Subchapter III of chapter 5 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 546. Advisory Committee on Disability Compensation

''(a) ESTABLISHMENT.—(1) There is in the Department the Advisory Committee on Disability Compensation (hereinafter in this section referred to as the 'Committee').

''(2) The Committee shall consist of not more than 18 members appointed by the Secretary from among individuals who—

''(A) have demonstrated significant civic or professional achievement; and

''(B) have experience with the provision of disability compensation by the Department or are leading medical or scientific experts in relevant fields.

''(3) The Secretary shall seek to ensure that members appointed to the Committee include individuals from a wide variety of geographic areas and ethnic backgrounds, individuals from veterans service organizations, individuals with combat experience, and women.

''(4) The Secretary shall determine the terms of service and pay and allowances of the members of the Committee, except that a term of service may not exceed two years. The Secretary may reappoint any member for additional terms of service.

''(b) RESPONSIBILITIES OF COMMITTEE.—(1) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee with respect to the maintenance and periodic readjustment of the schedule for rating disabilities under section 1155 of this title.

''(2)(A) In providing advice to the Secretary under this subsection, the Committee shall—

''(i) assemble and review relevant information relating to the needs of veterans with disabilities;

''(ii) provide information relating to the nature and character of disabilities arising from service in the Armed Forces;

''(iii) provide an on-going assessment of the effectiveness of the schedule for rating disabilities; and

''(iv) provide on-going advice on the most appropriate means of responding to the needs of veterans relating to disability compensation in the future.

''(B) In carrying out its duties under subparagraph (A), the Committee shall take into special account the needs of veterans who have served in a theater of combat operations.

''(c) ANNUAL REPORT.—(1) Not later than March 31 of each year, the Committee shall submit to the Secretary a report on the programs and activities of the Department that relate to the payment of disability compensation. Each such report shall include—

''(A) an assessment of the needs of veterans with respect to disability compensation;

''(B) a review of the programs and activities of the Department designed to meet such needs; and

''(C) such recommendations (including recommendations for administrative and legislative action) as the Committee considers appropriate.

''(2) Not later than 90 days after the receipt of a report under paragraph (1), the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a copy of the report, together with any comments and recommendations concerning the report that the Secretary considers appropriate.

''(3) The Committee may also submit to the Secretary such other reports and recommendations as the Committee considers appropriate.

''(4) The Secretary shall submit with each annual report submitted to the Congress pursuant to section 529 of this title a summary of all reports and recommendations of the Committee submitted to the Secretary since the previous annual report of the Secretary submitted pursuant to that section.

''(d) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—(1) Except as provided in paragraph (2), the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the activities of the Committee under this section.

''(2) Section 14 of such Act shall not apply to the Committee.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end of the items relating to subchapter III the following new item:

''546. Advisory Committee on Disability Compensation.''.

SEC. 103. STUDY ON EMPLOYEE WORK CREDIT SYSTEM OF VETERANS BENEFITS ADMINISTRATION.

(a) STUDY REQUIRED.—The Secretary of Veterans Affairs shall conduct a study on the employee work credit system of the Veterans Benefits Administration of the Department of Veterans Affairs, which is used to measure the work production of employees of the Veterans Benefits Administration.

(b) CONTENTS OF STUDY.—In carrying out the study under subsection (a), the Secretary shall consider the advisability of implementing—

(1) performance standards and accountability measures to ensure that—

(A) claims for benefits under the laws administered by the Secretary are processed in an objective, accurate, consistent, and efficient manner; and

(B) final decisions with respect to such claims are consistent and issued within the average amount of time required to process a claim, as identified by the Secretary in the most recent annual report submitted by the Secretary under section 7734 of title 38, United States Code;

(2) guidelines and procedures for the prompt processing of such claims that are ready to rate upon submission;

(3) guidelines and procedures for the processing of such claims submitted by severely injured and very severely injured veterans, as determined by the Secretary; and

(4) requirements for assessments of claims processing at each regional office for the purpose of producing lessons learned and best practices.

(c) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under this section and the progress of the Secretary in implementing the new system for evaluating employees of the Veterans Benefits Administration required under subsection (d).

(d) EVALUATION OF VETERANS BENEFITS ADMINISTRATION EMPLOYEES.—

(1) NEW SYSTEM REQUIRED.—By not later than 180 days after the date on which the Secretary of Veterans Affairs submits to Congress the report required under subsection (d), the Secretary shall establish a new system for evaluating the work production of employees of the Veterans Benefits Administration. Such system shall—

(A) be based on the findings of the study conducted by the Secretary under this section;

(B) focus on evaluating the accuracy and quality of ratings decisions made by such employees; and

(C) not resemble or be based on any concept on which the system in effect as of the date of the enactment of this Act is based.

(2) SUSPENSION OF AWARD OF WORK CREDITS.—If the Secretary of Veterans Affairs does not implement the new system for evaluating work production as required under paragraph (1), the Secretary may not award a work credit to any employee of the Veterans Benefits Administration until the Secretary has implemented such system.

SEC. 104. STUDY ON WORK MANAGEMENT SYSTEM.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall conduct a study on the work management system of the Veterans Benefits Administration of the Department of Veterans Affairs, which is designed to improve accountability, quality, and accuracy, and reduce the time for processing claims for benefits under laws administered by the Secretary that are adjudicated by the Veterans Benefits Administration.

(b) CONTENTS OF STUDY.—In conducting the study required under subsection (a), the Secretary shall consider—

(1) accountability for claims adjudication outcomes;

(2) the quality of claims adjudicated;

(3) a simplified process to adjudicate claims;

(4) the maximum use of information technology applications;

(5) rules-based applications and tools for processing and adjudicating claims efficiently and effectively; and

(6) methods of reducing the time required to obtain information from outside sources.

(c) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under this section.

SEC. 105. CERTIFICATION AND TRAINING OF EMPLOYEES OF VETERANS BENEFITS ADMINISTRATION RESPONSIBLE FOR PROCESSING CLAIMS.

(a) EMPLOYEE CERTIFICATION REQUIRED.—

(1) IN GENERAL.—Subchapter II of chapter 77 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 7735. Employee certification

''(a) DEVELOPMENT OF CERTIFICATION EXAMINATION.—The Secretary shall develop a certification examination for appropriate employees and managers of the Veterans Benefits Administration who are responsible for processing claims for benefits under the laws administered by the Secretary. The Secretary shall develop such examination in consultation with examination development experts, interested stakeholders, including such appropriate employees, employee representatives, and managers, and appropriate public and private entities, including veterans service organizations and other service organizations.

''(b) EMPLOYEE AND MANAGER REQUIREMENT.—The Secretary shall require appropriate employees and managers of the Veterans Benefits Administration who are responsible for processing claims for benefits under the laws administered by the Secretary to take a certification examination.

''(c) LIMITATION.—The Secretary may not satisfy any requirement of this section through the use of any certification examination or program that exists as of the date of the enactment of the Veterans Disability Benefits Claims Modernization Act of 2008.''.

(2) DEADLINES FOR IMPLEMENTATION.—The Secretary of Veterans Affairs shall—

(A) develop the certification examination required to be developed under section 7735 of title 38, United States Code, as added by subsection (a), by not later than one year after the date of the enactment of this Act; and

(B) implement procedures for administering the certification of employees under such section and begin administering the certification examination required under such section by not later than 90 days after the date on which the development of such certification examination is complete.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end of the items relating to subchapter II the following new item:

''7735. Employee certification.''.

(b) EVALUATION OF TRAINING.—

(1) EVALUATION REQUIRED.—The Secretary of Veterans Affairs shall enter into a contract with a private entity with experience evaluating training processes, continuing education needs, and centralized training requirements, under which that entity shall—

(A) conduct an evaluation of the items required to be included in the annual report of the Secretary under section 7734 of title 38, United States Code, that were included in the last such report submitted before the date of the enactment of this Act, that relate to the training and performance assessment programs of the Department of Veterans Affairs for employees of the Veterans Benefits Administration who are responsible for matters relating to compensation or pension benefits under the laws administered by the Secretary; and

(B) not later than 180 days after the date of the enactment of this Act, submit to the Secretary the results of such evaluation.

(2) SUBMISSION OF RESULTS TO CONGRESS.—The Secretary shall include the results of the evaluation required under paragraph (1) with the first annual report required to be submitted to Congress under section 529 of title 38, United States Code, submitted after the date on which the Secretary receives such results.

(3) REPORT.—Not later than 180 days after the date on which the Secretary submits the report referred to in paragraph (2), the Secretary shall submit to Congress a report on any actions the Secretary has taken or plans to take in response to the results of the evaluation required under paragraph (1).

SEC. 106. ANNUAL ASSESSMENT OF QUALITY ASSURANCE PROGRAM.

(a) ANNUAL ASSESSMENT REQUIRED.—Section 7731 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(c)(1) The Secretary shall enter into a contract with an independent third-party entity for the conduct of an annual assessment of the quality assurance program under this section. Each such assessment shall—

''(A) evaluate a statistically valid sample of employees of the Veterans Benefits Administration and a statistically valid sample of the work product of such employees to assess the quality and accuracy of such work product;

''(B) measure the performance of each regional office of the Veterans Benefits Administration;

''(C) measure the accuracy of the disability ratings assigned under the schedule for rating disabilities under section 1155 of this title;

''(D) compare disability ratings and evaluate consistency between regional offices;

''(E) assess the performance of employees and managers of the Veterans Benefits Administration; and

''(F) produce automated categorizable data to help identify trends.

''(2) The Secretary shall use information gathered through the annual assessments required under this section in developing the employee certification required under section 7735 of this title.

''(3) In order to carry out the quality assurance program under this subsection with respect to the administration of disability compensation and to reduce the variances between ratings in the regional offices of the Department, the Secretary shall ensure the accuracy and consistency across different offices within the Department of the treatment of claims for disability compensation, including determinations with respect to disability ratings and whether a disability is service-connected.

''(4)(A) The Secretary shall retain, monitor, and store in an accessible format data described in subparagraph (B), including development of a demographic baseline.

''(B) The data covered by this paragraph includes the following:

''(i) For each claim for disability compensation under laws administered by the Secretary submitted by a claimant—

''(I) the State in which the claimant resided when the claim was submitted;

''(II) the decision of the Secretary with respect to the claim;

''(III) the regional office and individual employee of the Department responsible for evaluating the claim; and

''(IV) the sex and race of the claimant.

''(ii) The State of the claimant's residence.

''(iii) Such other data as the Secretary determines is appropriate for monitoring the accuracy and consistency of decisions with respect to such claims.

''(5) Nothing in this subsection shall require the Secretary to replace the quality assurance program under this section, as in effect on the date of the enactment of the Veterans Disability Benefits Claims Modernization Act of 2008.''.

(b) REPORT TO CONGRESS.—Section 7734 of such title is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following new paragraph (3):

''(3) the results and findings of the most recent annual assessment conducted under section 7731(c) of this title; and''.

SEC. 107. EXPEDITED TREATMENT OF FULLY DEVELOPED CLAIMS AND REQUIREMENT FOR CHECKLIST TO BE PROVIDED TO INDIVIDUALS SUBMITTING INCOMPLETE CLAIMS.

(a) EXPEDITED TREATMENT OF FULLY DEVELOPED CLAIMS.—

(1) IN GENERAL.—Subchapter I of chapter 51 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 5109C. Expedited treatment of fully developed claims

''(a) EXPEDITED TREATMENT REQUIRED.—The Secretary shall take such actions as may be necessary to provide for the expeditious treatment by the appropriate regional office of the Veterans Benefits Administration of any fully developed claim to ensure that any such claim is adjudicated not later than 90 days after the date on which the claim is submitted.

''(b) NOTICE OF REQUIRED INFORMATION AND EVIDENCE.—Nothing in this section shall affect the responsibility of the Secretary to provide notice under section 5103 to a claimant and a claimant's representative of required information and evidence that is necessary to substantiate a fully developed claim.

''(c) FULLY DEVELOPED CLAIM DEFINED.—For purposes of this section, the term 'fully developed claim' means a claim for a benefit under a law administered by the Secretary—

''(1) for which the claimant—

''(A) received assistance from a veterans service officer, a State or county veterans service officer, an agent, or an attorney; or

''(B) submits along with the claim an appropriate indication that the claimant does not intend to submit any additional information in support of the claim and does not require additional assistance with respect to the claim; and

''(2) for which the claimant submits a certification in writing that is signed by the claimant stating that at the time of signature, no additional information is available or needs to be submitted in order for the claim to be adjudicated.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end of the items relating to subchapter I the following new item:

''5109C. Expedited treatment of fully developed claims.''.

(3) DEADLINES FOR IMPLEMENTATION.—By not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish a process for expediting claims under section 5109C of title 38, United States Code, as added by paragraph (1).

(b) PROVISION OF CHECKLIST TO INDIVIDUALS SUBMITTING INCOMPLETE CLAIMS.—

(1) CHECKLIST.—Section 5103 of title 38, United States Code, is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection (b):

''(b) PROVISION OF CHECKLIST.—In providing notice of required information and evidence to a claimant and a claimant's representative, if any, under subsection (a), the Secretary shall provide to the claimant and any such representative a checklist that includes a detailed description of information or evidence required to be submitted by the claimant to substantiate the claim.''.

(2) EFFECTIVE DATE.—Subsection (b) of section 5103 of title 38, United States Code, as added by paragraph (1) shall apply with respect to notice provided after the date that is one year after the date of the enactment of this Act.

(3) DEADLINE FOR CREATION OF CHECKLIST.—By not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall create the checklist required under such subsection, as so added.

(4) SUBMITTAL TO CONGRESS.—Not later than 60 days after the Secretary creates the checklist required by such subsection, as so added, the Secretary shall submit to Congress the checklist.

SEC. 108. STUDY AND REPORT ON EMPLOYING MEDICAL PROFESSIONALS TO ASSIST EMPLOYEES OF VETERANS BENEFITS ADMINISTRATION.

(a) STUDY.—The Secretary of Veterans Affairs shall conduct a study to evaluate the need of the Veterans Benefits Administration of the Department of Veterans Affairs to employ, in addition to medical professionals of the Veterans Health Administration, including medical professionals who are not physicians, to act as a medical reference for employees of the Administration so that such employees may accurately assess medical evidence submitted in support of claims for benefits under laws administered by the Secretary. In no case shall any such medical professional be employed to rate any disability or evaluate any claim. In conducting the study, the Secretary shall conduct statistically significant surveys of employees of the Administration to ascertain whether, how, and to what degree medical professionals could provide assistance to such employees.

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under subsection (a).

(c) ACCESS TO MEDICAL PROFESSIONALS.—If the Secretary hires medical professionals pursuant to the study conducted under this section, the Secretary shall ensure that employees employed by all regional offices of the Veterans Benefits Administration have access to such medical professionals.

SEC. 109. ASSIGNMENT OF PARTIAL DISABILITY RATINGS TO QUALIFYING VETERANS.

(a) IN GENERAL.—Chapter 11 of title 38, United States Code, is amended by inserting after section 1155 the following new section:

''§ 1156. Partial disability ratings

''(a) ASSIGNMENT OF PARTIAL RATINGS.—For the purpose of providing disability compensation under this chapter to a qualifying veteran, the Secretary shall assign a partial disability rating to the veteran as follows:

''(1) In the case of a qualifying veteran described in subsection (b)(3)(A), a rating of 100 percent.

''(2) In the case of a qualifying veteran described in subsection (b)(3)(B), a rating of 50 percent.

''(b) QUALIFYING VETERAN.—For the purposes of this section, a qualifying veteran is a veteran—

''(1) who has been discharged from active duty service for 365 days or less;

''(2) for whom a permanent disability rating is not immediately assignable under the regular provisions of the schedule for rating disabilities under section 1155 of this title or on the basis of individual unemployability; and

''(3) who has—

''(A) a severe disability for whom substantially gainful employment is not feasible or advisable; or

''(B) a wound or injury, whether healed, unhealed or incompletely healed for whom material impairment of employability is likely.

''(c) EXAMINATIONS.—A medical examination of a qualifying veteran is not required to be performed before assigning a partial disability rating to the veteran under this section, but the fact that such an examination is conducted shall not prevent the Secretary from assigning such a rating.

''(d) TERMINATION OF PARTIAL RATING.—(1) Except as provided in paragraph (2), a partial disability rating assigned to a veteran under this section shall remain in effect until the earlier of the following dates:

''(A) The date on which the veteran receives a permanent disability rating based on the schedule for rating disabilities under section 1155 of this title.

''(B) The date that is 365 days after the date of the veteran's last separation or release from active duty.

''(2) The Secretary may extend a partial disability rating assigned to a veteran under this section beyond the applicable termination date under paragraph (1), if the Secretary determines that such an extension is appropriate.''.

(b) EFFECTIVE DATE.—Section 1156 of title 38, United States Code, as added by paragraph (1), shall take effect on the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1155 the following new item:

''1156. Partial disability ratings.''.

SEC. 110. REVIEW AND ENHANCEMENT OF USE OF INFORMATION TECHNOLOGY AT VETERANS BENEFITS ADMINISTRATION.

(a) REVIEW AND COMPREHENSIVE PLAN.—By not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall conduct a review of the use of information technology at the Veterans Benefits Administration and develop a comprehensive plan for the use of such technology in processing claims for benefits under laws administered by the Secretary of Veterans Affairs that would reduce subjectivity, avoidable remands, and regional office variances in disability ratings.

(b) INFORMATION TECHNOLOGY.—The plan developed under subsection (a) shall include—

(1) the use of rules-based processing and information technology systems and automated decision support software at all levels of processing claims;

(2) the enhancement of the use of information technology for all aspects of the claims process;

(3) a technological platform that allows for the use of information that members of the Armed Forces, veterans, and dependents have submitted electronically, including uploaded military records, medical evidence, and other appropriate documentation, and the capability to view applications for benefits submitted online;

(4) the use of electronic examination templates in conjunction with the schedule for rating disabilities under section 1155 of title 38, United States Code;

(5) making such changes as may be required to the information technology system of the Department so as to ensure that users of such system are able to access the service medical records of the Department of Defense by not later than one year after the date on which the plan is implemented;

(6) the provision of bi-directional access to medical records and service records between the Department of Veterans Affairs and the Department of Defense; and

(7) the availability, on the Internet website of the Department, of a mechanism that can be used by a claimant to check on the status of any claim submitted by that claimant and that provides information on—

(A) whether a decision has been reached with respect to such a claim, notice of the decision; or

(B) if no such decision has been reached, notice of—

(i) whether the application submitted by the claimant is complete;

(ii) whether the Secretary requires additional information or evidence to process the claim;

(iii) the estimated date on which a decision with respect to the claim is expected to be made; and

(iv) the stage at which the claim is being processed as of the date on which such status is checked.

(c) REVIEW OF BEST PRACTICES AND LESSONS LEARNED.—In carrying out this section, the Secretary shall review best practices and lessons learned within the Department of Veterans Affairs and the use of the technology known as ''VistA'' by other Government entities and private sector organizations who employ information technology and automated decision support software.

(d) REDUCTION OF CLAIMS PROCESSING TIME.—In carrying out this section, the Secretary shall ensure that a plan is developed that, within three years of implementation, would reduce the processing time for each claim processed by the Veterans Benefits Administration to not longer than the average amount of time to required to process a claim, as identified by the Secretary in the most recent annual report submitted by the Secretary under section 7734 of title 38, United States Code.

(e) CONSULTATION.—In carrying out this section, the Secretary of Veterans Affairs shall consult with information technology designers at the Veterans Health Administration, VistA managers, the Secretary of Defense, appropriate officials of other Government agencies, appropriate individuals in

the private and public sectors, veterans service organizations, and other relevant service organizations.

(f) REPORT TO CONGRESS.—By not later than January 1, 2009, the Secretary shall submit to Congress a report on the review and comprehensive plan required under this section.

SEC. 111. TREATMENT OF CLAIMS UPON DEATH OF CLAIMANT.

(a) TREATMENT OF BENEFICIARY OF VETERAN'S ACCRUED BENEFITS AS CLAIMANT FOR PURPOSES OF INCOMPLETE CLAIMS UPON DEATH OF VETERAN.—Chapter 51 of title 38, United States Code, is amended by inserting after section 5121 the following new section:

"§ 5121A. Substitution in case of death of claimant

''(a) SUBSTITUTION.—If a veteran who is a claimant dies while a claim for any benefit under a law administered by the Secretary, or an appeal of a decision with respect to such a claim, is pending and awaiting adjudication, the person who would receive any accrued benefits due to the veteran under section 5121(a)(2) of this title shall be treated as the claimant for the purposes of processing the claim to completion, except that such person may only submit new evidence in support of the claim during the one-year period beginning on the date of the death of the veteran.

''(b) LIMITATION.—Only one person may be treated as the claimant under subsection (a).

''(c) DESIGNATION OF THIRD PARTY.—If the person who would be eligible to be treated as the claimant under subsection (a) certifies to the Secretary that the person does not want to be treated as the claimant for such purposes, such person may designate the person who would receive the benefits under section 5121(a)(2) upon the death of the person who would otherwise be treated as the claimant under subsection (a) to be treated as the claimant for the purposes of processing the claim to completion.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 5121 the following new item:

''5121A. Death of claimant.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the claim of any veteran who dies on or after the date of the enactment of this Act.

TITLE II—MATTERS RELATING TO UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SEC. 201. ANNUAL REPORTS ON WORKLOAD OF UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) IN GENERAL.—Subchapter III of chapter 72 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 7288. Annual report

''The chief judge of the Court shall annually submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report summarizing the workload of the Court during the last fiscal year that ended before the submission of such report. Such report shall include, with respect to such fiscal year, the following information:

''(1) The number of appeals filed.

''(2) The number of petitions filed.

''(3) The number of applications filed under section 2412 of title 28.

''(4) The number and type of dispositions, including settlements.

''(5) The median time from filing to disposition.

''(6) The number of oral arguments.

''(7) The number and status of pending appeals and petitions and of applications described in paragraph (3).

''(8) A summary of any service performed by recalled retired judges during the fiscal year.

''(9) The number of decisions or dispositions rendered by a single judge, multi-judge panels and the full Court.

''(10) The number of cases pending longer than 18 months.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 7287 the following new item:

''7288. Annual report.''.

SEC. 202. MODIFICATION OF JURISDICTION AND FINALITY OF DECISIONS OF UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) MODIFICATION.—Section 7252(a) of title 38, United States Code, is amended—

(1) by striking the third sentence; and

(2) by adding at the end the following new sentence: ''The Court shall have power to affirm, modify, reverse, remand, or vacate and remand a decision of the Board after deciding all relevant assignments of error raised by an appellant for each particular claim for benefits. In a case in which the Court reverses a decision on the merits of a particular claim and orders an award of benefits, the Court need not decide any additional assignments of error with respect to that claim.''

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to a decision of the Board of Veterans' Appeals made on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Colorado (Mr. LAMBORN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, this bill comes to us from the chairman of our Disability Assistance and Memorial Affairs Subcommittee, a very active, committed, new Member, Mr. HALL from New York, and I would yield to him as much time as he may consume.

Mr. HALL of New York. Thank you, Chairman FILNER.

While we celebrated Independence Day this month, many Americans were unaware that immediately after the Continental Congress signed the Declaration of Independence, it ratified the Military Pension Law of 1776 thereby creating the first Federal disability compensation program.

There should be no doubt that the United States has a proud tradition of providing benefits and services to our current population of 24 million veterans, more than 2.7 million of whom receive compensation from the Department of Veterans Affairs, a department full of committed, well-intended, and skilled people who nonetheless are struggling with our current situation. The VA is in dire need of change, and it is time to modernize the disability claims system.

I would like to thank Representatives JOE DONNELLY of Indiana, PHIL HARE of Illinois, ZACK SPACE of Ohio, and JERRY MCNERNEY of California and subcommittee Ranking Member DOUG LAMBORN of Colorado for contributing to this bill. They, too, have recognized the problems in a system that had a backlog of more than 838,000 claims in 2007, and that unbelievable backlog is projected to surpass 1 million claims in 2009.

This escalating backlog means that far too many veterans and survivors wait for months, years, or decades for their claims to be adjudicated. This is a national disgrace and violates our contract with every person who serves in our Armed Forces.

In my own district, I see time and again the tragic human toll of these egregious delays. A World War II Navy veteran from Westchester County, Ken MacDonald, tried since 1947 to receive compensation for injuries he suffered not once, but twice on ships that were sunk out from under him. Only last year, 60 years later, with the help of our office, was his claim approved. He received over $100,000 in back pay and a pension for the rest of his life—but think of the decades he suffered, the opportunities he lost.

We have thousands of veterans coming home injured from Iraq and Afghanistan. We have Vietnam veterans whose claims have never been fully resolved. It is a disgrace for our Nation to allow them to suffer and face financial hardship and health care problems when the VA should process and accept their legitimate claims promptly.

Families suffer also. In June, a news story broke of Wayne Kirtley, a 54-year-old veteran who was misdiagnosed twice by the VA, resulting in his premature death. When he filed a claim against the VA, it was denied. Eight months later, the veteran died while his appeal was pending. Under current law, the claim dies with the veteran. Kirtley was worried about his wife, Helen, and wanted to ensure that she would be taken care of with VA benefits. But that has not yet happened. H.R. 5892 would allow Helen to continue her husband's claim with the VA and submit additional evidence which she currently cannot do.

Recent commissions and task forces, the Veterans' Disability Benefits Commission, the Commission on the Care for America's Returning Wounded Warriors, and the Government Accountability Office have documented problems at the VBA. Over the last 18 months, my subcommittee has held extensive hearings in Washington and in Goshen, New York, to hear the testimony of veterans themselves and of the Veterans Service Organizations.

□ 1800

I have incorporated many of their suggestions into H.R. 5892. The bill proposes to overhaul the VA disability benefit system so that veterans and survivors can receive the benefits they have earned easily and quickly. Here is what the bill will change:

In today's VA, a veteran's claim is often held up until every medical condition is evaluated, the average wait being over 6 months. Under this bill, a severe, undisputed injury, such as a lost leg or arm, will be compensated

immediately. Lesser injuries that take more time to evaluate will be handled separately. Today's VA claims processing system is labor-intensive and paper-based with the loss of paper files being a major cause of delays. This bill brings the VA into the 21st century by requiring the use of modern information technology.

The VA also relies on outdated medical concepts and on an archaic rating schedule. This bill updates the definitions of diseases and disorders to bring them in line with current medical knowledge, and it takes a comprehensive approach to disability ratings, including factors such as the loss of quality of life and of future earnings capacity.

It is hard to believe, but today, when a veteran dies while his or her claim is being considered, the surviving wife or child has to start all over again at square one even if that claim has been stuck in the backlog for years. This bill allows the spouse or child to step into the shoes of the veteran while the claim continues, saving them months or years of frustration and of waiting.

This bill recognizes the rights and needs of family members by establishing a new unit called the Survivors Office. The VA has always proclaimed as part of its mission caring for the widows and for the orphans of veterans, but it has never had an office specifically focused on them.

Finally, another title of the bill deals with the United States Court of Appeals for veterans' claims. My hope is that we can eliminate the hamster wheel effect that bounces veterans back and forth between different levels of the appeals process, reducing today's unacceptable backlog of cases.

A nimble, quick, responsive VA claims system could go a long way to helping our Nation live up to its commitment to care for wounded veterans and their families. It could help prevent suicides, bankruptcies, poverty, family disruptions, and homelessness among our Nation's disabled veterans.

We can and must change the way Washington handles the claims of our injured veterans. We must give them easier access to the benefits they have earned and end forever the adversarial, inefficient and frustrating claims process they are now forced to endure. I believe H.R. 5892 puts the VA on a new course for the 21st century, giving them the resources and new approaches to make better, faster decisions, to achieve more accurate ratings and to treat all veterans and their families fairly and with respect. I urge all of your support.

Mr. LAMBORN. Mr. Speaker, I, too, rise in support of H.R. 5892, as amended, the Veterans Disability Benefits Claims Modernization Act of 2008, to direct the Secretary of Veterans Affairs to modernize the VA disability benefits claims processing system and to ensure the accurate and timely delivery of compensation to veterans and their families.

I commend my colleague from New York, Subcommittee Chairman JOHN HALL, for introducing this comprehensive bill, which has been a culmination of thought and of a great deal of cooperative effort to make substantial improvements to the veterans' benefits claims process. I appreciate the bipartisan manner in which we have worked together to bring this bill to the floor.

Not long ago, the VA's health care system was in such a poor state that it was derided in movies like Born on the Fourth of July. Now the VA's state-of-the-art medical care is cited in top medical journals and in a number of other respected publications. I believe the VA can make similar progress on the benefits side of the department.

This bipartisan bill is intended to improve benefits claims processing so that our veterans receive their benefits with the speed and accuracy that they deserve. It is comprised of a number of measures that have as their foundation the collective recommendations of Democrats, Republicans, veterans' service organizations, and two blue ribbon commissions on veterans' benefits.

These recommendations include the utilization of information technology, a quality and training assessment program for the certification of each VA claims processor, a study of a new rating schedule that reflects the loss of quality of life and the loss of earnings.

The VA rating schedule now is a complex set of regulations used to determine the appropriate level of compensation for veterans' disabilities. We must ensure that the rating schedule compensates veterans for both the loss of earnings and for the loss of quality of life. The schedule must also be reflective of the contemporary job market to ensure parity in disability ratings.

While the VA has made adjustments over the course of many decades, it is still obviously important that Congress continues to work with VA and with its stakeholders to ensure that the rating schedule is as accurate and is as up to date as possible.

In addition, H.R. 5892 will allow an eligible dependent to substitute for a claimant who passes away while a disability claim is pending rather than to begin the claims process all over again. This provision was taken from H.R. 3047, a bill that I introduced, and I'm glad to see it included in this bill.

By supporting H.R. 5892, we will initiate steps to ensure that VA benefits and services are of unsurpassed value to veterans. I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I would yield 3 minutes to the gentleman from Illinois (Mr. HARE).

Mr. HARE. Thank you, Mr. Chairman.

Mr. Speaker, I rise in strong support of H.R. 5892, the Veterans Disability Benefits Claims Modernization Act of 2008, and I commend Chairman HALL for his tireless work on this issue.

The disability backlog of more than 800,000 claims in the VA is a moral black eye for our country. We made a promise to those who served in uniform, and we have failed to keep that promise. The legislation before us today takes a critical step in restoring that promise. This bill is a comprehensive approach to fixing the flaws that exist in claims decisions and in the structure at the Veterans Benefits Administration, the VBA.

The largest factors contributing to the claims backlogs are the broken culture and processes at the VA. There is a lack of accountability on raters, poor quality assurance measures, a broken work credit system, virtually no training for the VBA personnel, and an outdated information technology system.

H.R. 5892 squarely addresses these problems by creating a more accountable and accurate system that rewards raters for the quality of their work, and it holds them accountable for their mistakes, ensuring that claims are processed correctly the very first time.

I want to thank Chairman HALL for working with me to include specific language on mental health in the study of the readjustment schedule. Of those veterans from Iraq and Afghanistan who have accessed VA care, 40 percent have sought mental health care. It is critical that any study on the rating schedule takes a good look at mental health conditions to ensure that those veterans receive fair compensation.

I am disappointed that we had to remove the original section 101 language from H.R. 5892, which provided a service connection presumption for post-traumatic stress disorder by clearly defining who was considered a ''combat veteran.'' The provision decreased the burden of proof for combat veterans, increasing their access to disability benefits.

I appreciate Mr. HALL's efforts to address this issue in separate legislation, and I look forward to working with him to ensure that it becomes law.

H.R. 5892 is a strong piece of legislation that will improve the way veterans' claims are processed. Again, I view this as a work in progress, and I look forward to continuing efforts until the backlog goes from 800,000 to zero.

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

Mr. FILNER. Mr. Speaker, I would yield 2 minutes to our new Member from Indiana (Mr. DONNELLY), another very active and committed member who is concerned about our veterans in America.

Mr. DONNELLY. I want to thank the chairman for his work, and I want to thank Chairman HALL as well.

Mr. Speaker, H.R. 5892 helps seriously disabled veterans receive immediate disability benefits for an injury where combat connectedness and severity is not in question. These veterans should receive their disability benefits as soon as possible to add to other benefits and payments that they may be getting.

When a disabled servicemember comes home to a family and to bills, every little bit helps. The VA has the authority to provide immediate temporary benefits to a severely injured servicemember until a claim is processed. However, we are concerned that they do not use this authority as often as possible. We want to make the VA's application of this authority mandatory. Under this bill, if you qualify for temporary benefits, you automatically will get these benefits instead of waiting for the VA to act.

Mr. Speaker, America's veterans have fought and have sacrificed for our Nation, and we owe them our greatest efforts to enable them to receive their disability benefits in a timely fashion.

My colleague Mr. HARE mentioned about the 800,000 claim backlog. He and I and all Members of this body want to see that go to zero. We will continue that work, and I urge all of my colleagues to support this legislation today.

Mr. FILNER. I have no further speakers.

Let me just say in conclusion, Mr. Speaker, that I think it's safe to say that for every single Member of this House, when they have town meetings with veterans, the single biggest complaint is the disability claims system. They've been waiting months, years even—decades—for decisions. This is an insult to their service. We have a long way to go in changing that. This bill is a big step toward erasing that incredible backlog. This situation is the biggest single factor that leads veterans to think that ''VA'' means veterans' adversary instead of veterans' advocate. So we have to change it. It is going to be changed as rapidly as we can, and I encourage all Members to support this bill.

GENERAL LEAVE

Mr. FILNER. I would ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 5892, as amended.

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

There was no objection.

Mr. FILNER. Mr. Speaker, we are at the conclusion of a set of eight pieces of legislation that will each one improve the quality of life for our Nation's veterans. Each one is a step forward to recognizing their service. We have thanked all the Members for working on this.

I want to thank the staff on both sides of the aisle. When you have a collection of bills like this, it takes a lot of time, especially on a weekend, unfortunately, for them. So we thank all the staff—Republican and Democrat—for getting all of the reports and all of the work done for today's bills, which really contribute to the well-being of our veterans.

Mr. BUYER. Mr. Speaker, I rise in support of H.R. 5892, as amended, the Veterans Disability Benefits Claims Modernization Act of 2008, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to modernize the VA disability benefits claims processing system, to help ensure the accurate and timely delivery of compensation to veterans and their families.

I commend the leaders of the Subcommittee on Disability Assistance and Memorial Affairs, Chairman JOHN HALL and Ranking Member DOUG LAMBORN, for introducing and developing this comprehensive bill. Their bipartisan efforts will help make substantial improvements to the veterans' benefits claims process.

Department of Veterans Affairs (VA) disability compensation payments fulfill our Nation's primary obligation to make up for the economic losses and losses of quality of life that result from service connected injuries. In recent years, VA has required increasingly longer periods to process the thousands of claims it receives each year. This has resulted in a backlog of benefits claims that VA has been struggling to overcome.

This bipartisan bill is intended to improve benefits claims processing so that our veterans receive their benefits with the speed and accuracy that they deserve. It is comprised of a number of recommendations for improvement that originated in other bills. Such recommendations include: better utilization of information technology, a quality and training assessment program for the certification of each VA claims processor, and a study of a new rating schedule to help ensure that the VA rating schedule, which consists of a complex set of regulations used to determine the appropriate level of compensation for veterans' disabilities, adequately compensates veterans for both loss of earnings and loss of quality of life.

Our veterans, who have sacrificed so much for the freedoms we cherish, must be assured that the compensation they receive for disabilities is based on information that is both credible and fair.

By supporting H.R. 5892, we will initiate steps to ensure that VA benefits and services are of unsurpassed value to veterans.

I urge my colleagues to support the bill.

Mr. FILNER. I would yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 5892, 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. LAMBORN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL CAMPUS SAFETY AWARENESS MONTH

Mr. HARE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1288) supporting the goals and ideals of National Campus Safety Awareness Month, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1288

Whereas college and university campuses are not immune from the crime problems that face the rest of society in the United States;

Whereas a total of 37 homicides, 8,112 forcible-sex offenses, 8,923 aggravated assaults, and 3,071 cases of arson were reported on college and university campuses from 2004 to 2006, in accordance with the reporting requirements under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. 1092(f); Public Law 89–329);

Whereas criminal experts estimate that between ⅛ and ¼ of female students become the victim of a completed or attempted rape, usually by someone they know, during their college careers, but fewer than 5 percent report the assault to law enforcement;

Whereas each year, 13 percent of female students enrolled in an undergraduate program at a college or university will be victims of stalking;

Whereas 1,700 college and university students between the ages of 18 and 24 die each year from unintentional alcohol-related injuries, including motor vehicle accidents;

Whereas Security On Campus, Inc. (hereinafter referred to as ''SOC''), a national nonprofit group dedicated to promoting safety and security on college and university campuses, has designated September as National Campus Safety Awareness Month;

Whereas each September since 2005, SOC has partnered with colleges and universities across the United States to offer National Campus Safety Awareness Month educational programming on sexual assault, alcohol and other drug abuse, hazing, stalking, and other critical campus safety issues; and

Whereas National Campus Safety Awareness Month provides an opportunity for entire campus communities to become engaged in efforts to improve campus safety: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Campus Safety Awareness Month; and

(2) encourages colleges and universities throughout the United States to provide campus safety and other crime awareness and prevention programs to all students throughout the year.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HARE) and the gentleman from Florida (Mr. KELLER) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. HARE. Mr. Speaker, I request 5 legislative days in which Members may revise and extend their remarks and insert extraneous material on H. Res. 1288 into the RECORD.

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

There was no objection.

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

I rise today in support of House Resolution 1288, which recognizes September as the National Campus Safety Awareness Month. I urge colleges and universities from across the country to do what they can to prevent violence, crime and abuse on their campuses.

□ 1815

The campus safety movement started in the late 1980s, soon after the tragic death of a student at Lehigh University. On April 5, 1986, Jeanne Clery, a freshman at Lehigh, was beaten, raped and murdered in her dormitory room. The offender was another Lehigh student who tried to rob Jeanne as she slept in the room. The two did not know each other.

Clery's case brought college campus safety to the forefront when it exposed flaws in the reporting of crime information related to violence on the campus. At that time, violent and nonviolent incidents were reported to campus authorities, but administrators did not have to disclose the information.

In the aftermath of Ms. Clery's murder, her parents, Connie and Howard Clery, founded Security on Campus, Inc. to end violence on all college campuses. It is a unique, nonprofit grass roots organization dedicated to safe campuses for college and university students.

Security on Campus, Inc. partners with a number of colleges to offer educational programs on sexual assault, alcohol and drugs. Programs like Security on Campus, Inc. have done a lot to educate students about campus safety. They have partnered with over 150 colleges and universities from 42 States across this Nation.

More than 37 homicides and 8,112 forcible sex offenses were reported on college and university campuses from the year 2004 through 2006. Many of the violence and rape cases take place within the first few weeks of school.

As we commemorate National Campus Safety Awareness Month in September, let us focus our efforts on educating our students about campus safety. Students need to be reminded every year about practical precautions to increase their safety. Anyone can become a victim of a campus crime, and it is imperative that students are taught how to avoid dangerous situations.

Mr. Speaker, once again, I express my support for National Campus Safety Awareness Month, and I urge my colleagues to support this resolution.

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

Mr. KELLER of Florida. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1288, a resolution supporting the goals and ideals of National Campus Safety Month.

I would like to thank my colleague, Congressman SESTAK, for introducing this important resolution, recognizing the importance of safety on college campuses, and the efforts of outside organizations to dedicate September to promoting greater awareness of campus safety issues.

Over the past few years, we have seen how important it is to pay attention to our students' safety on campus. It is unfortunate that sometimes it takes tragic events like those occurring at Virginia Tech and Northern Illinois for us to remember that crimes take place on college campuses all over the country. It is important that Congress continue to encourage institutions to update their campus security plans and ensure that they have plans in place to deal with all types of emergencies.

I'm pleased to support this resolution, and I urge my colleagues on both sides of the aisle to do the same.

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

Mr. HARE. Mr. Speaker, at this time, I yield 3 minutes to the author of this very important resolution that we're considering, the gentleman from Pennsylvania (Mr. SESTAK).

Mr. SESTAK. Mr. Speaker, this August and September students will be returning back to their colleges and universities. It's a great time. And yet we're reminded by the comments on either side of the aisle that they're not going to be immune from the unique challenges that face us in the realities of our own homes elsewhere in the cities and suburbs of America. The tragic shootings at Virginia Tech, which ended in the death of 32 people, or the shootings at Northern Illinois University, where 24 people were shot and six died, emphasizes the importance of this issue of campus safety.

As my colleague mentioned, the Department of Education noted that between 2004 and 2006 there were not only 8,000 forcible sex offenses, 9,000 aggravated assaults, 3,000 cases of arson, but also 37 homicides on the colleges and universities of what we like to think are our ivory towers.

We also know that between one-fifth and one-fourth of female students will become the victim of a completed or an attempted rape—usually by someone they know—during their undergraduate careers, and yet less than 5 percent of the cases are ever reported.

The National Advisory Council on Alcohol Abuse and Alcoholism notes that each year there are over 1,700 college students between the ages of 18 and 24 who will die from unintentional alcohol-related injuries, including motor vehicle accidents. That's why this resolution is so important, originally introduced by a colleague on the other side of this aisle in 2005, and the idea of a national nonprofit organization in my district, Security on Campus—King of Prussia, Pennsylvania is their home base—founded by the parents of which you noted, my colleague, by the parents of a 19-year-old college freshman, Jeanne Clery, who was raped and killed in her bed in college.

In 2007, 150 colleges came together from 42 States and the city of Washington, D.C. to participate in programs on campus security; this was up from 50 the year before. This year, we expect over 350 colleges to come together. This is not the step, but it is a step towards eliminating an issue that we all have cared about, that of our children and their security, particularly when they are there to have education security.

I urge all my colleagues to show their concern for the safety of the more than 15 million students we have in this great Nation of ours. And I encourage my colleagues to support this resolution.

Mr. KELLER of Florida. Mr. Speaker, at this time, I yield 1 minute to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I rise in support of this resolution. And I thank the author and all of those who have brought this resolution to the floor here today.

I rise only briefly to say that one of my constituents, Mr. Daniel Carter, who heads up an organization called Security on Campus, has been absolutely probably the leading person in this Nation in advocating more action and tougher action against crimes that are committed on campus.

In my district of Knoxville, Tennessee, we have the 26,000 student University of Tennessee, and several other colleges that are also located in my district, so this is an issue of great concern to me. And I think this resolution will assist in calling attention to what has become a very, very serious problem in this Nation. Unfortunately, it was highlighted, as previous speakers have said, about the terrible tragedies that occurred at Northern Illinois and Virginia Tech. And so I urge strong support of this resolution.

Mr. HARE. I continue to reserve, Mr. Speaker.

Mr. KELLER of Florida. Mr. Speaker, I urge my colleagues to vote ''yes'' for this resolution.

Mr. GINGREY. Mr. Speaker, I rise today to support the goals and ideals of National Campus Safety Awareness Month: As a cosponsor of this thoughtful resolution, I would like to commend my colleague from the House Armed Services Committee—Admiral Sestak of Pennsylvania—for his leadership on this important issue.

National Campus Safety Awareness Month—first established in September 2005—works to both heighten awareness and to improve the overall safety on our college and university campuses. H. Res. 1288 supports the goals of this initiative and encourages all institutions of higher learning to participate in this very worthy endeavor.

Mr. Speaker, despite the work that has been accomplished to increase campus safety at colleges and universities across the country, college students are still very susceptible to criminal acts. Between 2004 and 2006 alone, colleges and universities reported 37 homicides, 8,114 forcible-sex offenses, 8,923 aggravated assaults, and 3,071 cases of arson.

I applaud the work being done by organizations like Security On Campus (SOC) that are dedicated to using educational programming to teach students how to handle the potential dangers of their surroundings.

Mr. Speaker, I urge all of my colleagues to support H. Res. 1288.

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today in support of H. Res. 1288, supporting the goals and ideals of National Campus Safety Awareness Month.

Each year since 2005 the national non-profit organization Security On Campus, Inc. has designated September as National Campus Safety Awareness Month.

Security On Campus partners with colleges and universities across the country each year to offer important campus safety programming during National Campus Safety Awareness Month in September.

I am pleased to have worked with Security on Campus on a provision in the Higher Education bill dealing with timely safety notifications on college campuses.

This year 350 campuses will formally partner with Security on Campus to offer campus safety activities as a part of National Campus Safety Awareness Month.

This programming covers critical issues including sexual assault, high risk drinking, and hazing, which are among the most serious safety issues facing our Nation's campuses.

September, at the beginning of the new school-year, is an ideal time to reach out to new and returning students, many of whom are on their own for the first time.

I applaud Security on Campus as a leading voice on behalf of students and parents for safer college and university campuses, and their partners for offering this life-saving program.

As a proud cosponsor of H. Res. 1288, I would also like to thank Congressman SESTAK for introducing the resolution.

I encourage my colleagues to support this measure.

Mr. KELLER of Florida. I yield back the balance of my time.

Mr. HARE. Mr. Speaker, I yield back the balance of my time and ask my colleagues to vote ''yes'' on this resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HARE) that the House suspend the rules and agree to the resolution, H. Res. 1288, 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. KELLER of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

CONGRATULATING HEISMAN TROPHY WINNER TIM TEBOW

Mr. HARE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 901) congratulating University of Florida Quarterback Timothy ''Tim'' Tebow for winning the Heisman Trophy and honoring both his athletic and academic achievements.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 901

Whereas Tim Tebow was born on August 14, 1987, to Bob and Pam Tebow;

Whereas Tim Tebow's mother and father have instilled in him the importance of giving and serving others;

Whereas Tim Tebow has exhibited exemplary character, kindness, and compassion rooted in his deep and abiding faith in God;

Whereas Tim Tebow has displayed a willingness to help those less fortunate through his missionary work in the Philippines;

Whereas Tim Tebow has been an inspiration off the football field by regularly visiting orphanages in the Philippines and hospitals in the United States;

Whereas Tim Tebow has maintained a 3.77 grade point average at the University of Florida;

Whereas Tim Tebow became only the fourth sophomore in the history of the University of Florida to earn first-team Academic All-American honors;

Whereas Tim Tebow played an integral role in the University of Florida's National Collegiate Athletic Association's (NCAA) national championship football team in 2006;

Whereas Tim Tebow threw for 29 touchdowns and ran for 22 touchdowns in the 2007 season;

Whereas Tim Tebow became the first player in major college football history to run for at least 20 touchdowns and pass for at least 20 touchdowns in the same season;

Whereas Tim Tebow's total of 51 touchdowns was a Southeastern Conference record;

Whereas Tim Tebow's 22 rushing touchdowns was also a new conference record as well as a national collegiate record for quarterbacks;

Whereas Tim Tebow completed more than 68 percent of his passing attempts for a total of 3,132 yards this season;

Whereas Tim Tebow guided Florida to a 9–3 record as they led the Southeastern Conference in scoring and total yardage; and

Whereas on December 8, 2007, Tim Tebow became the first and only sophomore ever to win the Heisman Trophy, college football's most coveted and prestigious award: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends Tim Tebow for his academic and athletic accomplishments;

(2) recognizes Tim Tebow's character and compassion toward his fellow human beings;

(3) congratulates Tim Tebow for his historic winning of the 2007 Heisman Trophy; and

(4) directs the Clerk of the House of Representatives to transmit a copy of this resolution to University of Florida President J. Bernard Machen and Head Football Coach Urban Meyer for appropriate display.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HARE) and the gentleman from Florida (Mr. KELLER) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. HARE. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 901 into the RECORD.

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

There was no objection.

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

Mr. Speaker, I rise today to congratulate University of Florida quarterback Timothy ''Tim'' Tebow for winning the greatest recognition in college football, the Heisman Trophy, and to honor both his athletic and academic achievements.

Tim Tebow received the Heisman Trophy on December 8, 2007 and became the first sophomore to ever win the Heisman.

This award recognizes Tim Tebow's college football accomplishments and record-breaking season as he became the first player in college football history to run for at least 20 touchdowns and pass for at least 20 touchdowns in the same season. Tim set a new Southeastern Conference record with 51 total touchdowns in a single season. Rushing for 22 of those touchdowns, he set an all-time new national collegiate record for quarterbacks as well.

Although his rushing abilities inspired spectators and left his opponents confounded, his strong arm also contributed to a stellar athletic performance. Tim completed more than 68 percent of his passing attempts for a total of 3,132 yards during the 2007 season. He led the University of the Florida to a 9–3 record and helped the Gators lead the conference in scoring and total yardage.

Beyond the field, Tim Tebow has proven himself an astute student in the classroom. He has maintained a 3.77 grade point average while he has been at the University of Florida, and is only the fourth sophomore from the University of Florida to become a member of the Academic All-American First Team.

Tebow has exhibited exemplary character by carrying a torch of leadership off the football field to help those less fortunate. Tim has transcended simply being a football inspiration to his teammates and fans. He is also a philanthropic inspiration, regularly visiting orphanages and hospitals in the Philippines and the United States.

Mr. Speaker, once again, I congratulate the University of the Florida quarterback, Tim Tebow, for an outstanding two years of athletic and academic performance. I urge all my colleagues to pass this important resolution.

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

Mr. KELLER of Florida. Mr. Speaker, at this time, I yield as much time as he may consume to the Congressman from Florida (Mr. CRENSHAW), who is the Congressman from the hometown of Tim Tebow, the author of this resolution, and a successful college athlete himself, I might add.

Mr. CRENSHAW. I thank the gentleman for yielding the time.

I am very proud and privileged to join with my colleagues from Florida to sponsor this resolution commending Tim Tebow for winning the Heisman. As has been pointed out, it's the most prestigious award in college football, and it's the first time a sophomore has ever been awarded this. They have been giving this award for over 70 years, and never has a sophomore won it, but of course never was there a Tim Tebow before this year.

He has pointed out a lot of the statistics, the highlight I think is the fact that he is the first quarterback in major college football to throw for more than 20 touchdowns and also run for more than 20 touchdowns. He went on the rest of the year to win the Sullivan Award, the Danny O'Brien Award and the Maxwell Award. He was voted the AP Player of the Year. But I would say to you that, in spite of all those great athletic achievements, his strength of character maybe surpasses his athletic ability.

And just a word about Tim Tebow, the person, one of the reasons I'm so pleased to be here tonight is because his mom and dad, Pam and Bob Tebow, have been great friends of mine since we were together at the University of the Florida. I have watched Tim grow up. He is the youngest of five children. He has two older sisters, Katy and Christie, he's got two older brothers, Peter and Robbie. And when you grow up as the baby—even though he was a big baby, he was pretty competitive, looking after his big brothers and sisters. He worked on a farm. They live in Jacksonville, and he would go out and mow the lawn and pull weeds and fix the fence, and developed a pretty good sense of work ethic.

I think he would say to you today, Tim Tebow, as I listen to him talk, one of the reasons he has been so successful in athletics is because he understands that there are things in life that are more important than football. And I think because of that perspective, it has made him a better individual and also a better football player. But as has been pointed out, he spends a great deal of his free time going back to the mission field with his dad to the Philippines, where they started an orphanage. When he has time, he will go to hospitals and visit with young people today, who maybe have serious injuries. He has been a real inspiration to them.

And because of his deep and abiding faith in God, he sees his athletic ability as a platform so he can go into schools and go into prisons and go into churches and talk about his faith.

So I would just say that I want to add my words of congratulations to Tim Tebow and to his family. And not only has he been a great football player, but he has exhibited a great strength of character. I urge all my colleagues to support this resolution honoring him for winning this most prestigious award.

Mr. HARE. Madam Speaker, I continue to reserve.

□ 1830

Mr. KELLER of Florida. Madam Speaker, I yield myself such time as I may consume.

I rise today as a proud Floridian in support of House Resolution 901, congratulating Tim Tebow for winning the 2007 Heisman Memorial Trophy Award.

Something miraculous happened when he got this award. He was the first sophomore in NCAA history to win the Heisman Trophy, and he joins a very elite group of three people from the University of Florida, all quarterbacks, to win the Heisman Trophy: Tim Tebow, Danny Wuerffel, and Steve Spurrier from my hometown of Johnson City, Tennessee.

We are so proud of all that Mr. Tebow has accomplished, a class person as well as an athlete, and he had a lot of help from his Gator football team, which also won the National Championship in 2006 against Ohio State, as well as a great head coach, Urban Meyer; and a supportive university president, Dr. Bernie Machen.

So we are very honored to be able to have this resolution before us today. I am happy to see my good friend and colleague Representative CRENSHAW honoring this exceptional player and all his accomplishments. And we wish him continued success.

I urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

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

Mr. KELLER of Florida. Madam Speaker, at this time I yield 3 minutes to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Madam Speaker, I rise today in support of H. Res. 901, congratulating and recognizing Tim Tebow for his many athletic accomplishments, including winning the 2007 Heisman Trophy and his humanitarian and academic achievements.

Before enrolling at my alma mater, the University of Florida, Tim spent three summers in the Philippines engaging in missionary work. He spent time at an orphanage listening to the stories of daily struggles that these children face and giving him the opportunity to be a guiding and positive influence in their lives. His example inspired UF football coach Urban Meyer to take a mission trip to the Dominican Republic earlier this month.

His leadership on the football field began when he played quarterback at Nease High School in Ponte Verde and led the Nease Panthers to a State title in 2006. Tim joined the University of Florida Fighting Gator football team in 2006. He helped the Gators win the 2006 SEC championship as well as the BCS national championship that same season.

During the 2007 season, Tim had an astounding total of 51 touchdowns, setting the SEC record. He became the first sophomore to ever win the Heisman Trophy last December. What makes his story even more incredible is that he did it all while maintaining a 3.77 grade point average, majoring in family, youth, and community sciences. Incredible.

Madam Speaker, this young man has served as a great role model for students both at the University of Florida and throughout the Nation due to his exemplary character, his academic achievement, and his unparalleled achievements on the football field. He has said himself that his priorities, in order, are faith, family, academics, and football.

It is with admiration that I rise today to honor his achievements by supporting this resolution.

Go Gators.

Mr. HARE. Madam Speaker, as an Illini fan, I feel a little bit encircled here, but I will continue to reserve the balance of my time.

Mr. KELLER of Florida. Madam Speaker, against my better judgment here, I am going to yield 1 minute to a Michigan Wolverine, the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Madam Speaker, I do rise this afternoon as a Michigan Wolverine, but in all seriousness, I want to praise Mr. Tebow. He's a great individual, a terrific athlete. The Wolverines enjoyed playing him. It was certainly the best bowl game of the year earlier this year. We wish him well in the future.

I might just also add as a footnote, again as a Michigan Wolverine, we enjoyed Rex Grossman too. We beat him at least once or twice in bowl games in the past. The only thing that I don't like is that he now plays for the team that I do like, the Chicago Bears.

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

Mr. KELLER of Florida. Madam Speaker, I urge all my colleagues to vote ''yes'' on this resolution honoring the historic accomplishment of Tim Tebow winning the Heisman Trophy as a sophomore.

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

Mr. HARE. Madam Speaker, just one quick note. This is a wonderful resolution for a wonderful young man, and nobody deserves it more than Tim Tebow. So I urge all my colleagues to vote ''yes'' on the resolution.

Mr. STEARNS. Madam Speaker, I rise today to honor one of the University of Florida's finest student-athletes—the Gators great quarterback and 2007 Heisman Trophy winner, Tim Tebow. As the Representative for the University of Florida, I am pleased to take this opportunity to commend a deserving young man who has, and continues to be, an inspiration to students, athletes, and sports fans across the country.

Many know that Tim Tebow is an outstanding athlete and one of the best quarterbacks in the country. As a freshman, he was instrumental in helping the Gators win the

2006 national championship. This past season, Tim threw for 29 touchdowns and ran for 22 touchdowns becoming the first player in major college football history to run and pass for over 20 touchdowns in the same season. Furthermore, Tim's total of 51 touchdowns was a Southeastern Conference record and his 22 rushing touchdowns also set a new conference record as well as a national collegiate record for quarterbacks. Tim's season culminated by becoming the first sophomore to win college football's most coveted and prestigious award, the Heisman Trophy.

The University of Florida is now the only school in the SEC to have three Heisman winners and one of eight schools nationally to have three winners of the prestigious award.

While his achievements on the field are well documented, what many people may not know is that Tim is also a dedicated student who consistently maintains a 3.77 grade point average at one of the Nation's top universities. This is no easy task. His classroom excellence earned Tim first-team Academic All-American honors, becoming only the fourth sophomore in UF history to earn this honor. Tim's ability to balance his commitments to both school and football is truly a testament to his exemplary character and his desire to succeed.

Tim Tebow is a leader on and off the field. His parents have instilled in him a sense of community spirit and compassion for his fellow man, which is evident through his missionary work in the Philippines and his commitment to visiting hospitals across the U.S.

The entire University of Florida community is fortunate to have a scholar-athlete like Tim representing the university both on and off the field. Each time he takes the field, Tim Tebow plays with passion for the game, for his teammates, and for the fans, reminding us why it's great to be a Florida Gator.

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

The SPEAKER pro tempore (Ms. TSONGAS). The question is on the motion offered by the gentleman from Illinois (Mr. HARE) that the House suspend the rules and agree to the resolution, H. Res. 901.

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 motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 6340, de novo;
H.R. 6098, de novo;
H. Res. 194, de novo;
H.R. 2490, by the yeas and nays;
H.R. 6113, by the yeas and nays;
H.R. 2192, de novo.

Remaining postponed votes will be taken later in the week.

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

CHARLES L. BRIEANT, JR., FEDERAL BUILDING AND UNITED STATES COURTHOUSE

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 6340, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 6340, as amended.

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

The title was amended so as to read: ''A bill to designate the Federal building and United States Courthouse located at 300 Quarropas Street in White Plains, New York, as the 'Charles L. Brieant, Jr., Federal Building and United States Courthouse'.''.

A motion to reconsider was laid on the table.

PERSONNEL REIMBURSEMENT FOR INTELLIGENCE COOPERATION AND ENHANCEMENT OF HOMELAND SECURITY ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 6098, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. HARMAN) that the House suspend the rules and pass the bill, H.R. 6098, 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.

APOLOGIZING FOR THE ENSLAVEMENT AND RACIAL SEGREGATION OF AFRICAN-AMERICANS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 194, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and agree to the resolution, as amended.

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

A motion to reconsider was laid on the table.

AUTHORIZING COAST GUARD MOBILE BIOMETRIC IDENTIFICATION PROGRAM

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2490, 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 Mississippi (Mr. THOMPSON) that the House suspend the rules and pass the bill, H.R. 2490, as amended.

The vote was taken by electronic device, and there were—yeas 394, nays 3, answered ''present'' 1, not voting 36, as follows:

[Roll No. 534]

YEAS—394

Abercrombie	Cramer	Hensarling
Ackerman	Crenshaw	Herger
Aderholt	Crowley	Herseth Sandlin
Akin	Cuellar	Higgins
Alexander	Culberson	Hill
Altmire	Cummings	Hinchey
Arcuri	Davis (AL)	Hinojosa
Baca	Davis (CA)	Hirono
Bachmann	Davis (IL)	Hobson
Bachus	Davis (KY)	Hodes
Baird	Davis, David	Hoekstra
Baldwin	Davis, Lincoln	Holden
Barrett (SC)	Davis, Tom	Holt
Bartlett (MD)	Deal (GA)	Honda
Barton (TX)	DeFazio	Hooley
Bean	DeGette	Hoyer
Becerra	Delahunt	Hunter
Berkley	DeLauro	Inslee
Berman	Dent	Israel
Berry	Diaz-Balart, L.	Issa
Biggert	Diaz-Balart, M.	Jackson (IL)
Bilbray	Dicks	Jackson-Lee (TX)
Bilirakis	Dingell	Jefferson
Bishop (GA)	Doggett	Johnson (GA)
Bishop (NY)	Donnelly	Johnson, E. B.
Bishop (UT)	Doyle	Johnson, Sam
Blackburn	Drake	Jones (NC)
Blumenauer	Dreier	Jones (OH)
Blunt	Duncan	Jordan
Bonner	Edwards (MD)	Kanjorski
Bono Mack	Edwards (TX)	Kaptur
Boozman	Ehlers	Keller
Boren	Ellison	Kennedy
Boswell	Ellsworth	Kildee
Boucher	Emanuel	Kilpatrick
Boustany	Emerson	Kind
Boyd (FL)	English (PA)	King (IA)
Boyda (KS)	Eshoo	King (NY)
Brady (PA)	Etheridge	Kingston
Brady (TX)	Everett	Kirk
Braley (IA)	Fallin	Klein (FL)
Broun (GA)	Farr	Kline (MN)
Brown (SC)	Fattah	Knollenberg
Buchanan	Feeney	Kuhl (NY)
Burgess	Ferguson	LaHood
Burton (IN)	Filner	Lamborn
Butterfield	Flake	Lampson
Buyer	Forbes	Langevin
Calvert	Fortenberry	Larsen (WA)
Camp (MI)	Fossella	Larson (CT)
Campbell (CA)	Foster	Latham
Cannon	Foxx	Latta
Cantor	Frank (MA)	Lee
Capito	Franks (AZ)	Lewis (CA)
Capps	Frelinghuysen	Lewis (GA)
Capuano	Gallegly	Lewis (KY)
Cardoza	Garrett (NJ)	Linder
Carnahan	Gerlach	Lipinski
Carney	Giffords	LoBiondo
Carson	Gillibrand	Loebsack
Carter	Gingrey	Lowey
Castle	Gohmert	Lucas
Castor	Gonzalez	Lungren, Daniel E.
Cazayoux	Goode	Mack
Chabot	Goodlatte	Mahoney (FL)
Chandler	Gordon	Maloney (NY)
Childers	Granger	Manzullo
Clay	Green, Al	Marchant
Cleaver	Green, Gene	Markey
Clyburn	Grijalva	Marshall
Coble	Hall (NY)	Matheson
Cohen	Hall (TX)	Matsui
Cole (OK)	Hare	McCarthy (NY)
Conaway	Harman	McCaul (TX)
Conyers	Hastings (FL)	McCollum (MN)
Cooper	Hastings (WA)	McCotter
Costa	Hayes	
Courtney	Heller	

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
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Rehberg
Reichert
Renzi
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
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
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—3

Kucinich
Paul
Stark

ANSWERED ''PRESENT''—1

Clarke

NOT VOTING—36

Allen
Andrews
Barrow
Boehner
Brown, Corrine
Brown-Waite, Ginny
Costello
Cubin
Doolittle
Engel
Gilchrest
Graves
Gutierrez
Hulshof
Inglis (SC)
Johnson (IL)
Kagen
LaTourette
Levin
Lofgren, Zoe
Lynch
McCarthy (CA)
McCrery
McHugh
Pearce
Regula
Reyes
Ros-Lehtinen
Rush
Saxton
Sutton
Tiberi
Udall (CO)
Udall (NM)
Weldon (FL)
Weller

□ 1903

Mr. LAMBORN and Mrs. NAPOLITANO changed their vote from ''nay'' to ''yea.''

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.

The title was amended so as to read: ''A bill to require the Secretary of Homeland Security to conduct a program in the maritime environment for the mobile biometric identification of suspected individuals, including terrorists, to enhance border security.''.

A motion to reconsider was laid on the table.

PAPERWORK ASSISTANCE ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 6113, 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 Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 6113, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 394, nays 0, not voting 40, as follows:

[Roll No. 535]

YEAS—394

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
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
Courtney
Cramer
Crenshaw
Crowley
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
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
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
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
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
Latta
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McIntyre
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
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Rehberg
Reichert
Renzi
Reynolds
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
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
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—40

Allen
Andrews
Barrow
Boehner
Brown, Corrine
Brown-Waite, Ginny
Costello
Cubin
Doolittle
Engel
Feeney
Gilchrest
Graves
Gutierrez
Hulshof
Inglis (SC)
Johnson (IL)
Kagen
LaTourette
Levin
Lofgren, Zoe
Lynch
McCarthy (CA)
McCrery
McHugh
McKeon
Pearce
Regula
Reyes
Rogers (AL)
Ros-Lehtinen
Rush
Saxton
Sutton
Tiahrt
Tiberi
Udall (CO)
Udall (NM)
Weldon (FL)
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1911

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.

The title was amended so as to read: ''A bill to amend title 44, United States Code, to require each agency to include contact information for the agency in its collection of information.''.

A motion to reconsider was laid on the table.

Stated for:

Mr. TIAHRT. Madam Speaker, on rollcall No. 535, I was unavoidably detained. Had I been present, I would have voted "yea."

ESTABLISHING AN OMBUDSMAN WITHIN THE DEPARTMENT OF VETERANS AFFAIRS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 2192, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HARE) that the House suspend the rules and pass the bill, H.R. 2192, 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. JACKSON of Illinois. Madam 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 398, nays 0, not voting 36, as follows:

[Roll No. 536]

YEAS—398

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
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
Courtney
Cramer
Crenshaw
Crowley
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
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
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
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
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
Latta
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
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
Paul
Payne
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Rehberg
Reichert
Renzi
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
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
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—36

Allen
Andrews
Barrow
Boehner
Brown, Corrine
Brown-Waite, Ginny
Costello
Cubin
Doolittle
Engel
Gilchrest
Gingrey
Graves
Gutierrez
Hulshof
Inglis (SC)
Johnson (IL)
Kagen
LaTourette
Levin
Lynch
McCarthy (CA)
McCrery
McHugh
Pearce
Regula
Reyes
Ros-Lehtinen
Rush
Saxton
Sutton
Tiberi
Udall (CO)
Udall (NM)
Weldon (FL)
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1920

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.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4789

Ms. GRANGER. Madam Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 4789.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 4137, COLLEGE OPPORTUNITY AND AFFORDABILITY ACT OF 2008

Mr. GEORGE MILLER of California. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4137) to amend and extend the Higher Education Act of 1965, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

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

There was no objection.

The SPEAKER pro tempore. Conferees will be appointed at a later time.

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.

CONGRATULATING THE UNIVERSITY OF TENNESSEE WOMEN'S BASKETBALL TEAM FOR WINNING THE 2008 NCAA BASKETBALL CHAMPIONSHIP

Mr. HARE. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1151) congratulating the University of Tennessee women's basketball team for winning the 2008 National Collegiate Athletic Association Division I Women's Basketball Championship.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1151

Whereas on April 8, 2008, the University of Tennessee women's basketball team, the

Lady Vols, defeated the Cardinals of Stanford University by a score of 64 to 48 to win the 2008 National Collegiate Athletic Association (NCAA) Division I Women's Basketball Championship;

Whereas this championship was the 2nd national title for the Lady Vols in as many years, and their 8th national title in the last 21 years;

Whereas the Lady Vols were successful due to the leadership of Coach Pat Summitt, the Nation's alltime winningest NCAA basketball coach in both the men's and women's leagues, with 983 wins over 34 seasons at the University of Tennessee;

Whereas Women's Athletics Director Joan Cronan has shown vision and leadership throughout her 25-year career at the University of Tennessee, and created one of the most visible and respected athletic programs in the country;

Whereas the Lady Vols compiled an impressive overall record of 36 wins and 2 losses, with the 2nd most wins in a single season in school history;

Whereas Candace Parker tallied 17 points and 9 rebounds; became the 4th player to win back-to-back Most Outstanding Player of the Final Four honors; broke the University of Tennessee record for free throws made, with 523, and attempted, with 738; moved into 3rd place in the NCAA record for free throws attempted with 118 in NCAA tournament career games; scored in double figures for the 44th game in a row and the 105th time of her career; and moved into 3rd place in the University of Tennessee record books for single season scoring, with 809;

Whereas Shannon Bobbitt scored double figures, with 13, for the 17th time this season and the 33rd time of her career, and her trio of three-pointers moved her past Kara Lawson's 2002–2003 season total of 77 treys and into 3rd place in the University of Tennessee single season record books;

Whereas Alexis Hornbuckle played her 21st NCAA tournament game, moving her into a tie for 5th place in NCAA history;

Whereas Nicky Anosike added 12 points, 8 rebounds, and 6 steals for the Lady Vols; played in her 21st NCAA tournament game, moving her into a tie for 5th place in NCAA history; ranks 4th in NCAA history with 44 career steals in the NCAA tournament; tied for 2nd in an NCAA championship game with her 6 steals on April 8;

Whereas Candace Parker, Shannon Bobbitt, and Nicky Anosike earned All-Final Four team honors; and

Whereas Coach Pat Summitt's Lady Vols continue their remarkable graduation rate, with every student athlete who completed her eligibility at the University of Tennessee either graduating or working toward all the requirements for graduation: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the University of Tennessee women's basketball team for being champions on and off the court, and for their victory in the 2008 National Collegiate Athletic Association (NCAA) Division I Women's Basketball Championship;

(2) recognizes the significant achievements of the players, coaches, students, alumni, and support staff whose dedication and hard work helped the University of Tennessee Lady Vols win the NCAA championship; and

(3) respectfully requests the Clerk of the House of Representatives to transmit copies of this resolution to the following for appropriate display—

(A) Dr. John D. Petersen, President of the University of Tennessee;

(B) Dr. Jan Simek, Interim Chancellor of the University of Tennessee, Knoxville;

(C) Joan Cronan, Women's Athletics Director; and

(D) Pat Summitt, Women's Basketball Head Coach.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HARE) and the gentleman from Minnesota (Mr. KLINE) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. HARE. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1151 into the RECORD.

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

There was no objection.

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

Madam Speaker, I rise today to congratulate the University of Tennessee women's basketball team for their victory in the 2008 National Collegiate Athletic Association Division I women's basketball championship.

On April 8, women's basketball fans were treated to an exceptional game as the University of Tennessee Volunteers defeated the Stanford University Cardinal and clinched their eighth national title. The resounding 64–48 defeat marks back-to-back national titles for the Lady Vols.

I want to extend my congratulations to Head Coach Pat Summitt, Associate Head Coach Holly Warlick, and Assistant Coaches Dean Lockwood and Daedra Charles-Furlow. With 983 wins, Coach Summitt is the winningest NCAA basketball coach in both the men's and women's leagues.

At the onset of the season, Summitt also received the prestigious John R. Wooden Legends of Coaching lifetime achievement award. As the first female to receive this award, Summitt was recognized for her talents and hard work with her players both on and off the court. Thanks to the dedication of the entire coaching staff, the Lady Vols have an impressive track record of winning games and also boast an impressive 100 percent graduation rate for student athletes who completed their eligibility at the University.

Congratulations are also in order for forward Candace Parker, who was named the most outstanding player of the Final Four for the second year in a row. Parker, a junior from Naperville, Illinois, also broke the University of Tennessee's record for free throws made and attempted, and moved into third place at the University for single season scoring. In her tenure at the University of Tennessee, Parker has scored in double figures 105 times, and the championship game was the 44th game in a row that she completed this fete. Parker was also named the 2008 Naismith Women's College Player of the Year, and was selected by the Los Angeles Sparks as the first pick in the WNBA draft.

We must also congratulate Shannon Bobbit and Nicky Anosike who, along with Parker, rounded out the All-Final Four team. Bobbit, a senior from Manhattan, New York, moved into third place in the University of Tennessee's record books when she scored three three-pointers in the final game, for a total of 77 three-pointers in a single season. Anosike, a senior from Staten Island, New York, ranks fourth in steals in NCAA history, with 44 in her career, and tied for second in a championship game with six against the Cardinal.

The extraordinary achievement of this year is attributed to the skill and dedication of the many players, coaches, students, alumni, family, and fans that have helped make the University of Tennessee a basketball powerhouse. Winning the national championship, finishing the season with a 36–2 overall record, and winning the Southeastern Conference tournament title has once again brought national acclaim to the University of Tennessee. I know that fans of the University will revel in this accomplishment as they look forward to the 2009 season.

Madam Speaker, once again, I congratulate the University of Tennessee women's basketball team for their success.

I reserve the balance of my time.

Mr. KLINE of Minnesota. Madam Speaker, I rise today in support of House Resolution 1151, and I yield such time as he may consume to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. I thank the gentleman from Minnesota for yielding me this time.

Madam Speaker, the Women's Basketball Hall of Fame is located in my district and my hometown in Knoxville, Tennessee. One of the main reason is that no college team in history, men's or women's, and no coach can claim the accomplishments of the University of Tennessee Lady Vols basketball team and head coach Pat Summitt.

On April 8, 2008, as the gentleman from Illinois just mentioned, the University of Tennessee Lady Vols captured their second NCAA Division I national championship in a row, beating the Cardinal of Stanford University by a score of 64–48. It was their eighth national championship victory, cementing Coach Summitt's status as the Nation's all-time winningest NCAA basketball coach in both the men's and women's leagues.

Coach Summitt, with 983 wins over 34 seasons at the University of Tennessee, is certainly a remarkable leader. Anyone who has had the pleasure of meeting her in person knows the depth of her character, and it shows both on and off the court. Her 2008 team continues a remarkable 100 percent graduation rate. Every student athlete since she became head coach has completed their eligibility at the University of Tennessee, either graduating or working

toward the requirements for graduation within the required 6-year time limit set by NCAA rules.

I have always said that the colors orange and white are almost as patriotic in my district as red, white, and blue. I doubt there is any community that shows more support for women's athletics than the people of Tennessee. The Lady Vols regularly attract huge crowds to watch them play, sometimes as large as 25,000 people. It is easy to become overwhelmed with statistics when speaking of the Lady Vols. They finished this season with 36 wins and only two losses, the second most wins in a single season in school history.

I especially want to commend Candace Parker, who won back-to-back most outstanding player of the Final Four, and some people say that she is probably the greatest women's basketball player of all time. I also want to congratulate Shannon Bobbit and Nicky Anosike, who both also earned All-Final Four team honors, and Alexis Hornbuckle who played and started in her 21st NCAA tournament game.

I want to also thank all the members of the Tennessee delegation for cosponsoring this resolution, as well as 16 other bipartisan cosponsors from across the country.

□ 1930

I also want to commend the entire coaching staff, Pat Head Summitt, certainly the greatest head coach in women's basketball history; Joan Cronan, our great women's athletics director; and Holly Warlick, associate head coach; Dean Lockwood, assistant coach; and Nikki Caldwell, assistant coach, who is now moving on to become UCLA's new head coach. And I certainly appreciate the nationwide support for this resolution. And I urge all of my colleagues to support this resolution.

Mr. HARE. Madam Speaker, at this time I will yield such time as he may consume to the gentleman from Tennessee, Representative JOHN TANNER.

Mr. TANNER. Madam Speaker, I could not improve on the eloquence of my friend, JIMMY DUNCAN from Knoxville, but I just wanted to join and thank you for bringing this resolution about the Lady Vols. It is a storied program. I went there some years ago now and played a little basketball myself, and I doubt, I told somebody today, I couldn't make the women's team now.

But Pat Summitt is really a legend, and she and my Chief of Staff, Vikki Walling were teammates at UT-Martin several years ago.

It is not only a sense of pride to those of us from Tennessee for the many accomplishments that the Lady Vols have made over the years, but the graduation rate of the players is something, I think, that is really indicative of the kind of quality program that Coach Summitt and her staff run. And so I want to thank you, again, for bringing this to the floor.

Mr. KLINE of Minnesota. Madam Speaker, I just want to extend my congratulations to Head Coach Pat Summitt, all the hardworking players, the fans and the University of Tennessee. I am very happy this evening to join my friends and colleagues, particularly the gentlemen from Tennessee who spoke so eloquently about their school and honoring this exceptional team and all of its accomplishments.

I ask my colleagues to support this resolution, and I yield back the balance of my time.

Mr. HARE. Madam Speaker, I urge that all my colleagues support this resolution for a wonderful basketball team, wonderful women, wonderful coaches and assistant coaches, and 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. HARE) that the House suspend the rules and agree to the resolution, H. Res. 1151.

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

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

The point of no quorum is considered withdrawn.

RECOGNIZING THE IMPORTANCE OF CONNECTING FOSTER YOUTH TO THE WORKFORCE THROUGH INTERNSHIP PROGRAMS

Mr. HARE. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1332) recognizing the importance of connecting foster youth to the workforce through internship programs, and encouraging employers to increase employment of former foster youth.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1332

Whereas, on any given day, there are more than 500,000 youth in foster care in the United States;

Whereas an estimated 26,000 of these youth are discharged from the foster care system or ''age out'' with little to no resources to start their own lives;

Whereas the people of the United States have a sincere appreciation for the circumstances that place children in foster care;

Whereas foster youth possess unique qualities and skills that make them ideal candidates for employment, but compared to youth nationally and youth from low-income families, they are less likely to be employed or employed regularly;

Whereas, when afforded comprehensive support, this resilient population excels in the job market;

Whereas, within 18 months after leaving foster care, 25 percent of foster youth become homeless and comprise more than a quarter of the United States homeless population;

Whereas, without positive intervention, youth who age out of foster care often have bouts of homelessness, criminal activity, and incarceration;

Whereas addressing job readiness early in the transition to adulthood is critical to shaping the future trajectories of these youth; and

Whereas youth who begin connecting to the workforce prior to discharge from foster care maintain the highest probability of employment: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the importance of connecting foster youth to the workforce through internship programs, such as the Orphan Foundation of America's InternAmerica program, that provide foster youth the foundation upon which to build their careers and to be successful members of the work force; and

(2) encourages employers of all sectors and Federal, State, and local governmental agencies to increase employment of the young men and women who have been discharged from foster care in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HARE) and the gentleman from Minnesota (Mr. KLINE) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. HARE. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1332 into the RECORD.

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

There was no objection.

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

I rise today in support of House Resolution 1332, which recognizes the importance of connecting foster youth to employment opportunities. The foster care system currently serves 500,000 youth. Out of those 500,000 foster youth, 25 percent of them become homeless within 18 months after aging out of the system. Many of these young people find themselves on the street with few resources. Not only are they without housing and a family support system, but they also lack work experience that can help them reverse their downward slide.

The resolution before us today points out the importance of connecting youth to the workforce through internship programs and, in particular, how foster kids can benefit from these opportunities.

Orphan Foundation of America's Intern American program offers foster youth top-tier internships, housing and professional development seminars here in our Nation's Capital. Some of these great internships coordinated by OFA's Intern American program are with Members of Congress, Fortune 500

companies and major not-for-profit organizations. These work experiences allow foster children to develop talents and increase their skill sets.

Young people who have early work experiences are better prepared to succeed in the workforce. Unfortunately, many foster youth are unaware of the opportunities to gain this experience. House Resolution 1332 encourages employers from all sectors to increase employment opportunities for young people who were in the foster care system.

Madam Speaker, once again I express my support for this resolution, and I urge my colleagues to pass this bill.

I reserve the balance of my time.

Mr. KLINE of Minnesota. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I too rise today in support of House Resolution 1332, which recognizes the importance of connecting foster youth to the workplace. This resolution also encourages employers to employ former foster youth.

On any given day, Madam Speaker, there are more than 500,000 youth in foster care in the United States. Children are placed in foster care when their parents are no longer able to ensure their essential well-being. These children need stable loving care until they can either safely reunite with their families or cultivate other lasting relationships with nurturing adults.

Foster youth possess unique qualities and skills that make them ideal candidates for employment. But compared to youth nationally and youth from low-income families, they are less likely to be employed or employed regularly.

Foster youth experience challenges based on the instability in their home and school environments. Just over half of all foster youth complete high school. 30 percent continue to rely on public assistance into adulthood, and 25 percent will experience homelessness at one point in their lives.

Without positive intervention, youth who age out of foster care often have bouts of homelessness, criminal activity and incarceration. However, when afforded comprehensive support, the resilient foster youth population excels in the job market.

Foster youth who begin connecting to the workforce prior to release from foster care maintain the highest probability of employment. By addressing job readiness early in the transition to adulthood, employers are helping to shape the future trajectories of these youth.

This resolution encourages employers of all sectors, including Federal, State and local government agencies, to increase employment of the young men and women who have been discharged from foster care in the United States. By connecting foster youth to the workforce through internship programs, employers can assist in building the foundation for these youth to become successful members of the workforce and to build successful careers. That is why I stand in support of this resolution and ask for all my colleagues support.

Madam Speaker, I reserve the balance of my time.

Mr. HARE. Madam Speaker, I would like to yield as much time as he may consume to the author of this House resolution that is so vital, Representative CARDOZA from California.

Mr. CARDOZA. Madam Speaker, I would like to thank the gentleman from Illinois for his gracious management of this issue, and also my colleague from Minnesota, who spoke so graciously in support of it.

I rise today in support of House Resolution 1332, the Fostering Employment Opportunities Act.

I also want to thank Chairman MCDERMOTT who is in the House Chamber at this time, and Congressman FATTAH, both of whom join me as coauthors of this resolution.

Madam Speaker, there are over a half a million children who have been abused or abandoned, through no fault of their own, who end up in the United States foster care system. While in foster care, many of them experience multiple placements and find it difficult to establish a community.

Madam Speaker, every year, 26,000 young people are discharged from foster care on the midnight of their 18th birthday with few resources to start their own lives. Their health care coverage is terminated in a vast number of States, and with little or no family support, many of them end up homeless or unemployed or in jail.

I have met a number of these youth, and they are remarkable survivors. They have the same hopes and dreams as all other children in America. They want to be mechanics and doctors. They want to serve our country as soldiers and policemen. But they have a harder path to realizing their dream.

Despite their resilience and their other unique qualities that make these youth ideal candidates for employment, statistically, foster youth are the most likely to be unemployed, and comprise 27 percent of the Nation's homeless population. Part of it has to do with the impact of the instability of their younger years. And part is the result of the negative and unjustified stereotypes placed on this population that may cause employers to look past this pool of qualified candidates.

Another part is that many young people today are connected to the workforce through internships, often arranged by their parents, with business or social associates and connections. However, foster youth tend to lack a stable environment due to the number of foster home placements that they have over the course of their lives, and have limited family or community connections. As such, foster youth are not afforded the same opportunities and are often left behind.

This resolution is simple. It encourages employers to look twice at these remarkable young people who are highly qualified, in many cases, and equally deserving.

Madam Speaker, I speak to you today as a father as well as an author of this resolution. A father of two foster children who I am so lucky, my wife and I are so lucky to have adopted, one of whom is with me today, my daughter, Elaina. She, luckily has a home now. It is a permanent home. That wasn't always the case for her. We are just looking to offer the same kinds of opportunities that this country will offer Elaina now, to every foster youth in the country.

I urge my colleagues to support this resolution.

Mr. KLINE of Minnesota. Madam Speaker, I have no other speakers on this side, so I will just yield myself a moment, if I might, to say well done to my colleague from California, and to urge all my colleagues to support this legislation.

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

Mr. HARE. Madam Speaker, again I just want to thank the author of this incredibly wonderful resolution, Representative CARDOZA from California, and commend him for the hard work and dedication that he put into this effort.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HARE) that the House suspend the rules and agree to the resolution, H. Res. 1332.

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

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

The point of no quorum is considered withdrawn.

□ 1945

ESTABLISHING AN EARNED IMPORT ALLOWANCE PROGRAM

Mr. MCDERMOTT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6560) to establish an earned import allowance program under Public Law 109–53, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6560

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

SECTION 1. EARNED IMPORT ALLOWANCE PROGRAM.

(a) IN GENERAL.—Title IV of the Dominican Republic-Central America-United States

Free Trade Agreement Implementation Act (Public Law 109–53; 119 Stat. 495) is amended by adding at the end the following:

"SEC. 404. EARNED IMPORT ALLOWANCE PROGRAM.

''(a) PREFERENTIAL TREATMENT.—

''(1) IN GENERAL.—Eligible apparel articles wholly assembled in an eligible country and imported directly from an eligible country shall enter the United States free of duty, without regard to the source of the fabric or yarns from which the articles are made, if such apparel articles are accompanied by an earned import allowance certificate that reflects the amount of credits equal to the total square meter equivalents of fabric in such apparel articles, in accordance with the program established under subsection (b).

''(2) DETERMINATION OF QUANTITY OF SME.—For purposes of determining the quantity of square meter equivalents under paragraph (1), the conversion factors listed in 'Correlation: U.S. Textile and Apparel Industry Category System with the Harmonized Tariff Schedule of the United States of America, 2008', or its successor publications, of the United States Department of Commerce, shall apply.

''(b) EARNED IMPORT ALLOWANCE PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary of Commerce shall establish a program to provide earned import allowance certificates to any producer or entity controlling production of eligible apparel articles in an eligible country for purposes of subsection (a), based on the elements described in paragraph (2).

''(2) ELEMENTS.—The elements referred to in paragraph (1) are the following:

''(A) One credit shall be issued to a producer or an entity controlling production for every two square meter equivalents of qualifying fabric that the producer or entity controlling production can demonstrate that it has purchased for the manufacture in an eligible country of articles like or similar to any article eligible for preferential treatment under subsection (a). The Secretary of Commerce shall, if requested by a producer or entity controlling production, create and maintain an account for such producer or entity controlling production, into which such credits may be deposited.

''(B) Such producer or entity controlling production may redeem credits issued under subparagraph (A) for earned import allowance certificates reflecting such number of earned credits as the producer or entity may request and has available.

''(C) Any textile mill or other entity located in the United States that exports qualifying fabric to an eligible country may submit, upon such export or upon request, the Shipper's Export Declaration, or successor documentation, to the Secretary of Commerce—

''(i) verifying that the qualifying fabric was exported to a producer or entity controlling production in an eligible country; and

''(ii) identifying such producer or entity controlling production, and the quantity and description of qualifying fabric exported to such producer or entity controlling production.

''(D) The Secretary of Commerce may require that a producer or entity controlling production submit documentation to verify purchases of qualifying fabric.

''(E) The Secretary of Commerce may make available to each person or entity identified in the documentation submitted under subparagraph (C) or (D) information contained in such documentation that relates to the purchase of qualifying fabric involving such person or entity.

''(F) The program shall be established so as to allow, to the extent feasible, the submission, storage, retrieval, and disclosure of information in electronic format, including information with respect to the earned import allowance certificates required under subsection (a)(1).

''(G) The Secretary of Commerce may reconcile discrepancies in the information provided under subparagraph (C) or (D) and verify the accuracy of such information.

''(H) The Secretary of Commerce shall establish procedures to carry out the program under this section by September 30, 2008, and may establish additional requirements to carry out the program.

''(c) DEFINITIONS.—For purposes of this section—

''(1) the term 'appropriate congressional committees' means the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate;

''(2) the term 'eligible apparel articles' means the following articles classified in chapter 62 of the HTS (and meeting the requirements of the rules relating to chapter 62 of the HTS contained in general note 29(n) of the HTS) of cotton (but not of denim): trousers, bib and brace overalls, breeches and shorts, skirts and divided skirts, and pants;

''(3) the term 'eligible country' means the Dominican Republic; and

''(4) the term 'qualifying fabric' means woven fabric of cotton wholly formed in the United States from yarns wholly formed in the United States and certified by the producer or entity controlling production as being suitable for use in the manufacture of apparel items such as trousers, bib and brace overalls, breeches and shorts, skirts and divided skirts or pants, all the foregoing of cotton, except that—

''(A) fabric otherwise eligible as qualifying fabric shall not be ineligible as qualifying fabric because the fabric contains nylon filament yarn with respect to which section 213(b)(2)(A)(vii)(IV) of the Caribbean Basin Economic Recovery Act applies;

''(B) fabric that would otherwise be ineligible as qualifying fabric because the fabric contains yarns not wholly formed in the United States shall not be ineligible as qualifying fabric if the total weight of all such yarns is not more than 10 percent of the total weight of the fabric, except that any elastomeric yarn contained in an eligible apparel article must be wholly formed in the United States; and

''(C) fabric otherwise eligible as qualifying fabric shall not be ineligible as qualifying fabric because the fabric contains yarns or fibers that have been designated as not commercially available pursuant to—

''(i) article 3.25(4) or Annex 3.25 of the Agreement;

''(ii) Annex 401 of the North American Free Trade Agreement;

''(iii) section 112(b)(5) of the African Growth and Opportunity Act;

''(iv) section 204(b)(3)(B)(i)(III) or (ii) of the Andean Trade Preference Act;

''(v) section 213(b)(2)(A)(v) or 213A(b)(5)(A) of the Caribbean Basin Economic Recovery Act; or

''(vi) any other provision, relating to determining whether a textile or apparel article is an originating good eligible for preferential treatment, of a law that implements a free trade agreement entered into by the United States that is in effect at the time the claim for preferential treatment is made.

''(d) REVIEW AND REPORT.—

''(1) REVIEW.—The United States International Trade Commission shall carry out a review of the program under this section annually for the purpose of evaluating the effectiveness of, and making recommendations for improvements in, the program.

''(2) REPORT.—The United States International Trade Commission shall submit to the appropriate congressional committees annually a report on the results of the review carried out under paragraph (1).

''(e) EFFECTIVE DATE AND APPLICABILITY.—

''(1) EFFECTIVE DATE.—The program under this section shall be in effect for the 10-year period beginning on the date on which the President certifies to the appropriate congressional committees that sections A, B, C, and D of the Annex to Presidential Proclamation 8213 (December 20, 2007) have taken effect.

''(2) APPLICABILITY.—The program under this section shall apply with respect to qualifying fabric exported to an eligible country on or after August 1, 2007.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act is amended by inserting after the item relating to section 403 the following:

''Sec. 404. Earned import allowance program.''.

SEC. 2. AFRICAN GROWTH AND OPPORTUNITY ACT.

(a) IN GENERAL.—Section 112 of the African Growth and Opportunity Act (19 U.S.C. 3721) is amended—

(1) in subsection (b)(6)(A), by striking ''ethic'' in the second sentence and inserting ''ethnic''; and

(2) in subsection (c)—

(A) in paragraph (1), by striking '', and subject to paragraph (2),'';

(B) by striking paragraphs (2) and (3);

(C) in paragraph (4)—

(i) by striking ''Subsection (b)(3)(C)'' and inserting ''Subsection (b)(3)(B)''; and

(ii) by redesignating such paragraph (4) as paragraph (2); and

(D) by striking paragraph (5) and inserting the following:

''(3) DEFINITION.—In this subsection, the term 'lesser developed beneficiary sub-Saharan African country' means—

''(A) a beneficiary sub-Saharan African country that had a per capita gross national product of less than $1,500 in 1998, as measured by the International Bank for Reconstruction and Development;

''(B) Botswana;

''(C) Namibia; and

''(D) Mauritius.''.

(b) APPLICABILITY.—The amendments made by subsection (a) apply to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(c) REVIEW AND REPORTS.—

(1) ITC REVIEW AND REPORT.—

(A) REVIEW.—The United States International Trade Commission shall conduct a review to identify yarns, fabrics, and other textile and apparel inputs that through new or increased investment or other measures can be produced competitively in beneficiary sub-Saharan African countries.

(B) REPORT.—Not later than 7 months after the date of the enactment of this Act, the United States International Trade Commission shall submit to the appropriate congressional committees and the Comptroller General a report on the results of the review carried out under subparagraph (A).

(2) GAO REPORT.—Not later than 90 days after the submission of the report under paragraph (1)(B), the Comptroller General shall submit to the appropriate congressional committees a report that, based on the results of the report submitted under paragraph (1)(B) and other available information, contains recommendations for changes to United States trade preference programs, including the African Growth and Opportunity Act (19 U.S.C. 3701 et seq.) and the amendments made by that Act, to provide incentives to increase investment and

other measures necessary to improve the competitiveness of beneficiary sub-Saharan African countries in the production of yarns, fabrics, and other textile and apparel inputs identified in the report submitted under paragraph (1)(B), including changes to requirements relating to rules of origin under such programs.

(3) DEFINITIONS.—In this subsection—

(A) the term ''appropriate congressional committees'' means the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate; and

(B) the term ''beneficiary sub-Saharan African countries'' has the meaning given the term in section 506A(c) of the Trade Act of 1974 (19 U.S.C. 2466a(c)).

(d) CLERICAL AMENDMENT.—Section 6002(a)(2)(B) of Public Law 109–432 is amended by striking ''(B) by striking'' and inserting ''(B) in paragraph (3), by striking''.

SEC. 3. GENERALIZED SYSTEM OF PREFERENCES.

Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 4. CUSTOMS USER FEES.

(a) IN GENERAL.—Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended—

(1) in subparagraph (A), by striking ''November 14, 2017'' and inserting ''January 31, 2018''; and

(2) in subparagraph (B)(i), by striking ''October 7, 2017'' and inserting ''January 31, 2018''.

(b) REPEAL.—Section 15201 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246) is amended by striking subsections (c) and (d).

SEC. 5. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under subparagraph (C) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 1.75 percentage points.

SEC. 6. TECHNICAL CORRECTIONS.

Section 15402 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246) is amended—

(1) in subsections (a) and (b), by striking ''Carribean'' each place it appears and inserting ''Caribbean''; and

(2) in subsection (d), by striking ''231A(b)'' and inserting ''213A(b)''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. MCDERMOTT) and the gentleman from California (Mr. HERGER) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. MCDERMOTT. Madam 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 Washington?

There was no objection.

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

Beginning a generation ago under the leadership of John F. Kennedy, the United States became a world leader in ensuring that American trade policy is designed to encourage economic growth in developing countries. President Kennedy said that American apathy toward poor-country development ''would be disastrous to our national security, harmful to our comparative prosperity, and offensive to our conscience.'' It is a moral imperative for the United States to construct trade policies that foster development.

One billion people exist on less than $1 a day right now. The income gap between the least developed countries and the world's industrialized countries grew by nearly 40 percent over the last 25 years. The income of those people in rich countries is now 93 times that of those living in the least developed countries.

For nearly a generation, we know that the world's poor have gotten much poorer. When we consider President Kennedy's words, the call to action is compelling.

While we work toward a broad, multilateral agreement to lower trade barriers to goods and services produced in poor countries, we should also ensure that our unilateral policies are constructed as wisely as possible in order to spur development. The legislation before us takes a critical step in that direction. Let me highlight some of the important provisions in H.R. 6560, which is supported by a broad range of stakeholders including producers, importers, and consumer groups.

H.R. 6560 will extend the Generalized System of Preferences for 1 year providing producers in poor countries the certainty they need to retain and attract investment while providing importers effective access to affordable goods that are critical to their supply chain. U.S. consumers will benefit as a result. Importantly, this extension provides the Congress some breathing room to examine how GSP can improve to foster greater development abroad while also providing American producers greater certainty and opportunity.

The bill before us makes a narrow but critical change to the way we treat apparel imports from the Dominican Republic. This change, which is supported by all of the key stakeholders, including the U.S. textile industry, will better enable the Dominican Republic's apparel producers to compete with producers in East and Southeast Asia.

Anchoring a textile and apparel industry in Central America strengthens the economies of the entire Western Hemisphere. This provision also builds upon progress made earlier this year with respect to Haiti, helping to foster a much-needed economic growth in the Caribbean.

Lastly, this bill addresses two issues which are of specific concern to me because they're related to our trade policy towards sub-Saharan Africa.

For the past decade, my colleagues and I have continued to explore ways to encourage more investment in job creation in sub-Saharan Africa. We have done this primarily through enacting the African Growth and Opportunity Act in 2000, and some of our wishes have come true. We've seen the growth of an apparel industry in southern Africa, which has created hundreds of thousands of jobs and has provided hope for economic progress and justice. AGOA has contributed positively toward an increase in exports from sub-Saharan Africa in many countries, and a diversification of exports, which is good for economic growth and for stability in the region.

But it has also demonstrated that a trade policy is only one component of a development policy. Beginning in 2006, we experimented with a new idea to encourage greater investment in the upstream production of apparel. It was called the Abundant Supply Provision. It encouraged or required African apparel producers to first use locally produced fabric before sourcing fabric from producers in places like Asia. While well-intended, this provision has had the opposite effect of what the proponents sought.

Earlier this month, the Committee on Ways and Means hosted the trade ministers from the countries of sub-Saharan Africa. They told us that apparel exports under AGOA have declined 15 percent this year and that thousands of jobs are at risk if we do not repeal this abundant supply provision. By doing so today, we demonstrate that we have listened to Africa and that we are responding, not as Democrats or Republicans, but as Americans.

In addition, we will help enable the sub-Saharan African nation of Mauritius to compete in the global apparel industry by enabling them the ability to use third-country fabric in apparel exports that qualify under AGOA.

I'm looking forward to working with my colleagues to devise other measures that will better encourage upstream investment in sub-Saharan Africa, to promote job creation, and economic growth.

This legislation is a strong bipartisan measure, and I want to recognize the leadership of Ways and Means Chairman CHARLES RANGEL, Ranking Member JIM MCCRERY, Trade Subcommittee Chairman SANDER LEVIN, and Subcommittee Ranking Member WALLY HERGER, who we will hear from in a moment.

I also want to recognize and thank the staff whose tireless efforts in the trenches have been invaluable. They are Tim Reif, Angela Ellard, Behnaz Kibria, and Warren Payne.

I believe our rightful place is at the front of the line when it comes to fighting global poverty by supporting economic and social justice. I believe that's what the U.S. meant in 2000 when we signed on to the United Nations Millennium Development Goals.

We know our current policies fall short, but tonight we're moving in the right direction. I urge my colleagues to support H.R. 6560 because John F. Kennedy was right back then and today. Let us learn from history and follow the inspiration of a great American leader who believed the United States,

Democrat and Republican, had the legislative duty and the moral responsibility to lead the world.

I reserve the balance of my time.

Mr. HERGER. Madam Speaker, I yield myself so much time as I may consume.

Madam Speaker, I rise in support of H.R. 6560. This bill extends the existing Generalized System of Preferences for 1 year, provides additional benefits to sub-Saharan African beneficiary countries, and improves U.S. implementation of the Central American-Dominican Republic Free Trade Agreement.

The GSP program is an important development tool for poor countries and allows U.S. manufacturers and consumers to obtain products at competitive prices. The additional benefit for the African countries will help spur job creation in these countries at a time of significant economic uncertainty. Most importantly, the improvements to CAFTA demonstrate how fair trade agreements benefit American workers.

Three years ago, many Members of Congress opposed CAFTA, fearing that it would result in outsourcing of U.S. jobs. We now know that those fears were greatly misplaced, and instead, CAFTA has been a tremendous success for American workers. CAFTA leveled the playing field for American-made products by going from a one-way preference to reciprocal, two-way free trade.

The CAFTA countries already had access to our market, but we did not have access to their markets. CAFTA opened these growing markets to exports of American-made products. As a result, U.S. exports of manufacturing products to CAFTA increased by 33 percent since 2004.

In 2007, the United States had a manufacturing product trade surplus of $1.1 billion with CAFTA, moving us away from the pre-CAFTA deficit that we had with these same countries. This agreement has become an important example of how American workers benefit from fair trade agreements. As of May of this year, the United States had a trade surplus in manufactured products with all our agreement partners combined, including Canada and Mexico.

This legislation before us today will create further incentives for U.S. manufacturing exports to the region. It is completely noncontroversial and supported strongly by the U.S. textile industry.

However, Congress should not stop here. We can create even more opportunities to expand exports of American-made products by passing the U.S.-Colombia Fair Trade Agreement. Like CAFTA, the Colombia Fair Trade Agreement would level the playing field for U.S. workers by giving the products they make the same access to the Colombian market that Colombian exporters already have to the U.S. market.

According to the U.S. International Trade Commission, U.S. exports of manufactured products and the American workers who produce them would be among the biggest beneficiaries of the Colombia Fair Trade Agreement. According to the ITC, U.S. exports of paper products would increase by 28 percent; chemical and plastic exports would increase by 23 percent; metal products by 56 percent; motor vehicles exports would increase to these countries by 44 percent, and machinery and equipment exports to these same countries by 15 percent. The growth in these exports would support good-paying American manufacturing jobs.

CAFTA provided American workers an advantage over their competitors in other countries. If Congress doesn't act on the Colombian agreement, American workers will be even further disadvantaged than they are now. Canada has already completed a trade agreement with Colombia, and the EU is negotiating an agreement at this moment. If these agreements go into effect before the U.S.-Colombia Fair Trade Agreement, American workers will lose out to their competitors in Canada and the EU.

Madam Speaker, passing this bill today will help American workers, but Congress must also take the next step and pass the U.S.-Colombia Fair Trade Agreement to create even more opportunities for American workers.

I reserve the remainder of my time.

Mr. MCDERMOTT. Madam Speaker, I have no further speakers, and I reserve the balance of my time.

Mr. HERGER. Madam Speaker, I would like to yield so much time as he may use to the gentleman from Texas (Mr. BRADY), a very active member of the Ways and Means Committee and the Trade Subcommittee.

□ 2000

Mr. BRADY of Texas. Madam Speaker, I rise today in support, with my colleagues, of H.R. 6560, a bill that as has been said will make certain changes to the Dominican Republic-Central America Free Trade Agreement, which the House passed exactly 3 years ago yesterday. It will also make changes to our African trade preference program and will extend the generalized system of preference for one more year.

The changes to the DR-CAFTA agreement will encourage the use of American-made fabrics in the production of pants in the DR. This helps to support American textile jobs, and it gives the Dominican Republic more flexibility to strengthen its competitiveness, too. So it is a win-win for jobs here in America and for jobs in Central America as well. It's a small change, but it can help American exporters and Dominican producers, and it's evidence of how the agreement has created economic benefits for all participants.

In fact, if you drill down a little deeper into this agreement, in the past 3 years, even though it's really not fully implemented, Guatemala, for example, has not only shown remarkable economic progress and growth since the CAFTA agreement was put into place, but a lot of their jobs that they're creating are in the rural areas, in the poorest of the poor. So they're helping not just the number of a few big producers; they're helping the average person in Guatemala by raising the standard of living and by their having some hope for the future just as it is creating jobs here in America.

What we have learned over the years is that it's not enough to simply buy American. You have to sell American. We have to aggressively sell our American products and services all throughout this world.

For the U.S., as it has been pointed out, our $1.9 billion trade deficit with the six partners in Central America has now turned into a $3.6 billion trade surplus thanks to this agreement. That means we're selling more than we're buying and that we're supporting good paying American jobs in manufacturing, in services, in transportation, in logistics, and in agriculture.

We recently learned that, if you take all of our current free trade and fair trade agreements, we see the same trend, that deficits are turning into surpluses across the board. We now have a surplus of nearly $3 billion, and our free trade agreement partners, who are only a small part of the world economy, now account for half of all that America sells overseas. So we are creating some of the best customers for American products and for American workers here in our agreements.

In fact, if you look at the American economy today, nearly 40 percent of our economic growth comes from selling our products all around the world, and we're selling them to the countries we have these agreements with. They are great customers, and we need more of them.

What I've realized is that, as to the giant sucking sound that was predicted for trade agreements, it turns out that that's the hot air deflated from the critics who've been proven wrong about each one of them, especially about CAFTA. This is yet another reason why this Congress needs to pass the U.S.-Colombian Trade Promotion Agreement.

Like Central America before it, Colombia already enjoys access to America. They can sell their products almost duty free into the United States, but when we try to sell our products back into Colombia, their tariff is almost 14 percent, much higher than Central America's was before. They don't create a level playing field for American workers. We want to have two-way trade and equal competition.

An agreement would lock in Colombia's trade preferences while creating a better investment climate for the country, which would help build its legitimate economy, which is dynamic throughout this region. A stable Colombia is good for the United States and for the hemisphere.

If you've been following the news, you've seen remarkable progress by Colombia and by President Uribe on

human rights, on labor rights and especially, just lately, on its remarkable rescue of the American hostages after their being 5 years within the FARC. They are taming the terrorist organizations with our help, and they deserve our continued support in that effort.

Madam Speaker, the Central American agreement has helped to bolster ties with our partners in the region. It has helped to create U.S. jobs and to encourage economic growth in neighboring countries. Colombia will do the same. I reiterate my call for the leadership of this House to schedule an upor-down vote on Colombia this year. Given the nature of our trade laws, it will be too late if this gets put on hold until next year, and we will have missed a critical opportunity to strengthen our relationship with an important partner in the region and to create fair trade for Americans.

Ladies and gentlemen, the whole world is watching America. Let's not turn our back on Colombia. Let's not show the world we're economic isolationists—afraid to compete or afraid to hold out our hand to partners in our backyard. Let's not as a Congress be beholden to a few special interests. Democrats and Republicans, Defense Secretaries and Secretaries of State agree that this is one of the most important foreign policy decisions that we can make. The whole world is watching. Let us schedule a vote for Colombia and pass it this year.

Mr. HERGER. Madam Speaker, I don't have any further speakers, and I yield back the remainder of my time.

Mr. MCDERMOTT. Madam Speaker, earlier today, regrettably, there was a failure to move forward on the multilateral trade talks known as DOHA. Some are calling this a collapse in trade talks, but I believe that we can and that we must continue to make progress in multilateral trade talks. We must spend our energy not by placing blame but by considering solutions to the current challenges.

The World Trade Organization serves a crucial role in the trade system of the world. I believe I speak on behalf of the entire Ways and Means Committee when I say that we remain committed to a robust DOHA agreement. The bill before us demonstrates America's continued commitment to alleviating poverty through our trade policies. I urge the Members to support H.R. 6560.

Ms. ROS-LEHTINEN. Madam Speaker the most important argument in favor of the United States-Colombia Free Trade Agreement is that it is manifestly good for the United States and our interests.

The most obvious benefit is expanded trade.

Opponents claim that the agreement will force the U.S. to remove restrictions on Colombia's exports, resulting in more imports and leading to a loss of jobs and income in the U.S.

But these opponents do not understand that, because most of Colombia's exports already enter the U.S. with few or no restrictions, it is Colombia's barriers that will be removed and U.S. exporters that will benefit.

And expanded U.S. exports to Colombia translate directly into increased jobs and income here at home.

Colombia will certainly benefit, but the U.S. will benefit more.

This free trade agreement is about more than economics. It is essential to securing U.S. strategic interests in the Hemisphere.

In a region in which anti-American regimes are aggressively targeting U.S. interests, Colombia remains a steadfast ally.

That ally is battling an array of internal and external enemies, and the U.S. has an enormous stake in ensuring that Colombia wins that fight.

Long under siege from FARC guerrillas who once controlled nearly half the country, Colombia has, in recent months, inflicted major defeats on an armed insurgency that has: sought to overthrow Colombia's democratic government; killed and kidnapped thousands of Colombians, as well as Americans and other foreigners; and provided protection to drug kingpins shipping billions of dollars of cocaine, heroin, and other illegal drugs to the U.S. every year.

Colombia looks poised to free itself from these threats and achieve peace and long-term stability.

Given the stakes, our friends and enemies in this Hemisphere are watching how we treat this vital ally in the region.

The Colombian government has done everything we have asked of it, even renegotiating the already concluded agreement to add new provisions regarding labor and environmental issues. But to no avail.

As a result, our friends and enemies are in danger of concluding that the U.S. has turned its back on Colombia and that the assault on U.S. interests and allies is paying off.

Over the past decade, the once near-hopeless security situation in Colombia has been transformed, with crucial assistance and unwavering support provided by the United States.

But there is much left to be done.

Although the insurgency has been severely weakened, there are many thousands of guerrillas still operating. The cultivation and export to the U.S. of illegal drugs continues. And there are large areas of Colombia in which the central government has virtually no presence.

U.S. assistance and support for Colombia has been instrumental in its success, and will continue to be so in the future.

But that means more than simply security assistance and money. The easiest, most direct, and most effective means we have to bolster Colombia at this critical stage is passage of the free trade agreement.

Congress has a golden opportunity to support our embattled ally and further our own interests. If we falter, so may Colombia, and the achievements of a decade will be needlessly squandered. And then some may ask: ''Who lost Colombia?''

Mr. MCDERMOTT. 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. MCDERMOTT) that the House suspend the rules and pass the bill, H.R. 6560, 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.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6599, MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2009

Ms. CASTOR, from the Committee on Rules (during consideration of H.R. 6560), submitted a privileged report (Rept. No. 110–800) on the resolution (H. Res. 1384) providing for consideration of the bill (H.R. 6599) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2009, and for other purposes, which was referred to the House Calendar and ordered to be printed.

HUBBARD ACT

Mr. KIND. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6580) to ensure the fair treatment of a member of the Armed Forces who is discharged from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early discharge of a member who is the only surviving child in a family in which the father or mother, or one or more siblings, served in the Armed Forces and, because of hazards incident to such service, was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently disabled, to amend the Internal Revenue Code of 1986 to repeal the dollar limitation on contributions to funeral trusts, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6580

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 ''Hubbard Act''.

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

SEC. 2. CONTINUED PAYMENT OF BONUSES AND SIMILAR BENEFITS FOR MEMBERS OF THE ARMED FORCES WHO RECEIVE SOLE SURVIVORSHIP DISCHARGE.

(a) EFFECT OF SOLE SURVIVORSHIP DISCHARGE.—Section 303a(e) of title 37, United States Code, is amended—

(1) in paragraph (1), by striking ''A member'' and inserting ''(A) Except as provided in paragraph (2), a member'';

(2) by redesignating paragraph (2) as subparagraph (B) of paragraph (1); and

(3) by inserting after paragraph (1), as so amended, the following new paragraph (2):

''(2)(A) If a member of the uniformed services receives a sole survivorship discharge, the Secretary concerned—

''(i) shall not require repayment by the member of the unearned portion of any bonus, incentive pay, or similar benefit previously paid to the member; and

''(ii) may grant an exception to the requirement to terminate the payment of any unpaid amounts of a bonus, incentive pay, or similar benefit if the Secretary concerned determines that termination of the payment of the unpaid amounts would be contrary to a personnel policy or management objective, would be against equity and good conscience, or would be contrary to the best interests of the United States.

''(B) In this paragraph, the term 'sole survivorship discharge' means the separation of a member from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early separation of a member who is the only surviving child in a family in which—

''(i) the father or mother or one or more siblings—

''(I) served in the Armed Forces; and

''(II) was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently 100 percent disabled or hospitalized on a continuing basis (and is not employed gainfully because of the disability or hospitalization); and

''(ii) the death, status, or disability did not result from the intentional misconduct or willful neglect of the parent or sibling and was not incurred during a period of unauthorized absence.''.

(b) SENSE OF CONGRESS.—In light of the extraordinary discretion granted to the Secretary of a military department by statute and policy to continue to pay the unpaid amounts of a bonus, incentive pay, or similar benefit otherwise due to a member of the Armed Forces under the jurisdiction of the Secretary who receives a sole survivorship discharge, it is the sense of Congress that the Secretaries of the military departments should aggressively use such discretion to the benefit of members receiving a sole survivorship discharge.

SEC. 3. AVAILABILITY OF SEPARATION PAY FOR MEMBERS OF THE ARMED FORCES WITH LESS THAN SIX YEARS OF ACTIVE SERVICE WHO RECEIVE SOLE SURVIVORSHIP DISCHARGE.

Section 1174 of title 10, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following new subsection:

''(i) SPECIAL RULE FOR MEMBERS RECEIVING SOLE SURVIVORSHIP DISCHARGE.—(1) A member of the Armed Forces who receives a sole survivorship discharge shall be entitled to separation pay under this section even though the member has completed less than six years of active service immediately before that discharge. Subsection (e) shall not apply to a member who receives a sole survivorship discharge.

''(2) The amount of the separation pay to be paid to a member pursuant to this subsection shall be based on the years of active service actually completed by the member before the member's sole survivorship discharge.

''(3) In this subsection, the term 'sole survivorship discharge' means the separation of a member from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early separation of a member who is the only surviving child in a family in which—

''(A) the father or mother or one or more siblings—

''(i) served in the Armed Forces; and

''(ii) was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently 100 percent disabled or hospitalized on a continuing basis (and is not employed gainfully because of the disability or hospitalization); and

''(B) the death, status, or disability did not result from the intentional misconduct or willful neglect of the parent or sibling and was not incurred during a period of unauthorized absence.''.

SEC. 4. TRANSITIONAL HEALTH CARE FOR MEMBERS OF THE ARMED FORCES WHO RECEIVE SOLE SURVIVORSHIP DISCHARGE.

Section 1145(a)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(E) A member who receives a sole survivorship discharge (as defined in section 1174(i) of this title).''.

SEC. 5. TRANSITIONAL COMMISSARY AND EXCHANGE BENEFITS FOR MEMBERS OF THE ARMED FORCES WHO RECEIVE SOLE SURVIVORSHIP DISCHARGE.

Section 1146 of title 10, United States Code, is amended—

(1) by striking ''The Secretary of Defense'' and inserting the following:

''(a) BENEFITS FOR MEMBERS INVOLUNTARILY SEPARATED.—The Secretary of Defense''; and

(2) by adding at the end the following new subsection:

''(b) BENEFITS FOR MEMBERS RECEIVING SOLE SURVIVORSHIP DISCHARGE.—A member of the Armed Forces who receives a sole survivorship discharge (as defined in section 1174(i) of this title) is entitled to continue to use commissary and exchange stores and morale, welfare, and recreational facilities in the same manner as a member on active duty during the two-year period beginning on the later of the following dates:

''(1) The date of the separation of the member.

''(2) The date on which the member is first notified of the members entitlement to benefits under this section.''.

SEC. 6. VETERANS BENEFITS FOR MEMBERS OF THE ARMED FORCES WHO RECEIVE SOLE SURVIVORSHIP DISCHARGE.

(a) HOUSING LOAN BENEFITS.—Section 3702(a)(2) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

''(F) Each veteran who was discharged or released from a period of active duty of 90 days or more by reason of a sole survivorship discharge (as that term is defined in section 1174(i) of title 10).''.

(b) EMPLOYMENT AND TRAINING.—Section 4211(4) of such title is amended—

(1) in subparagraph (B), by striking ''or'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting ''; or''; and

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

''(D) was discharged or released from active duty by reason of a sole survivorship discharge (as that term is defined in section 1174(i) of title 10).''.

(c) EXISTING BASIC EDUCATIONAL ASSISTANCE.—

(1) SERVICE ON ACTIVE DUTY.—Section 3011(a)(1) of such title is amended—

(A) in subparagraph (A)(ii), by inserting after ''service-connected disability,'' the following: ''by reason of a sole survivorship discharge (as that term is defined in section 1174(i) of title 10),'';

(B) in subparagraph (B)(ii), by inserting after ''service-connected disability,'' the following: ''by reason of a sole survivorship discharge (as that term is defined in section 1174(i) of title 10),''; and

(C) in subparagraph (C)(iii)(II), by inserting after ''service-connected disability,'' the following: ''by reason of a sole survivorship discharge (as that term is defined in section 1174(i) of title 10),''.

(2) SERVICE IN THE SELECTED RESERVE.—Section 3012(b)(1) of such title is amended—

(A) in subparagraph (A)—

(i) by striking '', or (vi)'' and inserting '', (vi)''; and

(ii) by inserting before the period at the end the following: '', or (vii) by reason of a sole survivorship discharge (as that term is defined in section 1174(i) of title 10)''; and

(B) in subparagraph (B)—

(i) in clause (i), by inserting after ''service-connected disability,'' the following: ''by reason of a sole survivorship discharge (as that term is defined in section 1174(i) of title 10),''; and

(ii) in clause (ii)—

(I) by striking '', or (VI)'' and inserting '', (VI)''; and

(II) by inserting before the period at the end the following: '', or (VII) by reason of a sole survivorship discharge (as that term is defined in section 1174(i) of title 10)''.

SEC. 7. UNEMPLOYMENT COMPENSATION FOR MEMBERS OF THE ARMED FORCES WHO RECEIVE SOLE SURVIVORSHIP DISCHARGE.

Section 8521(a)(1)(B)(ii)(III) of title 5, United States Code, is amended by striking ''hardship,'' and inserting ''hardship (including pursuant to a sole survivorship discharge, as that term is defined in section 1174(i) of title 10),''.

SEC. 8. PREFERENCE-ELIGIBLE STATUS FOR MEMBERS OF THE ARMED FORCES WHO RECEIVE SOLE SURVIVORSHIP DISCHARGE.

Section 2108(3) of title 5, United States Code, is amended—

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

(2) in subparagraph (G), by inserting ''and'' at the end; and

(3) by inserting after subparagraph (G) the following:

''(H) a veteran who was discharged or released from a period of active duty by reason of a sole survivorship discharge (as that term is defined in section 1174(i) of title 10);''.

SEC. 9. REPEAL OF DOLLAR LIMITATION ON CONTRIBUTIONS TO FUNERAL TRUSTS.

(a) IN GENERAL.—Subsection (c) of section 685 of the Internal Revenue Code of 1986 (relating to treatment of funeral trusts) is repealed.

(b) CONFORMING AMENDMENT.—Subsections (d), (e), and (f) of such section are redesignated as subsections (c), (d), and (e), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable

years beginning after the date of the enactment of this Act.

SEC. 10. EFFECTIVE DATES.

(a) RETROACTIVE EFFECTIVE DATE.—Except as provided in subsection (b) and section 9, this Act and the amendments made by this Act shall apply with respect to any sole survivorship discharge granted after September 11, 2001.

(b) DATE OF ENACTMENT EFFECTIVE DATE FOR CERTAIN AMENDMENTS.—The amendments made by sections 4, 7, and 8 shall apply with respect to any sole survivorship discharge granted after the date of the enactment of this Act.

(c) SOLE SURVIVORSHIP DISCHARGE DEFINED.—In this section, the term ''sole survivorship discharge'' means the separation of a member from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early separation of a member who is the only surviving child in a family in which—

(1) the father or mother or one or more siblings—

(A) served in the Armed Forces; and

(B) was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently 100 percent disabled or hospitalized on a continuing basis (and is not employed gainfully because of the disability or hospitalization); and

(2) the death, status, or disability did not result from the intentional misconduct or willful neglect of the parent or sibling and was not incurred during a period of unauthorized absence.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. KIND) and the gentleman from California (Mr. NUNES) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. KIND. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to introduce other extraneous material on H.R. 6580.

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

There was no objection.

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

H.R. 6580 is a combination of two good pieces of legislation joined together to be pay-as-you-go compliant under our current budget rules. The first part of the bill is the Hubbard Act, an important bill introduced by my good friend and colleague on the Ways and Means Committee, Representative DEVIN NUNES from California. The second part of the bill (H.R. 1264) is a bill that I and CHARLIE WILSON of Ohio introduced to make it easier for individuals to save and to plan for their funerals.

Let me begin by commending Representative NUNES for sponsoring and for introducing the Hubbard Act. This bill makes an important change to the rules governing sole survivorship in the Armed Forces. It's the right thing to do. In a moment, you will realize why.

Representative NUNES represents the Hubbard family in California. Tragically, this family has lost two sons, Jared and Nathan, to the war in Iraq. The remaining son, Jason, left the Army under the sole survivor rule, which protects parents from losing all of their children to war by permitting the last remaining sibling in combat to return home if all other siblings have been killed or have been severely injured. This truly is the Saving Private Ryan scenario. After being discharged, however, Jason Hubbard was asked to repay significant portions of his enlistment bonus; he was denied transition health care, and he was told he wasn't eligible for GI benefits even though he had already paid into the program.

Currently, there are no standard benefits available to those who separate from the Armed Services under the Sole Survivor Policy regardless of whether one's service obligation was completed. The Hubbard Act will allow those troops who voluntarily separate under the sole survivor rule to qualify for the same benefits provided to those who involuntarily or who honorably separate from the military. Sole survivors of their families who have already made the greatest sacrifice should qualify for the benefits that they've earned. This bill corrects that. Again, it's the right thing for us to do.

To offset the costs of the Hubbard Act, H.R. 6580 also includes language to eliminate the current dollar limitation for qualified funeral trusts. Current law limits a funeral trust to just $9,000, but this is generally no longer sufficient to cover a family's funeral and burial expenses. With this contribution limit, even those who responsibly plan for their own funerals often leave their families with substantial expenses.

Given that the qualified funeral trusts can only be used for specific, limited purposes, I see no reason to place a dollar limit on their use. According to the Joint Committee on Taxation, the bill will have a positive impact on the Federal Treasury.

The passage of this legislation is an important step for American families and funeral directors, and it would allow for seamless funeral and burial planning for families in western Wisconsin and throughout the United States.

I hope these two commonsense, bipartisan pieces of legislation packaged together will pass this Congress and will move to the President's desk swiftly. I urge my colleagues to support H.R. 6580.

Finally, I would like to offer my thoughts and prayers to the Hubbard family. Their sacrifice will not be forgotten. I hope the passage of this bill will offer them some solace, will honor their sacrifice and will respect their sons' service to our country. May God bless Jared and Nathan.

May God also bring a special comfort to those families who have lost a loved one while serving our Nation.

I reserve the balance of my time.

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

Before I share with you the reason I wrote this legislation, I think it's important to remind everyone why sole survivors are afforded unique status in our military.

Prior to 1942, it was not uncommon for family members to serve together in the military, even in the same unit. However, a World War II tragedy during the naval battle at Guadalcanal would cause the War Department to rethink its policy. That tragedy involved the death of all five Sullivan brothers, who were serving together aboard the USS *Juneau* when it was sunk in 1942.

The death of the Sullivans prompted changes intended to protect families from the heartache of losing an entire generation to war. One key reform is the policy requiring sole survivors to be removed from combat. It is this rule, known as the Sole Survivor Policy, that Tom Hanks dramatized in his movie Saving Private Ryan. Since 9/11, there have been 51 sole survivors identified by the Department of Defense. Each of them has a unique story of service and sacrifice.

The events that shaped why we are here today began in November 2004 when a roadside bomb in Iraq killed Marine Lance Corporal Jared Hubbard. It is hard for anyone, myself included, to understand the anguish of losing a son or a daughter to war. The Hubbards bore their grief with amazing strength, and with the help of family and friends, they buried their son. Jared's patriotism and sacrifice inspired everyone who knew him, and although his loss is very real, his presence was not lost. Both of his brothers, Nathan and Jason, soon joined the Army. When asked why they chose to serve, both men responded that they wanted to honor their brother and wanted to continue his service to our Nation.

Late last year, Jason and Nathan were returning from a night scouting mission in separate Blackhawk helicopters when Nathan's helicopter crashed. Jason's Blackhawk landed with orders to secure the crash site. However, there were no survivors. Nathan had been killed in the crash.

Nathan's death resulted in Jason Hubbard's designation as a sole survivor. He was removed from combat duty, and was assigned to the solemn duty of accompanying his brother's body home for a second funeral in 3 years. Unfortunately, the tragedy does not end here.

When Jason voluntarily separated from the Army under the Sole Survivor Policy, he was asked to pay back his enlistment bonus.

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He was denied transitional health care, and was told that he could not receive GI Bill benefits, the reason: ''He did not fulfill the commitment outlined in his contract.'' This response was clearly not what Jason expected. And I don't think there is anyone in this Nation who would argue that the Hubbards had failed in their commitment to our Nation.

Jason lost two brothers to war. He served honorably in the United States Army and discharged as a sole survivor only after being removed from combat under the Army's own rules. The challenges he faced were unjust. When Army Secretary Pete Geren learned of Jason's situation, he intervened to the extent he was able. However, we discovered statutory constraints that limited what the Secretary of the Army could do. The legislation before us today resolves those statutory issues, and for the first time recognizes sole survivors through an act of Congress.

The Hubbard Act will provide benefits already offered to other soldiers who honorably separate from military service. This means that sole survivors will not be forced to repay their enlistment bonus, they will be able to participate in the current and new GI Bill educational program, they will receive separation pay, and they will continue to be afforded transitional health care coverage.

As I conclude, I would like to thank my friends, Mr. COSTA and Mr. CARDOZA; both were instrumental in building support for this legislation. Furthermore, I would like to thank Senator FEINSTEIN and Senator CHAMBLISS for championing the Hubbard Act in the Senate, and of course Chairman RANGEL and Ranking Member MCCRERY and, of course, Mr. KIND for their willingness to provide the offset for this bill. Their support, and the support of the 311 cosponsors, is very much appreciated.

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

Mr. KIND. Madam Speaker, at this time, I would like to recognize for such time as he may consume a former funeral director himself, my good friend and colleague from Ohio, CHARLIE WILSON.

Mr. WILSON of Ohio. Madam Speaker, the House will be voting later to make sure a military sole survivor is allowed every benefit as if they had stayed in the military for their entire service.

A military sole survivor is a courageous member of our armed services who is pulled out of service because all of their siblings have died while also serving our country. Military sole survivors deserve the full benefits as if they had served and stayed their complete tour of duty. We're paying for this important benefit by repealing the limit placed on funeral trusts.

As a funeral director and a Congressman, I come to the floor today to talk about how important qualified funeral trusts are for the American people. The cost of a funeral in the United States is rapidly increasing. That's why, several years ago, qualified funeral trust plans were created within the tax code to allow people to plan and prepay for their funeral costs, lifting the financial burden from the families after their death.

Current law limits a funeral trust to $9,000. This is often no longer sufficient to cover the family's funeral expenses. With this contribution limit, even those who preplan their own funerals often leave their family with substantial debt. I know how families hurt during these times, I've seen it every day. The last thing they need to worry about is making sure that they have enough to cover their arrangements. This bill eliminates that limitation and even creates an income stream for the American taxpayer. That's a win-win situation. Complying with PAYGO, helping our soldiers, and allowing families to plan ahead, all are getting a win today.

I urge my colleagues to vote in favor of this important bill.

Mr. NUNES. Madam Speaker, I continue to reserve my time.

Mr. KIND. Madam Speaker, at this time, I yield such time as he may consume to an original cosponsor with Mr. NUNES and Mr. CARDOZA of the Hubbard Act, our good friend and colleague from California, JIM COSTA.

Mr. COSTA. I want to thank Congressman KIND for his hard work in this very important legislation.

I rise tonight in strong support of H.R. 6580, the Hubbard Act, named after Jason and his brother Nathan Hubbard, to fix a flaw that exists, as Congressman NUNES so well stated, in the Department of Defense's sole survivor policy that really originated from the Sullivan Act that was referenced during World War II when the Sullivan family lost all of their sons in a naval combat action during World War II.

Right now, the Department of Defense allows a remaining son or daughter serving in the military to be removed from combat or to accept an honorable discharge. However, as we found with the circumstances facing the Hubbard family, military benefits like signing bonuses or access to the GI Bill can be taken away. This is not right. Jason Hubbard of Clovis, California was put in this situation after tragically losing both of his brothers. This legislation would allow a member who voluntarily separates honorably, under the sole survivor aspect of the law, to qualify for programs like the GI benefit, to be allowed the use of the commissary and base exchange, and entitled to benefits of the veteran home loan and other entitlements that our veterans who serve their country so honorably deserve. It was tragic to find that after the circumstance, that there was a request that he return his signing bonus benefit, but Congressman NUNES stepped in and, with the Secretary of the Army, changed that.

The legislation that we are about to pass here reflects veterans throughout our country. Our Central Valley, the San Joaquin Valley in California, has a proud history of men and women who have worn the uniform and defended our country in a troubled world, both in the 20th century and the 19th century, and of course today in the conflict in the Middle East, in the war in Iraq and Afghanistan.

The Hubbard brothers now are a part of this honorable military history that all our veterans share in, and like the Sullivan brothers, are being recognized for their service.

This bill is fully paid for, and therefore PAYGO compliant. I want to thank Chairman RANGEL for his willingness to make this extra effort. In multiple conversations that many of us had with the chairman, he understood clearly, as a fellow veteran, the importance of this legislation. Congressman KIND also showed leadership in his efforts. And of course as Congressman NUNES noted, without Senator FEINSTEIN and Senator CHAMBLISS' help, we would not have gotten the measure out through the Senate.

Finally, my good friend, Congressman DEVIN NUNES, has been tenacious on this piece of legislation, representing his constituents and the Hubbard family, but more importantly, all veterans throughout the United States. The passion and the leadership which Congressman NUNES demonstrated on this bill is reflective of his passion for his constituency and for our country.

So I want to thank Congressman NUNES for his hard work on behalf of the Hubbard family, Nathan and Jarrett, who made the ultimate sacrifice for our country, to their family and to their brother Jason, who we have named this legislation on behalf of.

Mr. NUNES. Madam Speaker, I just want to thank Mr. COSTA for his kind words.

And really, this is a piece of legislation that we hope will move as quickly as possible to the Senate floor so that the President can sign this bill into law. As has been outlined by all the speakers tonight, this is a sad moment, but it's really a wrong that needs to be made right. And I'm proud tonight that we will pass this, hopefully unanimously, by this Congress.

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

Mr. KIND. Madam Speaker, the Hubbard Act does recognize and correct a grave injustice and an anomaly in how sole survivors in our military are treated in regards to the eligibility of our veterans benefits. And I want to also commend Representative NUNES for recognizing this injustice and for his perseverance in gathering support, educating his colleagues here in Congress, and making passage of this legislation possible.

I also want to commend the delegation of the Central Valley and the effort and engagement that they've shown on such an important issue. I want to encourage my colleagues to support the Hubbard Act of 2008.

Mr. MCCRERY. Madam Speaker, I rise in support of H.R. 6580 and commend my colleague from California, Mr. NUNES, for his tireless efforts to secure passage of this important legislation addressing the concerns of "sole survivors" such as his constituent, Jason Hubbard. I also wish to thank the Chairman of the Ways and Means Committee, whose support was critical to consideration of this bill.

The ''sole-survivor'' policy of the Armed Forces was designed with the best of intentions but has yielded some unfortunate, unintended consequences. Currently, there are no standard benefits available to those who separate from the Armed Forces under this policy, whether or not their service obligation is completed.

This legislation puts the House firmly on record that sole survivors should qualify for a standard set of Federal benefits that are generally available to other veterans, including education benefits, transitional healthcare, and the ability to keep any enlistment bonus paid to them. Given the exigencies of the situation, the retroactive action being taken here today to protect sole survivors who have been honorably discharged from the military since September 11, 2001 is the right thing to do.

Let me take a moment to comment on the bill's other provision, Section 9 of today's legislation, which would repeal the dollar limitations on contributions to funeral trusts. This revenue provision, authored by the gentleman from Wisconsin, Mr. KIND, has been included to offset the additional spending associated with the bill's sole survivor provisions.

As my colleagues know, I have complained often during the 110th Congress that the Committee on Ways and Means has been used repeatedly as a piggy-bank by other panels looking to offset the cost of new spending proposals. I certainly would have preferred to have the sole survivor provisions in today's legislation funded by suitable spending reductions identified by the committees of jurisdiction, rather than by a revenue enhancement.

But that option, having been fully explored, was not available to us on this bill. Under the circumstances, the path chosen today by the Majority is an appropriate one for several reasons.

First, given the urgency of acting on this legislation, we do not have time to wait. We understand that some of these sole survivors have had recent paychecks withheld or have recently received bills from the military demanding repayment of their enlistment bonuses. Families like the Hubbards are facing pressing financial deadlines, and we do not have the luxury of waiting to address this issue on their behalf.

Second, unlike numerous other examples from the 110th Congress, the higher revenues derived from this funeral trust provision are not being used to substantially expand eligibility for an entitlement program to classes of people for whom it was not originally intended, or to provide existing enrollees new benefits not already in law. Instead, this bill uses the small amount of revenue raised to correct a narrow, but serious, flaw in current law. That is an important difference.

Third, I would note that this provision is fully voluntary—it would only affect those Americans who voluntarily opt to make larger contributions to a pre-paid funeral trust.

Finally, unlike prior revenue raisers proposed by the Majority that would impose unwelcome tax increases on unsuspecting Americans, this particular revenue offset is actually strongly supported by those who would pay the additional tax. In other cases where the Majority has sought higher revenues to pay for new spending, our friends across the aisle have typically targeted either politically disfavored taxpayers, such as smokers or ''the rich,'' or groups, such as late-filing taxpayers, who would almost certainly be unaware of the tax increase until they had to write a bigger check to Uncle Sam. By contrast, the tax provision here is the rare bird in Washington: a proposed revenue enhancement that has generated no discernible opposition and that has actually been endorsed by the leading industry group representing affected taxpayers,The National Funeral Directors Association.

As I noted, I generally would prefer that we not use the tax code to raise revenue to pay for higher spending. But this legislation presents unique facts and circumstances that justify the action being taken today, and I hope my colleagues in the other body will act quickly to get this important bill to the President's desk.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. KIND) that the House suspend the rules and pass the bill, H.R. 6580.

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.

APPOINTMENT OF CONFEREES ON H.R. 4137, COLLEGE OPPORTUNITY AND AFFORDABILITY ACT OF 2008

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees on H.R. 4137:

From the Committee on Education and Labor, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. GEORGE MILLER of California, HINOJOSA, TIERNEY, WU, BISHOP of New York, ALTMIRE, YARMUTH, COURTNEY, ANDREWS, SCOTT of Virginia, Mrs. DAVIS of California, Mr. DAVIS of Illinois, Ms. HIRONO, Messrs. KELLER of Florida, PETRI, Mrs. MCMORRIS RODGERS, Ms. FOXX, Messrs. KUHL of New York, WALBERG, CASTLE, SOUDER, EHLERS, Mrs. BIGGERT, and Mr. MCKEON.

From the Committee on the Judiciary, for consideration of secs. 951 and 952 of the House bill, and secs. 951 and 952 of the Senate amendment, and modifications committed to conference: Mr. CONYERS, Ms. WATERS, and Mr. GOHMERT.

From the Committee on Science and Technology, for consideration of secs. 961 and 962 of the House bill, and sec. 804 of the Senate amendment, and modifications committed to conference: Messrs. GORDON of Tennessee, BAIRD, and NEUGEBAUER.

There was no objection.

LEAD-SAFE HOUSING FOR KIDS ACT OF 2008

Mr. ELLISON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6309) to amend the Residential Lead-Based Paint Hazard Reduction Act of 1992 to define environmental intervention blood lead level and establish additional requirements for certain lead hazard screens, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6309

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 ''Lead-Safe Housing for Kids Act of 2008''.

SEC. 2. AMENDMENTS TO RESIDENTIAL LEAD-BASED PAINT HAZARD REDUCTION ACT OF 1992.

(a) AMENDMENTS.—Section 1017 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4852c) is amended—

(1) by striking ''Not later than'' and inserting ''(a) IN GENERAL.—Not later than''; and

(2) by adding at the end the following new subsection:

''(b) ENVIRONMENTAL INTERVENTION BLOOD LEAD LEVEL.—

''(1) IN GENERAL.—For purposes of this title and any regulations issued under this title, an environmental intervention blood lead level shall be defined as the lower of—

''(A) 10 μg/dL (micrograms of lead per deciliter); or

''(B) the elevated blood lead level of concern for a child under six years of age that has been recommended by the Centers for Disease Control and Prevention.

''(2) RELATION TO OTHER AUTHORITIES.—This Act may not be construed as affecting the authority of the Environmental Protection Agency under section 403 of the Toxic Substances Control Act.''.

(b) REGULATIONS.—Not later than the expiration of the 90-day period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall amend the regulations of such Department to comply with the amendments made by subsection (a).

SEC. 3. REPORT TO CONGRESS ON PREVIOUS LEAD HAZARD INSPECTION PROGRAMS.

Not later than the expiration of the 90-day period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit a report to the Congress on the status of the program of the Department of Housing and Urban Development known as the Big Buy program and any other voluntary programs the Secretary has implemented, or has planned to implement, through which the Secretary has conducted, or planned to conduct, lead evaluations of housing covered by section 35.715 of the Secretary's regulations (24 C.F.R. 35.715; Lead Safe Housing Rule for pre-1978 assisted housing). Such report shall include the following information:

(1) A description of the purpose of such programs implemented or planned to be implemented.

(2) A statement of the amounts allocated for each of such programs.

(3) Identification of the sources of the funding for each of such programs.

(4) A statement of the amount expended to each of such programs, as of the date of the submission of the report.

(5) A statement of the number of properties and the number of dwelling units intended to be covered by each of such programs.

(6) A statement of the number of properties and the number of dwelling units actually assisted by each of such programs.

(7) A description of the status of each of such programs, as of the date of the submission of the report.

(8) An explanation as to why each of such programs have not been completed.

(9) A description of any enforcement actions taken against owners of such housing who were to have been held harmless with respect to any noncompliance with section 1018 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4852d), or with any rules implementing such section, during implementation of such programs.

(10) A timeline for completion of the remaining properties and units covered by each of such programs.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act and the amendments made by this Act such sums as may be appropriated for fiscal year 2009.

(b) COSTS OF COMPLIANCE.—This Act and the amendments made by this Act shall not create any obligation or requirement on the part of any owner of housing, public housing agency, or other party (other than the Secretary of Housing and Urban Development) to comply with any new obligations established by or pursuant to this Act or such amendments, except to the extent that the Secretary of Housing and Urban Development makes amounts available to such owner, agency, or party for the costs of such compliance.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. ELLISON) and the gentleman from California (Mr. HERGER) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. ELLISON. Madam 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.

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

There was no objection.

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

Madam Speaker, I rise to strongly urge my colleagues to support H.R. 6309, the Lead-Safe Housing Act of 2008.

Let me start by thanking Chairman FRANK, Subcommittee Chair WATERS, and Housing Subcommittee Ranking Member SHELLEY CAPITO, for all of their work on this legislation to protect low-income children in public housing from lead exposure. I also want to thank the Energy and Commerce Committee and Chairman DINGELL for their work on this bill as well.

H.R. 6309 requires that the Department of Housing and Urban Development, HUD, update its blood lead level intervention regulations to reflect the level used by the Center for Disease Control and Prevention. The legislation simply requires HUD to update its blood lead regulations from the current 20 micrograms per deciliter to 10 micrograms per deciliter. The Center for Disease Control, the CDC, has that as their recommended threshold. Or if the CDC updates their standard to a lower number, that lower number.

Madam Speaker, this legislation is long overdue. The CDC, in 1991, 17 years ago, determined that a blood lead level of 10 micrograms per deciliter was the threshold for potential damage in children. Lead poisoning causes destructive physical, intellectual and behavior problems, including weight loss, decrease in IQ, hyperactivity, lethargy, and even sometimes, Madam Speaker, death. In fact, a 4-year-old young man swallowed a lead charm and died in my district a couple years ago.

Lead poisoning is one of the largest environmental hazards affecting children in America today, and it is also one of the most preventable hazards. Madam Speaker, our most vulnerable children often face a greater risk of being exposed to lead. Children of color, children from low-income families are more likely to reside in older homes, and these homes are much more likely to contain lead paint.

Thanks to congressional action in the 1990s, our country has seen significant progress in reduction of children exposed to lead. Between 1991 and 1994, 4.4 percent of children under six, or more than 800,000 children, had unacceptably high levels of lead in their blood of 10 micrograms per deciliter or higher.

□ 2030

The CDC now estimates that this number has dropped to 1.6 percent of children or more than 300,000 children. That's progress, but progress is not enough. Though this is progress, 300,000 children are still 300,000 too many; 1 is too many.

Madam Speaker, my legislation is just one attempt to tackle the problem. I look forward to working with my colleagues in Congress to some day eradicate this problem of elevated blood lead levels in children. This legislation is supported by numerous organizations from the Children's Defense Fund to the Sierra Club.

Madam Speaker, let me just note that challenging and reducing childhood lead exposure will help our society lower the number of children who have reduce IQ because of this exposure, reduced hyperactivity, reduce children experiencing impulse control, and all of these things have implications for our juvenile court system and our adult court system, not to mention shutting off, closing down the tremendous potential that is locked up in every child.

Madam Speaker, with that I reserve the balance of my time.

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

I rise in support of H.R. 6309, the Lead-Safe Housing for Kids Act of 2008, designed to address the serious health hazards that high levels of lead have on children in their home environment.

In 1992 the Congress passed the landmark residential Lead-Based Paint Hazard Reduction Act to address what was at the time an epidemic of childhood lead poisoning. In conjunction with Federal efforts to limit the use of leaded gasoline and lead in food and juice cans and in drinking water pipes, this law has been remarkably effective in reducing the incidence of childhood lead poisoning. According to the U.S. Department of Health and Human Services report, Healthy People 2010, the decline in childhood lead poisoning in the United States represents a major public health success.

The Residential Lead-Based Paint Hazard Reduction Act directed HUD to establish regulations for the evaluation of lead hazards. In its regulation, referred to as the Lead-Safe Housing Rule, HUD established an environmental intervention blood level of 20 micrograms per deciliter for a single test or 15 to 19 micrograms per deciliter for two tests taken at least 3 months apart.

H.R. 6309 will require HUD to issue new regulations that adopt the level of 10 micrograms per deciliter. Eliminating lead exposure greater than 10 micrograms of lead per deciliter of blood among children by the year 2010 is one of the national health objectives established by the Department of Health and Human Resources.

Mr. ELLISON is to be commended for his commitment to strengthen the definition of a child's elevated blood lead level, and I recommend my colleagues support this legislation.

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

Mr. ELLISON. Let me also thank the gentleman from California. Madam Speaker, it's wonderful when we can come together on both sides of the aisle to protect our children. In fact, one of the most important things we can do is to protect community and children, and so I am honored to be able to share the floor with the gentleman tonight.

With that, Madam Speaker, let me just thank all of the community groups that came forward, including Sierra Club, Environmental Justice Advocates of Minnesota, and many others who have come to make this moment possible.

Mr. DINGELL. Madam Speaker, I want to extend my appreciation to the gentleman from Massachusetts, Chairman FRANK, for his cooperation in working out issues related to the bill's definition of ''elevated intervention blood lead level''. I also commend him for his help in maintaining the relationship between the Department of Housing and Urban Development and the Environmental Protection Agency (EPA) in carrying out the Residential Lead-Based Paint Hazard Reduction Act of 1992, as well as preserving the respective roles of the health-based agencies, such as the Centers for Disease Control and Prevention (CDC), in making recommendations regarding the environmental intervention blood lead level, and the EPA in establishing that level under section 403 of the Toxic Substances Control Act.

I have strong concerns, however, about a provision that was not in the original bill and was added during the Financial Services committee process. This provision would only provide the benefits of the new protective blood lead level recommended by the CDC in the bill to children, including children in public housing

agencies, in those instances in which the Federal Government pays for the cost of compliance. I doubt whether the Federal resources budgeted or appropriated will ever be adequate to protect all children who need to be protected from exposure to lead-based paint at the recommended CDC level. All children should have the same level of health protection from lead hazards. This level of health protection should not depend on where a child lives.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. ELLISON) that the House suspend the rules and pass the bill, H.R. 6309, 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. HERGER. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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

(Mr. SKELTON 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 Texas (Mr. POE) is recognized for 5 minutes.

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

A ''SMART'' NEW ERA IN AMERICAN FOREIGN POLICY

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

Ms. WOOLSEY. Madam Speaker, the members of the Out of Iraq Caucus, the Progressive Caucus, and many other Members of this body have demanded that the administration change course in Iraq for many years now. We have also urged the administration to build a new foreign policy based on peaceful engagement, not on war.

For years the administration ignored us. We were voices in the wilderness. But today our ideas are winning wide acceptance, and they now occupy the center of the political debate.

We called for a timetable for the responsible redeployment of our troops and military contractors out of Iraq. In recent days even the presumptive Republican nominee for President has embraced this idea. The White House has talked about a time horizon for withdrawal. The Iraqi leaders, who are eager to regain their national sovereignty, have called for a firm timetable.

Perhaps most surprising, there has been sudden movement on the diplomatic front. A high-ranking State Department official sat down with Iran's nuclear negotiator, which the administration had stubbornly refused to do for over 6 years, and Secretary of State Rice met with her North Korean counterpart to urge North Korea to verify the dismantling of its nuclear weapons program.

We can only wonder how much could have been achieved, and how many lives could have been saved, if the administration had emphasized diplomacy all along.

These turn of events, however, didn't happen by themselves. They happened because so many of us in Congress and the American people demanded them.

Now we must demand even more change. We must demand a whole new foreign policy. America must reject saber-rattling and wars of choice and instead use the far more effective tools of diplomacy and international cooperation to achieve our national security goals. I hope that our next President will turn the page on the failed policies of the past and choose a new course.

I have offered a blueprint for change that can help us chart this course. It's a plan called SMART, which stands for Sensible, Multilateral American Response to Terrorism. I offer it again today because I believe that the American people are ready to support its principles.

SMART was developed with the help of Physicians For Social Responsibility, the Friends Committee on National Legislation, and Women's Action For New Directions.

SMART would end our isolation in the world and build strong international coalitions to fight terrorism and solve common challenges such as trade, the environment, and global health. It would strengthen our intelligence capabilities aimed at tracking and stopping terrorism. It would focus on stopping the spread of weapons of mass destruction with vigorous inspection regimes, regional security arrangements, and a renewed commitment to nonproliferation. It would renew our commitment to the Cooperative Threat Reduction Program, a program which has been successful in securing loose nuclear material. It would address the root causes of terrorism through an ambitious international development program, a program that includes initiatives for better education and health, initiatives which are the building blocks of stability and peace and the best way to deny new recruits to the terrorists. And it would reshuffle our budget to include a serious effort to develop alternative energy and end the addiction of foreign oil that threatens our security.

Madam Speaker, this is a time of profound change. The country is preparing for a new administration. Momentum is building for ending the occupation of Iraq sooner rather than later. We must begin now to answer the question, What happens after Iraq?

I hope that my colleagues will consider SMART a good way to start answering that question. It would send a clear signal that America is once again ready to respect the rule of law and human rights and work for peace in the world.

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

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

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

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

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

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

RETIREMENT OF EXECUTIVE DIRECTOR JOHN CRUMP

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, the members of the National Bar Association being in the Eighty-third meeting of this Association in the City of Houston, County of Harris, State of Texas to affirm and declare the position of said Association in Resolution as follows:

In May of the Year 1978, John Crump, being an attorney licensed by the Supreme Court of the State of Texas, acting in direction of the then President of the National Bar, Mark T. McDonald, of MacDonald and McDonald in Houston, Harris County Texas, did remove himself from said city to assume the interim position of the Executive Director of the National Bar Association in the District of Columbia for the period of three months through the

Sixty-third Annual Meeting of said Association, and

Since that time in 1978, John Crump, Esquire has toiled diligently to assure that the mission of the Association, as stated in its Constitution and Bylaws, its operating procedures, manuals, subdivision and committee mandates have been addressed and fulfilled to the best of the collective abilities of all parties concerned, and

John Crump was able to apply and obtain grants and contractual financing from various funding sources that would allow the Association to provide services to its membership and the clients that they serve consistent with the rules of professional ethics and the obligations and responsibilities of said grants and contracts, the procurement of which led to the opening of the first funded office of the Association, and the stabilization of the Association after the withdrawal of funding by a retaliatory administration, and

John Crump has been the single continuing staff person throughout each of these thirty years developing the NBA Continuing legal Education Curriculum and coordination its compliance with all states requesting certification of the membership for each meeting, and

John Crump has managed the office of the Association through each of its fiscal years, continuing to identify contractual and opportunities, with such instinctive and trained monitoring of compliance with the requirements, that he has been successful in the evaluation of thirty-one audits by external parties reviewing each award, and

John Crump has implemented the programmatic activities of thirty-one different Association Boards of Governors and the thirty-one presidents, each presiding over an Association year with varied themes, management styles, perspectives and appointees, and

John Crump, in conjunction with the policy-making Board of Governors, has worked to develop many aspects of the Association operations, related entities and programs including the creation of the National Bar Investment Corporation that facilitated the acquisition of the NBA Office building, the National Bar Institute, the affiliated fundraising entity of the Association, and the NBA Crump Law Camp, the high school nurturing program that provides legal orientation to students from across the country to inspire their interest in the study of the law, and

During his tenure with and in development of the requisite skills of negotiating for and best practices of this Association, John Crump provided leadership for such distinguished national organizations as the National Coalition of Black Meeting Planners and the Texas Southern National Alumni Association, representing the memberships of both in several leadership capacities prior to assuming the helms, and

In his position of Executive Director, John Crump has been designated by the presiding officers as the national office spokesperson in significant and pressing legal matters, matters of civil rights, compilation of documents representing the Association, such as briefs, public positions, statements, news releases, and the like, as well as many, many appearances before congressional bodies, conferences, formal and informal gatherings, and

In pursuit of excellence in service to the Association and the untiring dedication to its objectives, John Crump has never limited his hours of work, sacrificed attainment of personal and financial goals and made himself available to the Association, its membership and extended family in countless endeavors, trying situations and challenging experiences,

The members of the National Bar Association saluted its Executive Director John Crump in formal action during the Plenary Session of its Eighty-third Annual Meeting and during additional activities and programs of this Meeting and on this date do hereby caused to be approved this Resolution by its President, congratulating and thanking him for his tireless efforts with and for this Association and affixing the Seal of the Association, as attested by its Secretary.

John Crump toiled for thirty years in helping to lead this major civil rights legal organization—the National Bar Association. My constituents offer to John Crump our greatest gratitude for his work and the work of the NBA in making the law work for all Americans, including those who have suffered. Thank you, John!

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

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

SUNSET MEMORIAL

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

Mr. FRANKS of Arizona. Mr. Speaker, I stand once again before this House with yet another Sunset Memorial.

It is July 29, 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 12,972 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.

Mr. 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 Mr. 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 12,972 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.

Mr. 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 29, 2008, 12,972 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children; this in the land of the free and the home of the brave.

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

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

□ 2045

RETIREMENT OF DR. DAVID E. DANIEL

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

Mr. CONAWAY. Madam Speaker, I rise today to pay tribute to one of the great educators in my hometown of Midland, Texas, Dr. David E. Daniel. David is retiring next month after 17 years as president of Midland College.

All of Midland owes a deep thanks to Dr. Daniel, who has worked tirelessly to create a community college that is part of the fabric of the city. His presidency has seen Midland College undergo many changes and emerge as a first-class educational institution.

The most visible aspect of Dr. Daniel's tenure is the building boom that has taken place across the campus. His administration built or renovated over a dozen campus buildings to help make more space for students and improve the classroom space at the school. Dr. Daniel has been instrumental in garnering the community support needed to finance this construction.

But more important than the physical improvements to the campus has been the culture of success that Dr. Daniel has installed in the school. His philosophy that every person can succeed if they are given the right motivation and opportunity has created a campus atmosphere that puts students first.

He has long understood that students are the reason for Midland College, and has never forgotten the trust they placed in him when they enrolled.

To be an educator is to be a purveyor of hope to those seeking to improve their lot in life. As Dr. Daniel looks back on his career, I hope he sees the thousands of lives he has touched. He has offered the opportunity of a better of life to every individual who has passed through the doors of the school.

I wish Dr. Daniel, my friend, David, my heartfelt thanks for guiding Midland College to such great heights during his stewardship. He has left the institution stronger than when he found it, and forged a deep bond between the school and the community that it serves. Midland College has enriched the city of Midland beyond measure, and thanks to David Daniel, will continue to do so.

It is an honor to represent David Daniel and his wife Dee Dee, here in Washington, D.C. As they begin the next chapter of their lives, I wish them the best of luck and the deepest of happiness.

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

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

GERRYMANDERING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Tennessee (Mr. TANNER) is recognized for 60 minutes as the designee of the majority leader.

Mr. TANNER. I rarely take out a Special Order. I rarely speak about matters that have something other to do than the governance of our country, and tonight is no exception. I want to talk a little while tonight about something that affects every American, something we, unfortunately, pay little attention to because it is not something that we recognize when we see it or realize what's happening as it's happening, and that has to do with our system of government and the way that the redistricting process as to how we elect Members of the United States House of Representatives has evolved through the years.

Gerrymandering has always been a problem; named for the gentleman from Massachusetts some 200 years ago, when district lines were first conceived and drawn. But really, the modern-day gerrymandering that I am going to talk a bit a little while tonight began really in 1962 and, interestingly enough, it came to the Supreme Court from a case out of Tennessee, my home State. Let me give you a little summary, a history.

During the first half of the 20th century, Tennessee, along with many other traditionally rural States, experienced growth in urban areas, along with a decline in the rural population. In the late 1950s, Tennessee continued to use election district boundaries set over 60 years before to elect members of its State legislature. These district boundaries no longer reflected the true distribution of the State's population.

By retaining the outdated election district boundaries, rural citizens were allotted a greater proportional representation than their counterparts in urban areas. The continued use of the outdated district boundaries eased the reelection of incumbent legislators and diluted the voting power of ethnic minorities and others living in urban areas. For example, the number of Memphis voters electing one State representative was 10 times the number of voters electing a representative in some rural districts in our State.

After serving in World War II, a gentleman named Charles Baker returned to his hometown of Millington, Tennessee, in my congressional district, our congressional district, which is a suburb of Memphis. Baker entered politics and, in 1954, was elected chairman of the Shelby County Quarterly Court, a fiscal and legislative body that ran the affairs of Shelby County, Tennessee, which included Memphis.

Baker became frustrated with the lack of State revenues and attention paid to Memphis. Due to the use of outdated election district boundaries, Memphis was represented by half the number of State legislators it rightfully deserved, based upon its population.

Baker brought a lawsuit against Joe Carr, Sr., who was then Tennessee's Secretary of State, requesting the State legislature redraw the election district boundaries to reflect the actual demographics of the State. In a 6–2 ruling in the case of Baker v. Carr, the United States Supreme Court held that Federal courts have the power to determine the constitutionality of a State's voting district.

In a decision delivered by Baker v. Carr, the court focused on the issues of whether the court could involve itself in an apportionment dispute, and in addressing this issue, the court held that apportionment was a Federal claim arising under the 14th amendment and therefore subject to judicial scrutiny by the courts. Additionally, the voters initiating this case had claimed that their votes were being arbitrarily impaired or debased.

The court's decision sidestepped the prior decision in Colegrove by distinguishing claims brought under the equal protection clause of the 14th amendment from those claims brought under the guarantee clause of article 4 of the Constitution.

The court returned the case to the district court for further actions pursuant to their instructions. I quote, ''We conclude that the complaint's allegations of a denial of equal protection present a justiciable Constitution cause of action on which appellants are entitled a trial and decision. The right asserted is within the reach of judicial protection under the 14th amendment.''

By holding that voters could challenge the constitutionality of electoral apportionment in Federal court, Baker v. Carr opened the doors of the Federal courts to a long line of apportionment cases. One year later, Justice Douglas extended the Baker ruling by establishing the so-called ''one man, one vote'' principle in Gray v. Sanders and, in 1964, in the case of Wesberry v. Sanders, extended that principle, further holding that, ''as nearly as practicable, one man's vote in a congressional election is to be worth as much as another's.''

Madam Speaker, the system that we have after 40-plus years of the court turning over electoral redistricting to the ''ins'' has resulted in a broken system, in the view of myself and Mr. WAMP, who couldn't be here tonight, from Chattanooga, and also on behalf of the Blue Dog Coalition, which has endorsed the legislation I am speaking about.

What we are concerned about is the rise of not only reapportionment based on party ideology and party lines, but it has given, with modern technology, the ability of the ''ins,'' be they Republican or Democrats, to select their voters rather than their voters selecting them.

If one looks at the electoral map, one can only wonder how in the world could this come about, with lines going

down highways and across bridges and every sort of conceivable spider web district, where the voters really have little input and almost no say in what districts they are in.

We have, by in essence turning over to the ''ins,'' given rise to this completely understandable phenomenon. As a Democrat, it behooves me to give my next-door neighbor all my Republicans and it behooves my next-door neighbor Republican to give me all of his or her Democrats, which means that both of us have a more secure seat and the voters are often completely left out of the mix.

There are many groups that are now looking at this and beginning to realize that the system is truly broken. And so let me just give you some statistics that may shock you about the lack of competitiveness in this Congress and in the Congresses to come if we don't fix it.

Increasingly, State legislators, for wholly understandable reasons and for their own political purposes and ours, are redrawing congressional lines even outside of the traditional 10-year cycle. If I live on Elm Street in any town in America and the ''ins'' redrew the seat, I could be put into a district that is 80 percent one party or the other and therefore my vote has been effectively removed from me. I can't help the 80 percent. The 20 percent don't need me. And so my vote in a congressional election really doesn't matter any more.

Competition in congressional races has declined dramatically over the last 40-plus years. In 1946, just over 85 percent of incumbents were reelected to the House of Representatives. In 2002 and 2004, close to 99 percent of incumbents were reelected. In 2004, only 22 contests in the entire country were decided by a margin of less than 10 percentage points. In 2002, 36 House contests were decided by a margin of less than 10 percentage points. Thirty-six. That is less than 10 percent of the House.

At the other end of the spectrum, 172 winning candidates in 2004 either had no major party opposition or had a margin of victory by at least 40 percentage points. According to Patrick Basham, a senior fellow at the Cato Institute, today, a healthy, unindicted incumbent in the House of Representatives stands a 99 percent chance of being reelected. Something is wrong with a system where there is more turnover in the Soviet politburo than in this House.

Even looking at the 2006 midterm elections, which many have called a watershed, less than 10 percent of the seats in the House changed hands. Unfortunately, we know this: The less competitive the election, the less likely voters are to get involved.

The House of Representatives is a truly unique institution. It is the only political office that I know about where one cannot be appointed or one cannot accede to a seat in the case of a death or resignation. Every Member of the House of Representatives has to stand and be elected. That is why, when someone dies or resigns in the middle of a term, the seat stays vacant here until there is a special election.

One can be President without being elected. We know President Ford was. One can be a Governor, one can be a United States Senator. But only here does everyone have to be elected.

I believe political vulnerability is essential to the health of our House, and our current system does not do that. As I said, advanced map drawing techniques allow politicians to select their voters instead of the voter selecting their leaders. When Members come here from these districts that have been gerrymandered, they are good people, but they have little incentive really to work across party lines in order to reach solutions. As a matter of fact, they have a disincentive because if their district is skewed so heavily one way or the other, then the election is really in the party primaries, where barely more than a third of the people, in most instances, are the highly charged partisans, either Democrat or Republican. And so if one comes here wanting to work across the aisle, one has to, as we might say in Tennessee, watch one's back, because the highly charged partisans don't like that.

When you have a situation like we have in America, where there is and must be a middle for all of us to come together and reach solutions, when that middle shrinks to the point where we cannot do that, then in a multi, everything-society like ours, we are going to create polarization, and gridlock will then ensue. That, in part, is what is happening.

□ 2100

The other phenomenon is this drawing of congressional districts under a recent Supreme Court ruling any time one can get enough power in one State to do so.

Now, if one wants to conform to the one person-one vote rule based on a census, and then is allowed to draw lines based on that census 8 years later, all you have to go is go to an 8-year old phone book and try to call somebody. That, to me, makes no sense. But what happens here is a debasing of the voter influence and really a usurpation of the power of the people by politicians, of which I am one, and that is why I am trying to change it.

David Winston, who drew the House districts for the Republicans in this case after the 1990 United States census, said, ''As a map maker, I can have more of an impact on an election than a campaign or the candidate. When I as a map maker have more of an impact on an election than the voters, the system is out of whack.''

Former Speaker of the House Newt Gingrich had this to say: ''Democrats get to rip off the public in the States where they control and protect their incumbents, and we get to rip off the public in the States we control and protect our incumbents. So the public gets ripped off in both circumstances. In the long-run, that is a downward spiral of isolation.'' That is former Speaker Gingrich.

David Broder, a well-respected columnist, said this about it: ''At the founding of this Republic, House Members were given the shortest terms, half the length of the Presidents, one-third that of the Senators, to ensure that they would be sensitive to any shifts in public opinion. Now they have more job security than the Queen of England, and as little need to seek their subjects' assent.''

Some States, to their credit, have tried to reform their redistricting systems, and have failed. California and Ohio are two of the most recent examples. Thirteen States have some form of independent commission or process that has a part in the drawing of the congressional map, and nearly half the States ban mid-decade redistricting. However, much more, in my view, needs to be done, and it will take Federal action.

The House of Representatives is a Federal office and article I, section 4 of the Constitution gives the Congress the ability to set parameters for election to the House. In fact, it is only fair that Members come from districts that are derived from using a uniform process.

The Campaign Legal Center, the League of Women Voters, the Council For Excellence in Government and other advisory groups have joined together with assistance from the Rockefeller Brothers Fund to form Americans for Redistricting Reform, which will hopefully raise awareness of the problem, promote solutions, and serve as a clearinghouse of information.

We have had a bill in, H.R. 543, that we have introduced that would mandate to the States that they must have in terms of the congressional seats, it doesn't matter, they can do anything with the State senate and State house seats that is constitutional, that they put in place an independent commission that will draw the congressional district lines once every 10 years after the census.

By the way, Mr. Speaker, I will include for the record Mr. Broader's article that was published in the Washington Post, and also an article by Gerald Hebert and David Vance on this subject.

I am not going to take the whole hour, but I wish people, our citizens, would realize what is happening to us. The Congress is acting, in my view, irrationally. We have not a parliamentary system, but a representative system, and yet, time and time again, we see votes in committee here in the House and on the board behind me, all the Democrats voting one way, all the Republicans vote another.

I am a Democrat from a southern rural district. It is not logical nor rational for me to vote every time with urban Members or urban Members to

vote with me just because we are Democrats. It also makes no sense for all the Republicans to vote together in every way all the time.

You see the Centrist Caucus, a centrist body here, continuing to shrink, and, as it does, the polarization, and as Speaker Gingrich said, the isolation here becomes more palatable and it makes it far more difficult for us to actually reach solutions to the myriad of problems that face our country. I don't know how to fix it, other than to start where it begins, and that is at the drawing of congressional districts process, because otherwise all of us here will be more sensitive to either the partisans on the left or the partisans on the right, rather than to the overall good of our country.

In this bill, Congressman WAMP and myself are asking people to give up an enormous amount of power. There are not many places where you can go and with your friends in the legislature sit down and draw a district that you can win without a whole lot of pushback really from anybody, but in collusion with the other party. When the Supreme Court turned it over to the ''ins,'' they set up a system that after 40-something years results in exactly what we see.

So, Mr. Speaker, this bill is an attempt to bring some reason to the concept of congressional districts that have more of a community of interest than they do Democrat or Republican voters. I know I am speaking against myself, and I certainly don't mean for this to reflect on any Member here, because the Members are basically themselves victims of this system that has grown into being after 40-something years of congressional redistricting based on political considerations rather than community of interest and so forth. It makes no sense for someone on Elm Street at 301 to be in a different congressional district from someone on Elm Street that lives at 303. Most communities have legislative interests, not individuals, and that is what I am afraid we have become victimized by.

We will be talking some more about this in the future. I think you will see more and more articles written about it, because there is, in the view of many, a problem, a serious problem, that cannot be fixed until we address the core of it.

Mr. Speaker, I include for the RECORD the articles referred to earlier.

[From the Roll Call, July 29, 2008]

REDISTRICTING MUST BE FIXED BEFORE CENSUS

(By J. Gerald Hebert and David G. Vance)

Partisan abuse of redistricting is one of Congress' dirtiest little Secrets. The outrage over partisan gerrymanders fades well before the next census rolls around, and this travesty of our democracy never gets addressed.

Backroom deals by both parties have produced bulletproof districts from Florida to California, fueling voter apathy and undermining our democracy. Elections are determined before the voters ever have the chance to go to the polls.

Tonight, Rep. John Tanner (D-Tenn.) and other Members will take to the House floor to draw attention to the abuses of the redistricting process. Last week, Tanner and Rep. Zach Wamp (R-Tenn.) introduced H.Res. 1365, advocating the use of nonpartisan redistricting commissions to draw Congressional districts. This resolution, and an earlier bill to revamp the process, will not endear these Members to many of their colleagues sitting in completely safe districts, virtually assured of reelection after re-election.

With redistricting abuses on the rise, the public is becoming increasingly aware of the problem. Our organization, the Campaign Legal Center, along with the League of Women Voters, the Council for Excellence in Government and a diverse group of advisory organizations, have founded a new organization called Americans for Redistricting Reform. With financial assistance from the Rockefeller Brothers Fund, the goal of Americans for Redistricting Reform will be to raise awareness of the problem, promote solutions and serve as a clearinghouse of information and networking. More information can be found on americansforredistrictingreform.org.

Our organizations see the launch of this group as vitally important work, as our nation prepares for the upcoming 2010 Census and another round of redistricting, one that will surely be marked by gross partisan gerrymandering unless there is reform of the redistricting process.

Redistricting abuses may have evolved into more of an exact science, but the practice is nearly as old as districts themselves. The term ''gerrymandering'' dates back to 1812, when a partisan redistricting in Massachusetts resulted in a district that one newspaper editor observed looked like a salamander and dubbedita ''Gerrymander'' after the state's governor, Elbridge Gerry. Since that time, gerrymanders have taken different forms. Parties have used racial gerrymandering to dilute minority voting strength, partisan gerrymandering to solidify one-party control, and bipartisan gerrymandering to protect Representatives from both parties.

The post-2000 redistricting cycle saw unprecedented efforts to use redistricting for partisan purposes. Technological advances made it possible to calibrate districts using election data with even greater precision. The result was that the 2002 elections produced the fewest ousted incumbents ever—only four Members were voted out of office. Historically, post-redistricting elections have generally been more competitive because the drawing of new lines mitigates incumbents' advantage by introducing them to a new group of voters. The 2000 redistricting round had the opposite effect.

As redistricting has become ever more clinical, moderates from both parties have been driven from Congress in droves. In 2002, one of us saw our Representative voted out of office after 16 years as a result of a redistricting in Maryland designed for just that purpose. Rep. Connie Morella was a moderate Republican, popular with colleagues from both parties, who would cross the aisle and her party's leadership. in order to pass common-sense legislation for the good of her constituents and the Nation. As moderates like Morella have disappeared from the halls of Congress, the partisan gridlock has sunk deeper roots into Capitol Hill to the detriment of our democracy.

Even after the initial round of redistricting following the 2000 Census, partisans in some states used mid-decade redistricting, or re-redistricting, to further advance partisan goals. A handful of states attempted to redraw existing, valid district lines. Absent a court order invalidating a redistricting plan, there is unlikely any other purpose that motivates a mid-decade redistricting other than partisan gain.

Make no mistake, when politicians engage in extreme partisan gerrymandering, it is the voters who suffer. In the case of Texas' mid-decade redistricting, in which one of us represented most of the Congressional delegation's Democrats, the Republican Party gained seats in the short term but the state lost critical seniority when the Democrats regained the majority in the House.

Texas Democrats who lost their seats in the gerrymander led by then-Rep. Tom DeLay (R-Texas) would likely have been holding vast power in Congress today, such as Martin Frost, who could be chairing the Rules Committee; Charlie Stenholm, Agriculture; Jim Turner, Homeland Security; and Max Sandlin, a Ways and Means Subcommittee. The junior Republicans from Texas who replaced those powerful incumbents have very little influence in the House. DeLay's scorched-earth policy on re-redistricting left citizens of the Lone Star State holding the bag.

Partisan abuse of redistricting is a shameful blot on our democracy. Politicians have absolutely no business choosing their voters. In a true democracy, voters must choose their politicians. In the 110th Congress, two bills, H.R. 543 and H.R. 2248, have been introduced to overhaul the Nation's redistricting process, but both have beat referred to a subcommittee where they have yet to see the light of day. At the very least, Speaker Nancy Pelosi (D-Calif.) and Minority Leader John Boehner (R-Ohio) owe it to the Nation to see that hearings are held on these bills. The system must be changed, and hearings are the first step.

The 2010 Census is just around the corner with partisan gerrymanders close at its heels. If we don't move quickly, the train will have left the station yet again and Congress will feign dismay and continue to talk about the need to fix the system the next time around.

[The Washington Post, Jun. 26, 2008]

VOTING'S NEGLECTED SCANDAL

(By David S. Broder)

When Barack Obama decided last week to throw off the constraints on campaign spending that go with the acceptance of public financing, he was rightly criticized for rigging the system in his favor.

That was a predictable response. For the better part of four decades, the media and public interest groups have focused on campaign spending as the most serious distorting force in our elections.

Meanwhile, they have paid much less attention to what may well be a larger problem: the way that district lines are drawn to create safe seats for one party or the other, in effect denying voters any choice of representation.

It is not a new problem. The original gerrymander was a creation of 18th-century Massachusetts, and since then, politicians have been using ever more sophisticated tools to rig the game. With computer technology, their ability to design districts that meet the legal requirement for equal population while guaranteeing their fellow partisans easy passage into office has never been greater.

In 2002 and 2006, the most recent off-year elections, about nine out of 10 congressional districts were won by more than 10 percentage points—a clear sign that the game had been rigged when the lines were drawn in the state legislatures. In the first of those years, only eight incumbents lost; in the second, only 21.

As scholars have pointed out, the scarcity of real competition in nearly all districts has many consequences—all of them bad. It makes legislators less responsive to public

opinion, since they are in effect safe from challenge in November. It shifts the competition from the general election to the primary, where candidates of more extreme views can hope to attract support from passionately ideological voters and exploit the low turnouts typical of those primaries.

Gerrymandered, one-party districts tend to send highly partisan representatives to the House or the legislature, contributing to the gridlock in government that is so distasteful to voters.

These are familiar complaints in academic and journalistic circles. And this week, another count was added to the indictment with a report from the Democratic Leadership Council titled ''Gerrymandering the Vote.''

It makes the point that these rigged districts have the effect of suppressing the vote.

The numbers are startling. In both 2002 and 2006, voter turnout in districts where the winner received at least 80 percent of the votes struggled to reach 125,000. Turnout in the districts where the margin was 20 percent or less exceeded 200,000.

If there were some other device that was reducing voter turnout by almost 40 percent, you could be sure it would be the chief target for reformers. The ballot anomalies and the ''voter suppression'' tactics that marked the Florida election of 2000 affected far fewer people than that.

The study by the DLC's Marc Dunkelman found big variations among the states in the competitiveness of their House districts. The average margin in Massachusetts in 2006 was almost 75 percent. Next door in New Hampshire, it was under 5 percent.

Dunkelman calculated the potential turnout increase for individual states, if their district lines were redrawn to emphasize competitiveness. The gains ranged as high as 59 percent for Louisiana and 49 percent for New York. Other states that could experience much higher participation with redrawn districts include West Virginia, Virginia, California, North Carolina, Alabama, New Jersey, Mississippi, Georgia, Hawaii and New Mexico.

Dunkelman estimates that competitive districts might attract 3 million more voters in California and almost 2 million more in New York. Overall, 11 million more Americans might show up at the polls, decreasing our chronically low voting participation rates.

How to change the lines? Two states—Iowa and Washington—have instituted nonpartisan or bipartisan redistricting systems, and they have been rewarded with much more competitive House races. So it can be done.

But the politicians are unlikely to do it on their own. Only if the voters demand reform is there a chance it will come.

REPUBLICAN ENERGY POLICY

The SPEAKER pro tempore (Mr. ALTMIRE). Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. HENSARLING) is recognized for 60 minutes as the designee of the minority leader.

Mr. HENSARLING. Mr. Speaker, we come here tonight to talk about an issue that is clearly the number one issue challenging families all across America, and that is the high cost of energy at the gas pump. In fact, Mr. Speaker, I was just ending what we call a tele-town hall meeting talking with the good folks of the Fifth Congressional District of Texas that I have the privilege of representing in the House of Representatives, and I would say out of, oh, I don't know, 15 or 20 questions that I was able to take, I would say probably three-quarters of them had to do with what is Congress going to do to help bring down the cost of gasoline at the pump.

All across America, Mr. Speaker, families are going to their local convenience stores and they are having to decide, do I buy a gallon of gas, or do I buy an a gallon of milk? I can't an afford to do both. At roughly $4 a gallon, working families in America cannot make ends meet.

You would think on something of this national import that this institution, that this great deliberative body, that the people's House would act. You would think maybe we would act in concert, Mr. Speaker, but at least we would act. Instead, we don't see it, Mr. Speaker. We don't see it. What we see is the Democrat majority saying, well, maybe we can somehow sue our way into lower gas prices. Let's sue OPEC. I don't know what we are going to do, Mr. Speaker. Are we going to send a legion of trial lawyers to the Middle East to sue OPEC? Is that somehow going to solve our problems with the price of gas at the pump?

Well, that didn't work, so they came up with the idea, the Democrats, let's tax the oil companies. Nobody likes them. Well, that is something that was tried in the seventies, and guess what? When you tax something, they will put it in the price and it raises the price to you. What we found in the seventies is that we became even more dependent upon foreign oil when we did that.

Now their latest idea, Mr. Speaker, is let's somehow say we are going to try to outlaw investment. They call it ''speculation.'' I thought in a capitalistic economy investment was a pretty good thing.

But the reason the price is going up is when we see that demand increases and there is no commitment to supply in the U.S., Congress, try as they may, cannot repeal the laws of supply and demand, Mr. Speaker. It can't be done, anymore than we can say that the sun no longer rises in the east.

So Republicans have a different plan. Actually, Republicans have a plan, the American Energy Act. And what we want to do is do all of the above. We want to support renewable energy.

Prior to coming to Congress, I worked for a renewable electricity company. I was very proud of the work that was done in the area of solar energy, in the area of wind power, in the area of biomass. It was an important part of my passion and my professional life, and Republicans support renewables.

We want to do more work in alternative energy, particularly in, for example, coal-to-liquids. We are the Saudi Arabia of coal, Mr. Speaker, but somehow the Democrats won't let us use it. They won't allow the Federal Government, for example, to enter into long-term supply contracts for these alternative fuels, oil shale, tar sands, coal-to-liquids.

Conservation is a very important part of the mix as well. But, Mr. Speaker, so is producing our oil and gas resources that we have in America. Why can't we produce American energy in America for Americans? And that is what the American Energy Act, supported by Republicans in the House, is all about.

All we ask for, Mr. Speaker, is in the people's House, can't we have a vote? But Speaker PELOSI will not allow a vote. She simply says, no, we are not even going to vote on it. The people don't even have a choice.

In fact, Mr. Speaker, recently the Washington Post, not exactly a bastion of conservative thought, said, ''Why not have a vote on offshore drilling?'' They recognize that Speaker PELOSI won't even allow a simple up-or-down vote. Let me continue to quote from their op-ed of July 25th: ''When they took the majority, House Democrats proclaimed 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 alternatives.''

□ 2115

Why not on drilling, the Washington Post says? Why not on drilling?

But again, as people are suffering in the small businesses, in the homes, in the coffee shops of East Texas that I represent, maybe they are not suffering in the salons of San Francisco represented by Speaker PELOSI and maybe that is why she doesn't necessarily understand the pain that people are feeling. And that is why it is so critical, Mr. Speaker, so critical that we get an up or down vote in producing some supply.

For all intents and purposes, Mr. Speaker, 85 percent of our offshore resources are illegal to develop. For all intents and purposes, Mr. Speaker, 75 percent of our onshore resources of oil and gas are illegal to develop.

Recently Brazil found a huge offshore find of energy, and the whole Nation celebrated. It seems like, in America, when we find energy it is some kind of point of shame and we want to cover it up and we want to make sure that nobody knows about it and nobody develops it. We appear to be the only industrialized nation in the world that won't develop its own energy. Again, Mr. Speaker, it is all of the above. We have got to do it all to bring down the price of gas at the pump.

So Mr. Speaker, I am very happy that I have been joined by some other colleagues who are real leaders in this institution in trying to create more American energy for Americans, in America, and help those families who are having to commute to work every day, who are trying to help take an elderly parent to the doctor, who are trying in just a couple of weeks taking their kids to school.

I just had a person tell me this weekend that they now are spending 1½ days a week just to pay to commute to work. Out of a five-day work week, they are spending 1½ days just paying to commute so they can get the 3½ days of pay. That is just not right, Mr. Speaker. It is just not right.

And so again, I am glad I am joined by a couple of my colleagues here. And at this time I would be very happy to yield to the gentleman from Texas (Mr. CONAWAY) to get some of his comments.

Mr. CONAWAY. I thank the gentleman for his comments and for hosting our hour tonight.

We have been talking about this issue of energy and America's need for energy and America's supply of energy for quite some time now, and I hope we are making progress with certainly the American people, Mr. Speaker. I don't know that we are making much progress with our colleagues on the other side of the aisle as we continue to talk about American-sourced energy. Whether that is American-sourced oil production, American-sourced natural gas production, American-sourced coal, coal to liquids, American nuclear, American hydropower, American wind, American solar, American all of the above. And it seems lost on some of my colleagues that there is something inherently bad about American production.

Crude oil as an example is a worldwide commodity that nations around the world produce and nations around the world use. And the price is set in the world market, it is not set here in the United States, and the players in the world market pay for that crude oil and there is a big issue with supply and demand.

There is a relatively thin difference between total world supply and the total world demand. Currently, the supply is just barely in excess of the demand. And when you have got that thin a margin, disruptions or potential disruptions that are threats to producing areas cause the markets to get anxious about the delivery and the ultimate supply of the crude oil. So, consequently, you see a run-up of prices like we have seen recently, you see a decrease in prices.

It makes the price very volatile when the world produces about 86 million barrels a day and uses about 85 million barrels a day, that much of a disruption in any of the major suppliers will cause great anxiety among those folks who have to buy crude oil to run their refineries, those folks who have to buy that product, making sure they have got to it to keep their work in process moving and their production flow going.

Recently, Mr. Speaker, we have had an interesting phrase that has been thrown about that I think trivializes and ignores the true depth of this issue, and that is the Use It Or Lose It bumper sticker that served as the in-depth analysis of the problem that we face from some of my colleagues across the aisle. They throw out a figure of 68 million acres that is currently under lease by oil and gas companies as somehow being evidence that we are doing all we can to produce American-sourced crude oil and natural gas. We have got a series of questions that I would like them to answer for us about that 68 million since they seem to have come up with the number and know the most about it.

I would like them to analyze that 68 million to tell us how much of that 68 million was leased within the last 2 years. Certainly, no one rationally expects any oil company to be able to go through the bureaucratic exercises that they all have to go through in order to get all of the permissions from some up to 29 Federal agencies that they have to walk the tight ropes to get permission to drill in less than 2 years.

I would also like to know the amount of acreage that is currently in the bureaucratic morass that we put in place for all Federal leases, how of much that acreage is simply waiting on a decision from some bureaucrat deep in the bowels of the Department of Energy, deep in the bowels of EPA, deep in the bowels of Washington, wherever they are, to simply make a yes or no decision on a particular permit. Because I think there is a significant layer of that 68 million acres that is hung up with the bureaucrats waiting on their decision. In some instances it is a good-faith delay on the part of the bureaucrats, but I think in many instances it is just simply business as usual to slow play, to not make expeditious decisions on the applications to drill, the applications to conduct seismic, the applications for access, all those kinds of things that go on.

A third layer, Mr. Speaker, would be those acreage that cannot be developed because they are currently tied up in lawsuits. The experience of many folks who get a Federal lease one day is to be sued by the Sierra Club and others the next day just on general principles, because the environmentalists don't want us exploring on Federal lands, and so they will file frivolous lawsuits in most instances that continue to tie up acres for extended amounts of time, and don't allow these oil companies to move forward with the progress that they would want to.

I think a fourth layer, Mr. Speaker, of the 68 million acres would be those acres on which we are actually conducting drilling operations. There are some 1,800 drilling rigs working in the United States, many of those on Federal leases and offshore, and so there is a significant section I would believe of that 68 million that is actually being worked on and drilled right now that they are trying to determine if crude oil is there in commercial quantities, and we need to know what that is.

And then the final layer, Mr. Speaker, or next to the final layer would be those acres on which drilling has been conducted, commercial quantities of oil and gas that have been found, and the operator is simply waiting on those final bureaucratic permissions to run the flow lines, to build the roads, to build the infrastructure needed to move the crude oil and natural gas from the wellhead into markets.

And then that final layer, Mr. Speaker, would be those acres that companies have looked at, they are still within the primary term, and they are not actively seeking production on those but they have paid the lease bonus on all of those acres as a permission to take that time, the 10 years on Federal offshore leases, to make their decision. And since they paid the piper, they ought to be able to maintain those leases through their primary term. And so to the extent that we voted that down in the last couple of weeks on this use it or lose it thing, I hope we can put it to bed in its final form.

We hear comments from time to time from our colleagues across the aisle that these oil and gas companies are sitting on production and holding it off the market in hopes of, I guess, getting a higher price. That begs the question of: How do oil and gas companies make money? They have onshore hundreds of thousands and millions of dollars invested, offshore billions of dollars invested of their shareholder money and equity capital and in many instances debt that they have invested in these oil and gas leases, and the only way they get any money back, the only way they get a return on those investment dollars is if they produce the crude oil and natural gas that they are exploring or set up to produce.

So there is actually no incentive for them to withhold production from the market in hopes of getting I guess a higher price, because the longer they take to produce the crude oil natural gas and sell it, the longer it takes for them to get their money back on the original investment, the lower the return on investment, and it is just bad business to try to do something like that.

It is an interesting concept that producers would withhold production from the market and that they get accused of doing that, when in fact if you look at the policies of this democratic majority, most or all of their policies do just that. The Democrats withhold American-sourced crude oil, American-sourced natural gas from the market; and particularly with respect to American-sourced crude oil, they are withholding that off of the market, holding that out of the worldwide supply, they are directing contributing to these higher prices that my colleagues are talking about and the higher prices that result in higher gasoline costs, diesel costs, and ultimately home heating costs this fall.

Let me leave you with this one thought, Mr. Speaker. I don't think anybody rationally thinks that we won't be using crude oil in 10 years. So as we look at America's potential for

production of crude oil over the next 10 years, why is it not good enough reason to do that simply to replace barrels of oil that we import from countries like Venezuela, like the Middle East, other places where the countries are at best maybe not our allies or in the instance of Venezuela an avowed opponent, why does it not make sense to replace production that we buy from bad guys with production that is produced here in the United States? Because the American production creates American jobs. American refineries create American jobs. So even if that is the only thing we are able to accomplish with all of this effort is to reduce the number of barrels that we buy from other folks, it helps balance the trade, it will strengthen the dollar. It does a lot of good and, to my view, it does limited, if any, harm to produce American crude oil and natural gas.

So as we conduct this debate, we do it on a lot of levels, but on one level it simply should say: Look, if we are importing crude oil and natural gas from other parts of the world while we have domestic crude oil that could be produced, we are making a foolish decision and a foolish allocation of resources to do that.

So, Mr. Speaker, I would urge my colleagues on both sides of the aisle to drop the partisan rhetoric, drop the issue of just simply trying to maintain who gets elected in November, and let's deal responsibly with this issue of high crude oil prices and the resulting high gasoline prices that come with that.

So I want to thank my colleague from Texas for allowing me this time to speak.

Mr. HENSARLING. I thank the gentleman for his leadership in this institution, particularly on the piece of legislation that we are working together on in trying to repeal something known as section 526, that disallows the Federal Government from entering into long-term supply contracts for alternative fuels to help jump-start that needed industry.

The gentleman from Texas brought up a number of good points in his comments. And, again, you would think this would not be particularly controversial.

Just last week, the Chairman of the Federal Reserve stated: A one percent increase in supply could lower prices by 10 percent. Now, that is the Chairman of the Federal Reserve. Supply matters. And yet, our friends from the other side of the aisle, the Democrat majority, refuses; not only do they refuse to produce any more American-made oil and gas, not only do they refuse to do that, Mr. Speaker, they won't even let us have a vote.

So, Mr. Speaker, if there is one thing that the American people could do tonight that would help bring down the cost of energy at the pump is go to their computers, go to their telephones, contact their Members of Congress and say, at least let's have a vote. Let's have a vote on the American Energy Act.

Survey after survey after survey shows that three-quarters, 80 percent of Americans want more supply and they want it now. We have to start today, Mr. Speaker. And it is just absolutely ludicrous when families are suffering, like the Gardner family of Dallas, Texas, that I have the pleasure of representing who wrote to me that, ''In order to afford to send our youngest to camp, we have had to cancel the family vacation due to the increased cost of fuel.''

Family vacations all across America are getting cancelled because the Democrat majority will not allow more American energy to be produced in America. Since they have taken over, the energy policy in this Nation 18 months ago, the cost of gas has gone from roughly $2.50 a gallon to roughly $4 a gallon. Now, I am not saying it is all their fault, but they are moving this country in the complete wrong direction.

And now, Mr. Speaker, again I am very pleased that I have been joined by a number of my colleagues who have a lot of expertise on this issue of energy, and one of the great leaders we have on this side of the aisle is the gentleman from Illinois (Mr. SHIMKUS). I yield to him at this time.

□ 2130

Mr. SHIMKUS. I thank my colleague for the time, and I thank Mike Conaway for his great comments. And it is important that we are here tonight, and it is important that we continue to push this issue, especially as we are coming close to the time when we adjourn for what we call our district work period, which is for layman's term it is really the month of August, and it will go to the first week of September. We will be back in our district. Members will be traveling around the world on the congressional delegation tours and events.

But one of the main premises that we are trying to address this week is just stating the position that we should not leave. We should not adjourn and leave Washington until we have at least one vote on increasing supply.

We have been talking about bringing on supply as part, not the totalitarian solution, but as part of the solution, and we have been down here 3 months straight pretty much and continue to drive the message. And in the People's House, the House of Representatives, this is the body that you are supposed to hear the outcry of the citizens. You are supposed to hear the pain and the agony, as my colleague from Texas stated. And you are supposed to transform those cries for help from the citizenry to at least a debate on the floor and hopefully a vote to address these issues.

I too did a tele-town hall meeting last night, and an independent trucker called me up. And you know what he was saying. He is saying, I can't make it. I can't make ends meet. I used to be able to make a good income for my family and provide for them. But now with the doubling of the cost of diesel fuels, I don't know, we need help. And his response, and I think we have been helpful in moving the debate nationally, is we need to bring on more supply.

So I would like to just go back to the basics real quick, where we came from, where we are at and where we are headed. And because my debate has been over a period of months, I have softened the debate as far as the real partisan rancor and just talked about the facts.

So I go back to when President Bush got sworn in. The price of a barrel of crude oil was $23. Now, when I came in, elected in 1996, came in 1997/1998 we were worried that the price of a barrel of crude oil was so low that it was going to close the margin wells in Southern Illinois. It was down to about $10 a barrel.

So here we are at $23. The new majority comes in January 2006. The price of a barrel of crude oil is $58.31. And today, I think this is correct. If it is not, it is close. $123.67.

And then the basic of this chart is just to say, you know, the trend line is not good. It doesn't matter if you start in January 2001, it doesn't matter if you start back in January of 1997, January 2001, January 2006, or today, this trend line is not good, and it is not sustainable for the people that we ought to be standing up for on the floor of the House here, and that is the middle income, lower middle income individuals who are disproportionately hurt by high energy prices.

The poor, they are not going to go out to the new car dealer and buy the Toyota Prius. If they are lucky, they are going to scrape some money together, they are going to go to the used car lot, and they are going to get whatever they can afford to get them to work. That is what the poor are going to do.

And when we cause this increase in the price of a barrel of crude oil, which translates into an increase in gasoline costs, we hurt the people that we are trying to protect, which is the poor, the middle class, and in my aspect of my district, rural America.

Rural America is disproportionately harmed greater because in rural America you have to drive many miles to get to your schools. You have to drive many miles to get to your health care. You have to drive many miles to get to your job, and so that is the difficulty.

Now, here is the problem. Here are some solutions. And part of that solution is what my colleague from Texas said, Americans for American energy. American energy translates into American jobs. In a time of low economic development, wouldn't it be great to use our own resources to create American jobs using American energy?

So we have a couple of things here. Of course, parochial interests are always important. We have 250 years worth of recoverable coal in the United

States. We have as much Btu, British thermal units, of coal in the Illinois coal basin as Saudi Arabia has in oil. We use coal; 50 percent of all of our electricity is generated by coal in this country. But we can also use coal to turn it into liquid fuels.

Wouldn't it be great to have a competitor at the pump to gasoline, based upon crude oil, so that there is some competition between the liquid fuels competing for lower prices, better quality, better service?

And we do that by taking a coal field, American jobs, building a coal to liquid refinery, American jobs to build the refinery, American jobs to operate the refinery, a pipeline, American jobs to build the pipeline, to the airports of the world. You can take coal, you can turn it into jet fuel.

Why do we have four budget airlines have gone broke? Why is American Airlines charging $15 a bag? Why are our airline tickets going up? It is all because of the high price of fuel. And if we incentivize coal using fissure trope technology into jet fuel, we would not have the loss of these aviation jobs that we have today. And that is a trickle-down aspect, because when people are unemployed they are not going to the store. They are not going to go to the movie theater. As my colleague from Texas says, they are going to make decisions whether to go to vacation or send people to camp or just stay at home.

Mr. HENSARLING. Would the gentleman yield on that point?

Mr. SHIMKUS. I would be happy to yield.

Mr. HENSARLING. We know that America has an incredible amount of coal reserves. And the solution, the partial solution the gentleman is suggesting makes imminent sense. What is it that is preventing people in America from doing this now? I will yield to the gentleman.

Mr. SHIMKUS. Well, the answer is it is the extreme environmental left that hates coal. The leader of the other body, Senator REID said, ''Coal will kill you.'' That is his direct quote. And so that is the leadership is saying that coal is bad.

I am here to say that coal is good. It can address our concerns. It could bring on more supply. We can do it cleanly, we can create jobs, and it is part of the solution. Our part of the debate is American energy, all-of-the-above. Part of that all-of-the-above is the great use of a great resource. We have more recoverable coal in this country than any country in the world and we ought to take advantage of it.

Mr. GINGREY. Will the gentleman from Illinois yield on that point for a second? It is my understanding, and correct me if I am wrong, that in this country there are known resources, veins of coal in the amount of 1.5 trillion tons, and it is suspected that there may be that much more that is not for sure. But 1.5 trillion tons of coal. And I think we utilize about 22 billion tons a year in this electricity generation. So I just want to make the point that there is so much more of this resource, whether it is in West Virginia or Kentucky or in Illinois, and to not utilize it, as the gentleman says, makes no sense at all.

Mr. SHIMKUS. And part of the debate is, you know, we are one of the few major—it doesn't have to be a major country. Most countries, when they see a great resource that they have available, they say, yahoo. We have a strategic advantage because we can create low cost power which will help our manufacturing base, which will help create jobs.

We see a national asset like coal and we say, we have an environmental disaster here. And there is no way we are going to use this. And that is the fallacy, not just in coal, but it really involves any of the fossil fuel arena, whether it is our OCS, or Outer Continental Shelf, whether it is the billions of barrel of oil, the trillions of cubic feet, it is the inability to look at that as a strategic national advantage and look at it like an environmental hazard, by the Democrat leadership, both here in this House and in the other body, that is stopping our ability to take advantage of the resources we have involved in this country.

And the country is now awakened, and they know that we have these resources, and they are really confused as to why we are not taking advantage of them.

Mr. HENSARLING. If the gentleman would yield again, isn't it true that we have several hundred years' worth of coal in our country today? Is that correct? I yield back to the gentleman.

Mr. SHIMKUS. That is correct.

Mr. HENSARLING. And if the gentleman would yield again, I had asked the question earlier, what is preventing us from taking advantage of American resources on American soil?

Isn't it also true that recently the Democrat majority passed legislation known as Section 526, that prevents the Federal Government from entering into long-term energy contracts, something I believe the United States Air Force wanted to do to wean itself away from foreign oil and develop coal to liquids on American soil; but yet our friends on the other side of the aisle, I believe, have prevented our Pentagon or our United States Air Force from doing that. Is that correct?

Mr. SHIMKUS. Well, that is true. Let me just give you a—for every dollar increase in a barrel of crude oil it costs our United States Air Force $60 million. That is $60 million of our taxpayers dollars that has to go just to fuel the aviation fleets of our, the defense of our country.

And you mentioned the Democrat majority. I know it is the Democrat leadership. I am hoping, I know I have got a lot of great Democrat friends in those coal areas that are just looking for the right time. We are just here trying to encourage them to seize the day, seize the moment and help bring supply on.

Mr. BRADY of Texas. If the gentleman from Illinois would yield.

Mr. SHIMKUS. I would be happy to yield.

Mr. BRADY of Texas. Well, isn't it my understanding as well that technology has long existed to turn our vast resources of coal into super clean liquid fuels, the type, because you always think of coal will help lower your utility bills at home, but the truth of the matter is the technology since the 1940s in Germany converted coal to diesel fuel, the type we use in our cars and trucks. And today some of our African countries are using coal, converting it to diesel for almost a third of all their transportation needs.

I recently talked to our major research company, the Woodlands Huntsman, to talk about coal and its conversion and could it be done. And their researchers just laughed. They said, are you kidding? Of course we can do this.

My understanding is the gentleman from Texas, Mr. HENSARLING, has introduced legislation to use the purchasing power of our Air Force, to use the purchasing power of our own government to accelerate that type of research and bring it into the marketplace so we can develop those super clean liquid fuels coming from an abundant resource that will be less dependent on foreign countries for our energy needs.

Mr. SHIMKUS. I have no disagreement with that. We have an all-of-the-above strategy. We have an American energy, you know, meet the American needs. It is all of the above. It is highlighting the great abundance of coal that we have in this country, and taking advantage of it.

We get it. We are going to do it in an environmentally safe and sound way. But we want to bring other commodity products to help make our energy needs. We want to thrust them in a competitive market with other sources of energy so they compete at the pump, so that we have lower prices. It is the American way, and we ought to encourage it.

Mrs. BLACKBURN. If the gentleman will yield, first of all, I thank you for your leadership on the issue, because we all appreciate it, those of us in Republican Study Committee, and the Republican Conference, and I think the American people appreciate the leadership and the insight that you have brought to this issue.

Of course, at Energy and Commerce Committee I have had the opportunity to watch your leadership, even going back as we were working on the 2005 Energy Policy Act.

And I would imagine that some of our constituents who are at home and watching us carry out this colloquy and this discussion here on the floor are thinking, they are talking about coal. Now, I thought coal was a dirty fuel, and I sometimes will hear people talk about carbon emissions and not wanting to use coal because of the

emissions that go into the air and not wanting to use that natural resource.

Now, we all know that there are clean coal technologies that will prevent that. But I think that those who are sharing this discussion with us tonight would appreciate hearing just a little bit about some of the clean coal technologies that would allow the use of this vast supply of coal.

You know, most people refer to the United States as the Saudi Arabia of coal. We have got more than anyone else. And we have good, bright engineers and innovators who are using those skills and gifts to figure out ways to use this coal in an environmentally friendly way. And I would love to hear the gentleman's comments on that.

□ 2145

Mr. SHIMKUS. I will just be brief. And I thank you for the question.

And there was a time when you just grabbed the coal and threw it in and you burned the coal. Pretty dirty, pretty sooty emissions, and that goes back to the advance of the industrial age.

Then they developed crushing and pulverizing the coal and sweeping it up in oxygen to burn it a little more thoroughly. It still has, if you're a climate change person and carbon person, that still you have the carbon emissions.

Now, the carbon emissions are not toxic. It's not like nitrous oxide, it's not like SO_2. It's not like particulate matter. It's not an issue where people are going to point the finger and say, Oh, you're causing a disease by these emissions. Carbon, it's naturally occurring, but there are some people who have problems with that.

So the best way to address that is to go back to technology that was developed in World War II. It's Fischer-Tropsch. Franz Fischer and Hans Tropsch. It's almost like kind of a joke. It's Hans and Franz, Fischer and Tropsch, who developed the technology to take coal, synthetically, and gasify it or turn it into liquid fuel. And when you gasify it and you burn it, you burn it cleanly. And in that extreme, you can pull off the carbon in a more economic manner.

Mrs. BLACKBURN. If the gentleman will yield.

You always make this point so beautifully. And the point is the technologies are there and available and ready to be used that would allow for clean coal usage.

So it really adds to the point that we all make, all-of-the-above: Short, mid-range, and long-range projects. That's what we need to address the energy issue. Making good use, being wise stewards of all of our natural resources, whether it is oil or gas or coal, whether it is switchgrass and waste that we can use for biodiesels and renewables. Whether it is the engineers and their ability to develop new nuclear that is safe and will help power our electric power. Looking at wind, looking at hydroelectric, depending on what those God-given natural resources are that we have at our disposal to you.

Mr. SHIMKUS. I have got a lot of other colleagues that want to talk. I will finish with my last poster here.

We've talked about the coal-to-liquid. But here is what the current debate here is on the floor. What about the Outer Continental Shelf? We have all of these available locations. We only explore off of 15 percent of our Outer Continental Shelf. That means 85 percent is off limits by a legislative fiat by us.

If we explore there and when we recover oil and gas, those companies pay royalties to us, and those royalties can go to solar and wind, they can go into renewable fuels. My colleague from Tennessee mentioned cellulosic and the debate on biofuels.

What we want is American-made energy creating American jobs, an all-of-the-above position, so that these energy events compete, and that's what I like about it. They compete for our attention based upon offering lower prices. When you have a one-fuel policy like we have today, you have no competition. You're held hostage to the imported barrel crude oil, and we need to break away from that.

I want to thank my colleague from Texas and make sure that my other colleagues have plenty of time.

Mr. HENSARLING. I thank the gentleman from Illinois. Clearly he is one of the great leaders in this institution in allowing the people to know that American energy developed in America for Americans can make a huge difference.

Now I would like to yield to the gentleman from Georgia (Mr. GINGREY) for his comments on that.

Mr. GINGREY. This really gives me an opportunity to segue into what the gentleman from Illinois was just talking about in regard to the American Energy Act and, of course, he started his discussion about coal liquefaction and some of the many things we can do as part of that bill, a comprehensive approach.

But in concluding his remarks, he talked about the fact that we have this resource of natural gas and petroleum off the coast of our country, both east and west coast, Outer Continental Shelf, eastern part of the Gulf of Mexico, that 10 billion barrels of fuel is estimated in ANWR, the Arctic National Wildlife Reserve.

I took an opportunity, Mr. Speaker, today to write a letter, an e-mail, to my constituents in the 11th District of Georgia, northwest Georgia, both the Republicans and Democrats. Now, I won my last election with about 71 percent of the votes. So it's a highly Republican district. But listen to what I said to them and the response that they gave.

''For months now I have spoken on the House floor almost daily in a concerted effort to convince the Democratic leadership to bring forward legislation that would allow us to drill here and drill now so that we could all pay less at the pump. Last week, I joined my House Republican colleagues to introduce the American Energy Act, a comprehensive bill which would increase our domestic energy supply while also harnessing renewable and alternative energy technologies and improving conservation and efficiency. However, as Congress prepares to adjourn for a 5-week recess, Speaker PELOSI continues to prevent a vote on increasing the amount of domestic oil produced in this country from reaching the House floor.

''As I work to represent your interest in Washington, it is vital that I know your feelings on this issue. Would you take a moment to quickly answer the survey question on the right of this page so that I can take your opinions to Speaker PELOSI and the Democratic leadership and let them know how you feel about this crucial issue.

''Sincerely, PHIL GINGREY.''

Here is the question: Do you think Congress should adjourn for a 5-week recess even if no vote is taken to allow offshore drilling on our Outer Continental Shelf for oil and natural gas?

Mr. Speaker, so far, with several hundred responses already in, the results are overwhelming: 94 percent do not support Congress adjourning for recess without legislation that would allow increased drilling. 94 percent.

Now, as I say, I won my last election with 71 percent. This tells you that a lot of good, red-blooded, conservative, hardworking Democrats in my district feel the exact same way we do tonight, Mr. Speaker, as we do this hour in this colloquy. And I know that there are a lot of my colleagues on this floor, Mr. Speaker—and you do, too, I would imagine, who, given the opportunity to have a bill to vote to increase our domestic source and end our dependency on these foreign countries that hate us, would gladly vote. And maybe they will stay here with us come Thursday or come Friday, a sit-in, and say, ''We are not going home until we have a bill to vote on.''

With that, I yield back to my colleague from Texas who is managing the time.

Mr. HENSARLING. I thank the gentleman from Georgia for his leadership on this issue, his leadership on health care issues, his contribution to the Republican Study Committee which is sponsoring this special order, Mr. Speaker.

Again, this is the number one issue, Mr. Speaker, that our constituents write about, call about. They're concerned about. I hear from them every day.

I just recently, Mr. Speaker, heard from the Forist family in Mesquite, Texas, that I have the honor of representing in Congress. And they have a small business. They wrote in.

''My husband is an owner operator and the cost of fuel is $1600 a WEEK. We're not making a profit. We can't

continue to operate this way. We have now cancelled our life insurance policies, cancelled our cable, scaled down our automobile insurance, and buy the necessities at the grocery store.''

Mr. Speaker, I'm getting letters like this every single day, and yet the Democrat majority will not support legislation to produce more American energy in America for Americans.

Now, Mr. Speaker, we agree with the Democrats on many things. We believe that there should be more conservation, and most Republicans have supported the various tax provisions that do that. Mr. Speaker, we agree on renewable energy. I was an officer in a renewable energy company prior to coming to Congress. There are very exciting technologies, and most Republicans have supported those programs.

But where we go in different directions, Mr. Speaker, is that the Democrats want to make illegal the production of energy in 85 percent of our offshore resources and, effectively, 75 percent. They don't believe that producing more oil and natural gas has anything to do with the cost of price at the pump. They're trying to repeal the laws of economics.

Well, in fact, Mr. Speaker, what the Speaker of the House has said recently, ''This call for drilling in areas that are protected is a hoax. It's an absolute hoax on the part of the Republicans and this administration.'' Speaker NANCY PELOSI

Well, Mr. Speaker, for those who are listening to this special order, they may have a different opinion. Public opinion policy shows that 85 percent of Americans want to produce more American energy in America for Americans. Maybe they may want to call 202–224–3121 and register their opinion with the Speaker of the House.

Now, again, I don't know how they feel about the high cost of energy in the salons of San Francisco, but I can tell you in the small businesses and the farms and ranches of the Fifth District of Texas, those people are hurting.

And now, Mr. Speaker, I would like to yield time to another great Member of this institution who has been a leader on the issue as well, the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. I thank the gentleman from Texas, Mr. HENSARLING, for his leadership on this issue and his legislation, including leadership in the American Energy Act just introduced last week to try to force this Congress to finally get serious about taking responsibility for our own energy needs in this country.

I have been in Congress a while, but one of the best decisions my wife and I made was not to move to Washington. We live at home in Texas with our two young boys, six and nine years old. I commute to work each week here in Washington. We do that so I can stay closer to the families and neighborhoods in Texas that I represent.

Flying up today to Washington, I just was glancing at some of the headlines in our local papers. They read like this: Fuel costs forcing county to rethink current budget; county gives food banks a break at gas because they're getting fewer and fewer volunteers who just can't afford those high prices; trash companies increase rates to cover fuel costs so families will pay more for their trash pick up; fuel costs cause schools to raise food prices. So our children and the parents of children will be paying more for school lunches because of energy costs.

I just met with a number of our law enforcement agencies, our constables and Sheriffs and police forces, and they are not cutting their emergency response but they are cutting back on their community policing. They're patrolling within our neighborhoods to try and stretch their fuel budgets. Frankly, their fuel budgets are gone for the year. Small businesses, so many are telling me that they are working essentially for nothing these days.

What has this Congress done about it? Nothing really but gimmicks. I call it the Democrats' Jed Clampett Energy Plan. They shoot at a bunch of targets and hope that energy is going to come bubbling up from the ground just like old Jed found.

And look at the gimmicks they proposed. Democrats in Congress have said, ''Let us sue OPEC and we will lower your gas prices.'' Well, has anyone seen their gas prices lowered? They said, ''Let's force companies to use it or lose it,'' which frankly, every independent geological group in America just started laughing at. Did you see your gas prices go down?

They said, ''Let's stop filling the Strategic Petroleum Reserve,'' our nest egg for a rainy day in energy. Did your prices go down? Last week they said, ''Well, it's drawn some of that down.'' Of course, gas prices aren't going down significantly, certainly not because of these gimmicks.

The truth of the matter is as the speaker tonight, Mr. SHIMKUS, the gentlemen from Texas, Mr. HENSARLING and Mr. GOHMERT, have talked about is that three-legged stool of energy: more conservation, because we can all be more efficient in our homes in our daily use; bring those renewables on line—renewable energy not from food but from non-food sources; and then, of course, the third leg, we've had votes on conservation and we've done it. We have had votes on renewable energy, and we are achieving it. We've just not had a single vote on more exploration, more American-made energy.

Now, I think the first goal America should set is that we are going to take responsibility for two-thirds of our daily energy needs. Today we rely upon the rest of the world for that. We ought to take more responsibility for what we need here in America, and to do that is what the speakers in the Republican party are talking about tonight, all-of-the-above.

□ 2200

Let's explore offshore and those deep ocean waters that hold so much potential, proven reserves for us. Let's tap responsibly into ANWR. Let's convert coal to super clean liquid fuels, and let's tap the oil shale in America. Let's begin creating more American-made energy and more American-made jobs because, at the end of the day, even a hillbilly isn't going to buy the thought that we can just gimmick our way out of this problem, not with families and with small businesses paying what they do today. We've got an abundant supply of energy. We need more supply in America. We need to take more responsibility for our own energy needs. The good news is that we're capable of it.

So all we ask, and all of us tonight are asking one thing of our Speaker. Just give us a vote. Just let the will of the American people prevail. Let the little guy in the door for once. Give him a voice, Mr. Speaker. Tell the special interest lobby to stand aside. Let the little guy's voice be heard. He doesn't have lobbyists. He probably hasn't made campaign contributions to you. He's just paying the freight on energy prices he can't afford and that his family can't afford anymore. We need to let that voice be heard.

Before we leave in August, give us a vote, just a single vote. Let the American public's and let the little guy's voices be heard in Congress again so we can develop more American-made energy here in America. That will lower prices.

With that, I yield back.

Mr. HENSARLING. I thank the gentleman for yielding and for helping remind this body—and I think everybody in this body agrees—that we need more conservation. Everybody in this body believes that we should have more renewable energy and that it's the key to our children's future. Where we depart with the Democrat majority, Mr. Speaker, is we believe that, when 50 percent of our proven resources—petroleum resources—in Alaska are illegal to develop, there's a problem, that when 85 percent of our offshore resources are illegal to develop, there's a problem.

We have decades and decades and decades of American energy laying untapped that we could bring to the market to help bring down the cost of energy. Yet the Speaker of the House, NANCY PELOSI, has said, as this quote shows, that she believes that it's all a hoax. The American people, I believe, Mr. Speaker, disagree, and perhaps they might be interested in calling (202) 224–3121 and in just saying, ''Speaker PELOSI, at least allow a vote. As, supposedly, the most Democratic institution in the history of mankind, at least allow the voices of the people to be heard, and let there be a vote.''

In speaking of voices to be heard, Mr. Speaker, as one of the great voices in this institution, I want to yield now to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. I thank the gentleman for yielding.

You know, it seems like, this late at night, all that's left are gentlemen from Texas, but I'm happy to be here as part of this august group.

The gentleman from Georgia mentioned that we're about to go home on a 5-week vacation. You know, I'd like to say it has been a tough summer and that we've been working away on our appropriations bills, but the fact is we'll have our very first appropriations bill on the floor of the House tomorrow, the Military Construction bill. I'm glad to see it. I'm glad we're going to have it, but we're actually not going to have an open amendment process, and part of the reason is that the Democratic leadership is afraid to have the open amendment process for fear that we'll actually bring up something that might expand the availability of energy in this country.

So, Mr. Speaker, there are not a lot of bright spots out there when it comes to energy. We've got record high prices. We've got alternative energy sources that aren't quite ready for prime time. Our refining capacity is limited because we haven't built a refinery since 1976. Supplies are tight, and there's an enormous demand. It paints a fairly grim picture, but dwelling on the negative is not the American way. Exploring the possibilities and capitalizing on realities, that's the American way.

So, today, as we are in a very tough energy environment, let's act like Americans. Let's make lemonade out of lemons. We can start by seizing the opportunity to find and produce homemade American energy. We've heard a lot about exploring and drilling for American sources of energy hands down. Hands down, Americans agree on this point. I did two town halls over the weekend—one in Keller, Texas and one in Frisco, Texas. There was unanimous opinion that we need to be producing more American energy domestically.

Polls show that the vast majority of Americans favor offshore drilling for oil and natural gas and, in fact, even in ANWR. In my districts back in Tarrant, Denton and Cooke Counties, the numbers are sky high. Without question, if we want to produce American energy, we should drill domestically.

You know, we need to refine domestically also, and we can start by providing our Nation's largest energy consumer, the military, with the infrastructure to do just that. As one of the Nation's largest energy consumers, the United States Department of Defense is straining under record high prices. We heard Mr. SHIMKUS from Illinois address this just a moment ago.

In 2007, with operations in Iraq and Afghanistan, the United States Armed Services consumed 16 gallons of fuel per soldier per day, about $3 million worth of fuel. That's a lot of gas, but it's not just regular gasoline. All military planes, vehicles and heavy equipment use avgas, or jet petroleum, to avoid carrying different fuel grades or to avoid accidentally putting the wrong kind of fuel in the equipment. It's a specialized fuel that's produced in the same refineries that produce fuel for commercial sale.

Right now, global refineries are operating at very tight capacity. This, in turn, limits the quantities of gasoline and other products that they can produce. The squeeze impacts the consumers, and it impacts the military as the cost of refining compromises 10 to 20 percent of the price we pay at the pump. It means taxpayers are hit with higher costs twice, and it also leaves supplies vulnerable to disruptions ranging from terrorist attacks to political unrest to—oh, by the way, did we mention it's hurricane season?

Then there's the question of importing refined products rather than producing them here in America. Because domestic refining capacity has declined as industry operates with lower inventories of crude oil and of gasoline in order to cut their costs, these constraints mean a greater proportion of gasoline demand has to be met with imported goods, with imported goods. We hear it over and over again. We're buying the supplies from people who in the world don't exactly like us. We are funding both sides on the war on terror.

Four out of five of the top suppliers for military fuel are, in fact, foreign suppliers. This poses a serious threat to our national economy and to our national security, and it has to be stopped. Investing in critical infrastructure and protecting the Nation are some of the Federal Government's top responsibilities.

So, tomorrow, on the Military Construction appropriations bill—and we will finally be hearing our first Appropriations bill here on the House floor—I plan to offer an amendment, the Joint Defense Energy Production amendment. It provides Federal funding for the construction and for the design of one refinery for each branch of the military, combining these two critical roles for the public good.

Prices are high and so is demand. Let's try to solve both sides of the energy equation. The amendment would provide $400 million to build refineries that would produce the specialized types and grades of fuel that are used by each branch of the Service for their equipment. The refineries will be located on existing or on former bases under the control of the Department of Defense, and they will represent the first refineries built in the United States of America in 31 years.

Again, let me stress this is a win-win for America. These military-specific refineries could produce and protect specialized military fuels from capacity limitations that squeeze supply and that increase prices for almost everyone. They would free up commercial refining capacity and would ensure that we're not forced to outsource a significant portion of our refining needs to foreign countries. Additionally, they would help ensure a supply chain that would help protect from supply chain disruptions whether from manmade or from natural disasters like those we've experienced in the past.

There's a military saying: Bullets don't fly without supply. The Air Force is not going to have a fleet of plug-in hybrid fighter jets, and our Navy is not going to be relying on a solar-powered, wind-blown vessel. They need a stable and secure fuel supply, plain and simple. Our national defense and our economic security are simply too important to risk on shortages of refinery capacity or on natural disasters. We have the Strategic Petroleum Reserve. We have a strategic oil supply, but what good is that if there is no way to strategically refine that supply?

So, tomorrow, I hope other Members will join me in supporting the Joint Defense Energy Production amendment that I plan on offering on the Military Construction appropriations bill tomorrow. It's high time we got to our appropriations bills, and it's highly appropriate that, particularly on the Military Construction bill, we offer amendments to increase the energy supply for our Nation's military.

I'll yield back to the gentleman from Texas, and I appreciate the time.

Mr. HENSARLING. I thank the gentleman from Texas. I appreciate his leadership. I look forward to voting on his amendment.

Again, Mr. Speaker, it's a very simple matter. If you believe in more American energy in America for Americans, you will tell Speaker PELOSI: Allow there to be a vote on the American Energy Act.

With that, Mr. Speaker, I thank my fellow colleagues from the Republican Study Committee for participating in this Special Order.

I yield back the balance of my time.

ENERGY

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. Thank you, Mr. Speaker. I appreciate the privilege and the honor to address you on the floor of the United States House of Representatives.

This is one of these evenings that is a hot and sultry night here in Washington, D.C. It strikes me as the kind of day that actually was in August when the first hearings happened out here in Washington that were addressing the global warming issue. They had a Dr. Hansen—he happens to be from my hometown—who testified before that first hearing. The temperature was, oh, approaching 100 degrees; the humidity was, oh, approaching 100 degrees, and it wasn't an air-conditioned office about 20 or more years ago, maybe 25 years ago. It wasn't an air-conditioned hearing room, I should say, committee room.

As the first testimony unfolded, Mr. Speaker, about global warming, it was

a lot easier to convince Members of Congress that that could be a problem when they were sitting in that 100-degrees-feels-like temperature with the high humidity in the committee room here in Washington.

You know, this kind of weather is the reason there is an August break. Why, as far back as our founders, they went home, and they tried to find some high ground where there was a breeze because they didn't have air conditioning, but August was used about 20, 25 years ago to kick off global warming.

We know that there has been a long debate since then and that the foundation for that science is in question. There are some 31,000 trained scientists who have signed off on a petition that says, ''We don't buy the science of global warming.'' Now, I don't know that you can find very many people on the street, Mr. Speaker, who really understand the science of the idea of global warming—I can surely find plenty who disagree—but I think, when you're going to do something that alters the state of our economy and the state of our culture and the global economy and the global culture in this fashion, then the proof has got to be on the people who want to make the changes and who want to shut down energy and energy access and energy production.

What's going on in this Congress, Mr. Speaker, is what has followed from that hearing those more than two decades ago. It's a belief that, when you use energy, it puts greenhouse gases into the atmosphere. Greenhouse gases warm the Earth. It's a belief and not proof that a warmer Earth, in all categories, is bad for humanity. The people who are so concerned about global warming are not the kind of people who draw a line down through the middle of the paper on their legal pads and who write on one side ''these are the things that are bad about global warming'' and, on the other side of that line, in the center, ''these are the things that are good.''

No, Mr. Speaker. This is all a one-sided argument. In their minds, everything that has to do with the Earth—and it is very marginally, statistically, warming up. We don't know whether there's an increase in sun spots or whether there's a little bit of increase in greenhouse gases. Whatever the case, in their analysis, if the Earth warms by a degree, it's always bad in every case. Even when the Earth gets colder in certain places, it's still the fault of global warming because, after all, it's the average of the temperature; it's not the extremes that we should be looking at.

Last winter was one of the coldest winters we've had. We see the dynamics in the weather extremes. As to those dynamics, by some of the weather forecasters, they say that it's not because the Earth is warmer but because the Earth is cooling in certain locations that we're seeing more extreme weather.

In any case, this is not conclusive. Yet there are many people over on this side of the aisle, Mr. Speaker, who have concluded that we should shut down energy consumption, that we should slow it down, back it down. Park your car. Park your SUV. Maybe even park your Prius because, right now, if you plug it into an outlet with a plug and you charge it up with electricity that was generated from coal, you're driving a coal-fired automobile down the highway. So they're saying park all of that. Get on your bicycle and ride your bicycle. If you do that, then it will slow down the greenhouse gas emissions. If that happens, it will save the planet for our children and grandchildren. Whatever the price is to our economy, to our way of life, to our culture, and whatever it does to shut down the economy, in their minds, it is all worth it.

□ 2215

That's what we're working with here.

On our side of the aisle, we're saying we need more energy. We're arguing that, in all forms of energy, we need to provide more of it, that high prices slow down our economy.

Everything we do takes energy, whether you're delivering Pampers or Pablum, or whether you're delivering French wine to the restaurants here in downtown Washington, D.C., it takes energy to do that. When that energy costs more money, everything costs more money. We say, let's put more Btus on the market of all kinds. When there's a huge supply, you'll see the demand doesn't meet the supply and prices go down until the demand meets the supply. That's something we understand over here. It's something that seems to be beyond the comprehension over here.

That's what's up, Mr. Speaker. And I think we need to articulate this over and over again until the American people understand. There is one side of this argument that has pushed for more energy. And we passed a number of bills in the last several Congresses, passed them out of the floor of this House and over to the Senate. If they had not been blocked over there by extreme environmentalists that had an ability to put a hold on a bill, that had an ability to filibuster, many of the pieces of legislation that expand our energy would already be law, and 6 or 8 or more years ago we would have started to open up places like the Outer Continental Shelf, non-national park public lands.

We passed pad drilling in ANWR some years ago. We would have oil coming out of that pipeline up there today from ANWR if we had just signed it into law the day it was passed out of the House of Representatives.

That's some of the backdrop, Mr. Speaker, on the energy issue. And I know that when you go to a place and you're looking for people that know something about energy, the first place you would go in the United States of America would be Texas. And I'm not sure it would be east Texas, but that's where I want to go, to the gentleman from east Texas, Mr. LOUIE GOHMERT, and yield so much time as he may consume.

Mr. GOHMERT. I thank my friend from Iowa. And I admire so much, not just him, but also his State. And having had him be a gracious host previously, I appreciate all that Iowa is doing for the country.

But Mr. Speaker, my friend from Iowa is right; there's a lot of people that know a lot about energy in east Texas where I'm from. And the fact is—and we brought this up in our Natural Resources Committee—you know, there in east Texas where I live they're drilling, they're exploring, they're producing. We're doing everything we can to provide energy for the rest of the country to use. But we're to the point now, we desperately need some help, and we need it from those States that have energy but have been sitting on it and will not help the rest of the Nation with it.

Now, there are too many in this country that have to drive to survive. There's no mass transportation that is going to get them where they've got to go to keep their job. We were in a debate in Judiciary last week, and one of the Members across the aisle said, well, our Democratic Party, we're concerned about the consumers, unlike the other party. And the fact is, I know those of us on the floor, our friends, we've got some good friends across the aisle—not the ones in leadership, but across the aisle—who understand. You want to help consumers, the men and women that are just trying to keep their job so they can pay down their credit card so they can get enough gas to keep their job next month, they're needing help. And yes, we want to help the consumer, we want to help them keep their job. We want jobs to be available. But I'm talking to people that have restaurants, that have small businesses, convenient stores. They're saying their business is down about 30 percent or so.

And what some of our friends in leadership across the aisle don't understand is, yes, it's nice if you never had to use fossil fuel, but it's what is used to keep the economy going right now. And I'm hoping we can drive in directions—figuratively speaking—that will allow us to get off fossil fuel someday. But what they don't seem to understand is, when you destroy an economy, when you devastate an economy, which is beginning to happen now as these energy prices are hurting people so badly, you don't help the environment. We see that in India. We see it in China. When people are worried about keeping food on their table for their family, when they're worried about providing a place to live and sleep for their family, then they believe that the environmental issues have to take a back seat because we've got to survive first.

Now, the United States—I know with all the beating up that goes on with

the United States, but the United States has done more globally to help clean up the world's environment in the last 30 years than any nation on Earth. You destroy our economy, you hurt this economy the way this is beginning to do and you will lose the help from the best help source in the world, and that's the United States of America.

And this isn't the first time I've been proud of America; I've been proud of America my whole life. But I note that on the Natural Resources Committee that I'm on, you look at things that we've been doing in the last several months and compare that to what went on in the last Congress, when the Republican leadership was in charge. Well, I was upset with some of the things that the leadership didn't allow or didn't get done or didn't help us to do, but some of the things that were done were good.

For example, we had a bill, an energy bill in the last Congress, came out of our committee, we got it passed. And it provided incentives for people to use biomass to produce electricity. Tried and true, we've got a facility down in Nacogdoches just that's coming online. People relied on the representations that there would be incentives to use biomass, like left over tree limbs, things like that, to produce electricity. In our committee, in the last months, we decided to withdraw those incentives and instead provide a bunch of money for a new study to tell us whether it's feasible. I said, we know it's feasible, just use it. It's another source of energy.

We've got wind—and of course our friend, T. Boone Pickens, has been talking a great deal about that—geothermal, hydroelectricity, the solar and biomass, as I've mentioned, those are all out there for use and they need to be pursued. But in the meantime, it's fossil fuel that is driving this country and it's fossil fuel that's driving the planet. And what we end up hearing in so many of these debates, including these late-night discussions, are people that hear things and just assume, well, it's said in committee, it's said on the floor, it must be true. And so we still hear people say, if we were to start drilling in that section 1002 part of ANWR that President Jimmy Carter designated would be used for oil and gas development, you know, nearly 30 years ago, we pursue that, well, it would still be 10 or 15 years before that would be available. What's been heard more recently that people aren't saying across the aisle is—at least not in the leadership, some of our moderate friends know—but that is that actually there is a pipeline, as I understand it, 74 miles from ANWR, this section of it. And despite what you see on the news, there are no pristine mountains, there are no antelope playing or buffalo roaming or anything like, it's just basically a waste land. And what better place to drill. The technology is there to do it.

But we could have that in the United States—some of us have been told it can be done within 2 to 3 years; within 3 years it could be in the United States. Do it now. The mere fact that we would go after that would tell the speculators—that some say are contributing a third to the price—it would be nice to drop the price of gasoline by over a dollar just on speculation when they see we're serious about providing our own energy.

The OCS. We're hearing people say, well, it can be 10 or 15 years down the road. Others say, you know what? We're serious about this. The price of oil is so high, gas is so high, we get out there, and some think it could be produced and on its way back to us within 2 years. I mean, this stuff is right here, available for us to utilize.

We've got this—and most people, those that are listening probably have never seen, but that shale being talked about in the Green River Formation up in Colorado, Utah, Wyoming, it's a thick black—looks like a black rock. It is full of what can be turned into barrels of oil, very clean oil. Now, the 2005 RAND study says that there are probably 800 billion barrels of recoverable oil in this Green River Formation of oil shale. Some of us have heard numbers more recently that actually there may be a trillion barrels of oil in the entire Middle East left. Some think we can get two to five times that much recoverable from the shale in Colorado, Utah and Wyoming. That is American energy from America for Americans, and there's no reason not to be producing that.

But you look at the Outer Continental Shelf. We hear about all these acres that are not being drilled and produced. Ninety-seven percent of the Outer Continental Shelf is not leased and not being used. And as a Texan, I can remember growing up hearing people say, oh, no, if you put drilling rigs out there in the Gulf of Mexico, it will destroy all of the aquatic life that's left out in the Gulf of Mexico. And you know what? When those platforms went in out there, they looked to the fish like artificial reefs. And now, if you want to go fishing, there is no better place to go than around these platforms way out in the Gulf. Man and the aquatic life of the Gulf of Mexico are doing splendidly together.

And when we hear about all this oil that is messing up beaches, most of that comes from tankers and natural ooze out of the Earth itself. When Hurricane Katrina hit the Gulf off Louisiana and Texas, most people aren't aware, but it virtually destroyed some of those platforms. But you know what? They didn't leak. That's still coming from tankers and natural ooze from the Earth itself.

And I appreciate my friend from Iowa yielding because one of the things that's coming out, it seems like yesterday and today, the price of gasoline may have dropped 20 cents or so. And some people are already saying, see, we can take credit, we can back off; we don't have to drill the Outer Continental Shelf; we don't have to drill ANWR; we don't have to produce from coal to liquid, as our friend, Mr. SHIMKUS, talked about; we don't have to produce from the oil shale in the Green River Formation; we don't have to go after this new Haynesville formulation for natural gas—some are saying may be one of the biggest finds in history of natural gas in Louisiana and part of east Texas. Some are saying we don't have to do that anymore, we're okay, not to worry.

But you go back historically, and it's like that frog in the warm water; you know, you start it with warm, and you can get it warmer and warmer. And if he gets a little antsy, you may lower the temperature so he doesn't get too antsy and jump out, and eventually you can boil him. And it seems like that's what's going on.

We're to the point in American history where we can't keep funding people who fund our enemies, or as someone once said, ''we can't keep feeding the dogs that are trained to bite us.'' And I'm not calling the people that we pay for oil dogs, it's just a figure of speech that what we're doing, we're feeding people who are trained to hurt us. And that's got to stop.

We have got to follow through. We have got to use an energy plan that makes us independent. And Mr. Speaker, I wouldn't have thought a year ago that I could say this in good conscience, and so I didn't, but now I can say it. I believe this Nation can be completely energy independent, where we're not having the biggest transfer of funds in the history of the world. We could be energy independent for a number of decades while we develop these alternatives.

And I have some ideas. I'm hoping to file a bill this week that, if we follow through on this, could revolutionize ways to provide energy because of the way we store it. But we'll get into that later, but I'm hoping to file that this week.

These are long-term goals that could make this Nation even greater than it is today as the greatest Nation in the world. But the more we become dependent on those who have funded our enemies, the more vulnerable we are. And those that thought a solution was to raid the Strategic Petroleum Reserve, there's not that much oil in the scheme of things. And when you know history like my friend from Iowa and I do, you know the Battle of the Bulge was lost by the Germans, not because it was toward the end of the war and we had worn them down—yes, it was late in the game—but they, many historians believe, could have driven the Allied Forces right to the Atlantic and North Sea if they hadn't run out of gasoline.

We can't afford to get rid of our strategic reserve that may be necessary, if Iran decides to cut off the Straits of Hormuz, if we get a severe cut in our supply, we've got to be able to step up

and allow our military to have what they need, and that petroleum reserve does that.

So, I appreciate the gentleman from Iowa yielding. Let me mention one other thing. In the last month—I believe it may be the last thing that we've done in the Natural Resources Committee that deals with the issue of providing more of our own energy—we passed a bill—and I say ''we'' loosely because I sure voted and spoke against it; most of us walked out, we couldn't believe we were doing it. But anyway, we put the last best source of uranium in the United States off-limits.

□ 2230

We have already put vast amounts of our coal off-limits. Now we are putting uranium off-limits. We can't keep doing that and expect to be the greatest nation in the world much longer. I think we can go on for decades as the greatest, but it takes common sense now. I know my friend from Iowa has it. I know my friend from Texas out here has it. But we have got to deal with this problem now. We can't say, well, it's dropped 20 cents; so we won't worry about it. We have got to deal with this issue now or it will devastate the economy, which will devastate the environment, and will hurt the free world, and we can't afford to do that. I appreciate my friend for yielding.

Mr. KING of Iowa. I thank the gentleman from Texas.

And as I listened to your presentation, reclaiming my time, just going down through a list of some of the things that jumped out at me, the Strategic Petroleum Reserve, to tap into the Strategic Petroleum Reserve, as the gentleman from Texas said, at a time when Iran has threatened to close the Straits of Hormuz. And through that closed strait comes 42.6 percent of the world's export oil supply. That isn't just the valve through which 42.6 percent of the world's export oil supply goes. That valve, if they turn it down, let alone turn it off, that shuts down the world economy. It nearly shuts off the world economy, and the dynamics of everything we do change dramatically. That's why in past decades we have had the United States Navy in there to keep those straits open during times of crisis because that is the pressure point in the world for the world's economy. If they follow through on this, and there is a relatively unstable leader in Iran, they shut down the straits and we drain out our Strategic Petroleum Reserve, what are our alternatives? Hard-core rationing, and even then we get down to the point where we don't have the fuel for our own military and the scenario of how the Battle of the Bulge was won by Americans instead of won by the Germans falls into play. We won't have the gas. We won't have the gas for our military. We won't have the gas for our economy. We won't have the juice. This is not the time to drain down the Strategic Petroleum Reserve. It's a political ploy on this side of the aisle. That's, I think, clear to all of us.

And, Mr. Speaker, the statement with ''use it or lose it,'' the argument that we have oil companies that have leases that are not being drilled upon, that's another one of those red herring arguments. And if we were serious about this, if we really thought the oil companies weren't developing leases that are on lands, they're just not developing dry holes. That's why those leases that are not drilled aren't drilled on yet. And if we would allow them to trade out those acres, 1 good acre for 5 bad ones, you would find out what the good land was and what the bad land was, what the good leases are and what the bad leases are. That would be my proposal, but that's not what happened here because we had to do another red herring. We had to stand up another strawman and make another argument because the American people aren't going to tolerate very long a Congress that refuses to act to open up energy.

The belief that tightening down the energy supply, see gas prices go up. If gas prices go up, people burn less. If people burn less, the god of sky is happy. Mother Earth is happy.

Human beings suffer. Grandmothers aren't going to get on their bicycles in January in Iowa and ride them down the gravel road 7 miles to town. That's how far it is for me to go to town, and it isn't all gravel, but the first mile is. It doesn't work for us. We can't drive those little Priuses either because the most recent time I had to shift my SUV into four-wheel drive to get home was still in April when the roads were soft and the frost was going out. So it's not an option for us unless we have a summer car and a winter car, a fair weather car and a foul weather vehicle. No, people in my part of the neighborhood drive the vehicles they do because that's what's necessary to get the job done. And a lot of those vehicles are farm pickups that are doing work every day.

There's a whole different mindset going on. And the reason that the people who represent the blue zones, the inner cities, the ones who hold the gavels in this Congress today, can get by with higher energy prices, one of those reasons is because the people buying gas in places like Texas and Iowa, and it's a long ways between towns in Texas, further than it is in Iowa, the people buying that gas that are going from town to town and doing the things they need to do to maintain their life-style and their businesses are paying 18.4 a gallon Federal tax and a lot of States have 20 or more cents on that to maintain the roads, and 17 percent of the Federal gas tax goes to mass transit. And so the people that are voting, the inner-city people that are voting for the folks that are environmental extremists that refuse to allow the energy development in America, our own energy, those people are subsidized by the folks that are buying gas. And their ticket to get on the metro down here at South Capitol and ride out to Falls Church is about a buck and a quarter. It would be a lot more than that if they had to buy the whole price of the metro. And a ticket on the subway in New York is cheaper than it would be if they had to pay the full fair cost for travel, and a ticket on the ''L'' in Chicago and the cable car in San Francisco, those transits by my measure are all subsidized by the people who are buying gas. And the constituents who allow their Members of Congress to drive up these prices are going to push us gas buyers to the point where we say, ''I'm not going to subsidize your mass transit anymore on my gas dollar. You pay for your own ticket.'' That's going to happen too in this Congress, and that will be when they squeal. And then they'll say, well, gas is too high; let's have some more energy.

Here's what has happened during the Pelosi Congress. This was going to be the Congress that was the most open in history, by the way. I think it's the most closed in history. It was going to be the most effective and hardest-working Congress in history. Well, it's sure not open, and, Mr. Speaker, it's sure not effective. And, additionally, we still haven't passed an appropriations bill as late in history as that has ever happened. And this cheaper gas price that was promised if we would just hand the gavel to NANCY PELOSI and apply her San Francisco values to all of America, we would have this wonderful world where everybody got along and gas would be cheaper. That was the promise. We are going to get you cheaper gas, cheaper than it was than NANCY PELOSI, the Speaker, took the gavel.

Here's what gas prices were when President Bush was sworn in, Mr. Speaker: $1.49. And it slowly crept up. And in about this area, we passed energy legislation, and it went over to the Senate, where the Democrats in the Senate filibustered our energy legislation that would have put many more Btus of energy into our marketplace. They said no. That blocked the smart legislation that came out of the House. And when that happened, prices of energy went up. And they went up to all of $2.33 a gallon for gasoline on the day that the new Speaker took the gavel here just behind me, $2.33, and gas prices were going to get cheaper. And here is what the promise results in. Now, it's fallen off a little bit more in the last week or so: $4.08, I saw $4.10, $4.11, more than that on the board in other places. But gas taking a leap like that, and why? Because there's less energy on the market, not more; because the people that are hedging because they need to have diesel fuel and gasoline see the supply that's there and they see that it's going to be harder to develop energy in the United States because of folks in this Congress in their majority won't let it happen.

We say drill everything, drill it now, produce more energy of all kinds, drill

ANWR, drill the Outer Continental Shelf, drill the nonnational park public lands. As Mr. GOHMERT said, open up the Green River shale oil and go into that massive amount, 800 billion barrels, maybe a trillion barrels that are there; go in and get that natural gas in that huge find in Hainesville. Do all of those things. Produce more of every form of energy that we have.

The argument that we can't go to the Outer Continental Shelf and drill because it's environmentally unfriendly, Mr. GOHMERT spoke about how that's the place where you go if you want to go fishing out there is to the oil platform because in the shade of the structure is a place where the fish congregate. So it has been better. There are places where they sink ships out in the ocean because it's fish habitat. Well, the structure of the ship is structure for fish. The structure of an oil platform is structure for fish. And there was at least one oil platform that was torn loose during Hurricane Katrina that blew 60 miles across the ocean, and it went up near shore near Mobile, Alabama. No leak, but a platform that was pushed 60 miles by a terrible storm. But they are set up now with the kind of connections that if they're torn loose, there are not leaks. And we have met this technology.

The North Slope of Alaska is essentially identical topography and identical environment to that of ANWR. They're right next door. It's like Nebraska and Iowa or Iowa and Illinois, and that's how the difference is between North Slope and ANWR. Well, the habitat for wildlife in the North Slope, after we went up and built the pipeline, has done about the same thing, maybe even better, than the platforms out in the gulf coast. In that the count in the caribou herd in the North Slope in 1970 was 7,000 caribou, 7,000 head of caribou walking around out there in that frozen tundra. For a couple months out of the year when the sun shines 24 hours a day, it thaws the permafrost down a foot to 18 inches. Sloppy old tundra in there. And those caribou that were 7,000 caribou in 1970 today are over 28,000 head of caribou.

Why is that? Well, one environmentalist said to me when I made that point, well, of course there are more caribou today. That's because the people that went up and worked on the pipeline shot all the wolves. That was their natural enemy. Now, I would not have come up with that. But this is what I can tell you, Mr. Speaker:

I was signed up to go up on that pipeline, and they had to pay good money to get a man to go up there and work in that climate, not just 80-below temperatures sometimes, though real men can do that, but the rules were this: First of all, there were no women allowed; so you're going to lose some of these men who don't want to go someplace where there are no women. It's tough for me. And the second thing was no gambling. The third thing was no booze. And the fourth thing was no guns. No women, no gambling, no booze, and no guns. That's why they had to pay such big money to get somebody to go work in 80-below temperatures. That was some of the worst of it. Most of it wasn't that bad.

So the reality is that if there were no guns up there and nobody shot any of the wolves and that isn't why the caribou herd increased, they increased because they had a nice dry spot where they could have their calves, not down in the ice water in the frozen tundra.

I yield to the gentleman from Texas.

Mr. GOHMERT. I thank the gentleman for yielding. You're talking about the caribou that more than 10 times gained from where they were before.

And with regard to the wolves being shot, one of the things I was surprised about when I heard that polar bears were now listed as threatened here recently was the fact, and we discussed this—it came out in debate in our Natural Resources Committee—it's acknowledged that in the last few decades we were down to 10,000 to 12,000 polar bears in the world. Now it's acknowledged universally there are over 25,000 polar bears, and somehow that caused the polar bears to now be threatened now that there are more than twice as many as there were a few decades ago. So it certainly isn't because of a lack of polar bears that the caribou are doing well. The polar bears are doing quite well themselves despite what you may hear from some of the far left folks on that issue.

Mr. KING of Iowa. Reclaiming my time, I thank the gentleman from Texas. Yes, the polar bears are doing well, and they are probably dining on a seal diet. They'll eat caribou. They'll eat anything they can get their paws on. That's what a bear does. And 28,000 head caribou herd up there on the North Slope.

But there is no resident caribou herd in ANWR next door. There's a migratory herd that comes in in the spring from Canada. They come in and have their calves there, and when the calves get to where they can walk, they all walk back to Canada. So it's a kind of a maternity ward for caribou there in ANWR. But no one can come up with any reason why they would stop coming over to have their calves or think that it would hurt their population. It would probably help their population because they like to get up out of that cold, frozen water and the tundra and get up on something kind of high and let the breeze blow the flies away and have their calves up there where they have a better chance of survival.

Another gentleman that has come to the floor to address this issue is one of the three judges from the State of Texas, and they all come here from Texas knowing something about the law and something about energy.

I would be happy to yield to Judge CARTER, the gentleman from Texas.

□ 2245

Mr. CARTER. I thank my friend from Iowa, my classmate from Iowa. We came in this Congress together and have been close friends since we have gotten here. The one thing that I have learned about people from Iowa, like STEVE KING, is that they are blessed, like a whole lot of my folks back home, hopefully I am too, with something called common sense. You know, this is really about common sense, and I think the American people get it.

Tomorrow morning, in Round Rock, Texas, where I am from, that used to be a little bitty town of 2,500 people, and now we are bumping up against 100,000 people, but I estimate we have got at least 15,000 to 20,000 vehicles that are operated out of Round Rock, Texas.

So, tomorrow morning, in just my hometown, 15,000 people are going to get out of bed and go out and start up a vehicle to go to work, and it's summer, they may be wanting to take the kids on vacation, maybe taking them to swimming practice or to baseball practice or down to the park to play, or they are going to grocery shopping, as the price of groceries go up, or they are going out to work, or they are driving down to Austin, 30 miles away, to their job. But they are all mobile and going some place.

There's no mass transit that comes to my town of 100,000 people. There's a Greyhound bus that passes through, going places. But I wouldn't call that mass transit. It won't get you back and forth to work. And all those peoples are going to start their vehicles tomorrow morning, either on gasoline or diesel. We may have a couple of hybrids. But the power that is going to recharge the batteries of that hybrid vehicle is going to come from a source of some sort. Hydroelectric used to be a big source, but it's one of the minute sources now. We got scared to death of nuclear energy and so we stopped making nuclear power plants. So we burn coal and we burn natural gas and hydrocarbons to make electrical energy most everywhere in this country.

Now, sure, I like what I heard from my friend, T. Boone Pickens, from the panhandle of Texas, where the wind blows all the time. Wind mills are a great idea in the panhandle of Texas, and they are going to help a small amount. I am all for it. I, of course, am a big fan of natural gas because my daddy was in the natural gas business. I grew up in the natural gas business, and every summer job I had from the time I was 16-years-old was in the natural gas business. Which brings me down to something that I discovered.

Most of the people here in Congress know that I am married to a little lady who's from the Netherlands. I worked on a pipeline in the Netherlands back in 1965. That is how I met my wife. That pipeline was being laid because the Dutch discovered in the northern province of Holland—and Holland is a little country. It's not very big at all.

I think it's 190 miles long by 90 miles wide.

They discovered natural gas. In fact, one well in north Holland produced the same amount of natural gas as the entire west Texas gas field in the panhandle. Now they were elated. They were overwhelmed. Europe was fascinated. They had found a resource to power their homes, because they were still burning coal, they were still burning coal that was made into liquid. They were still burning coal oil in their homes in northern Europe in 1965. And they were excited about this great resource that they found.

And then they moved offshore; off the shore of Norway, off the shore of Scotland, off the shore of Sweden, and out into the North Sea, out into the Baltic Sea, and they drilled and they found more oil and natural gas. And Europe was excited. Yet, we are ashamed of our natural resource that we know is sitting off the coast of the United States. Oh, woe is me. We can't touch that. That is not good for us.

Now what is wrong with us? Because tomorrow morning in Round Rock, Texas, 15,000 people want to run their vehicles to live their lives as Americans. And, you're right, these folks, the intercity folks, they have got mass transit. Some of it's good, some not so good. But they have got it. Maybe that is what is part of the divide that divides the red States from the blue States in the old comparison that we get right now. Maybe us red State folks don't have as much transit as the blue State folks. I don't know about that.

But I know this. The Republican Party stands for the right idea. Let's develop every power source known to man to make this an American independent power country. American power for Americans.

You have got a chart right there. You have got a great list. I will be glad to yield back for you to go over that list of the power sources that we say are available and how we support each and every one of those power sources. I yield back.

Mr. KING of Iowa. I thank the gentleman from Texas, one of the outstanding judges from Texas, Judge CARTER, and my wing man on the Judiciary Committee for 4 years, and my voice of reason as well.

This is a chart that was far harder to put together than it should have been. This should have been something that a simple little e-mail down to the office would have produced. You would think that when you ask a question, What is the energy production in the United States, what are all of its sources, and put it altogether and put it into the common denominator of Btus. Well, it didn't quite work that way because we don't measure electricity in Btu's. We measure it in kilowatts or megawatts, and sometimes coal doesn't give you that measurement either.

So we got some help from some people and this chart is the energy pie chart, I call it. Each one of these different colors here is a different source of energy. And so I will take us around.

This is the energy we produce in the United States. Overall, this is the number: 72.1 quadrillion Btus. Here's the number down here. That is 15 zeroes or so. But we will get to the meaning of that number here in a moment.

When I go around the horn and I start with gasoline, gasoline that is produced the United States amounts to 8.28 percent of the overall energy production in the United States. Then you go to diesel fuel and heating oil. That is 4.20 percent. Kerosene and jet fuel together is 1.57. Less than I thought it would be. Other petroleum products, heavy oil, those things, 4.8 percent.

Now there's a big piece here, the natural gas. The natural gas that Judge CARTER talked about. Roughly 27½ percent of the overall energy that we produce is natural gas. Coal is 32½ percent of the overall Btu's. Nuclear, 11.66. Maybe bigger than most folks would think. We got to hydroelectric, which Judge CARTER mentioned. Out of all our energy production, hydroelectric is 3.41 percent overall.

Then you get to these tiny little pieces here. We want to do all of these things, as Judge CARTER said. We want to do them all.

Now we are getting down to the list of the things that the folks on this side of the aisle will do. Here they are. They will be okay maybe with geothermal as long as they don't have to watch it happen because they can't stand the thought of seeing a drill rig punch a hole down to turn the heat back. But once it's over, it's kind of okay.

Wind. Well, they don't like wind so good. If TEDDY KENNEDY can see it, they don't want it. But out in Texas it's probably all right. T. Boone Pickens said this is one problem we can't drill our way out of. Well, I believe that may be true, but it's also a problem we can't get out of without drilling. That is what I would add to the gentleman's wisdom. Here's solar, at .11 percent.

Here are the three sources of energy that are not objectionable to environmentalists, geothermal, wind, and solar, and they represent just a little bit more than 1 percent of the overall energy production in America, and that is what they would expand that into the entire energy supply for America.

These tiny little slivers here that are so small, you don't even get a color in there. It's just the line, the black line. Expand those into the whole circle and let the rest of this wither and die on the vine. Because if we drill an oil well, it's going to reach maximum production pretty quickly. From there on, it's statistically a little bit less oil on a daily basis until it finally dries up. We have got to keep exploring.

Same with natural gas. These wells don't last forever. They don't get bigger, better. They get to be a little lesser. With coal, you have got to keep opening coal mines. You can't be closing the uranium, by the way, or our nuclear will slowly get shut down.

There's the little sliver they would have, geothermal, wind and solar. But the rest of us, we would expand all of this, and I include with that ethanol, biodiesel, biomass. All of that source of energy needs to be expanded because I have the chart that shows not just the energy production in the United States, but the energy consumption compared to it, and it is actually the more interesting of the two charts, Mr. Speaker.

This chart shows the outside circle is the energy consumption in the United States. I showed you the number before, 72.1 quadrillion Btus of production, 101.4 quadrillion Btus of consumption. This circle in the middle is our production circle. The outside is our consumption circle. This inner circle is 72 percent of the outer circle.

So, however we want to measure this, we need to grow more natural gas so it comes out to the width of the outer circle. We need to grow more coal production, more nuclear production, more gasoline over here, and on and on with the diesel fuel, jet fuel, et cetera.

This inner circle, which is the energy production in the United States, has got to grow up to match up with the outer circle, which is energy consumption. If we do that, we are energy independent, however you measure it.

Now, I'd change the proportion of these slices of the pie. I would use a lot less natural gas to general electricity because it's a finite source and I'd rather see it go to manufacturing, where natural gas is the mother's milk of manufacturing. I'd rather see it go to fertilizer. We have nearly lost the fertilizer industry in American because natural gas has been pushed to high.

I would change the proportions and the priorities and I'd produce a lot more nuclear because we can and we should and it's environmentally friendly and it's the safest source of energy that there is on the one planet. The French produce 78 percent of their electricity with nuclear. Ours is 8.29—actually, 11.66 percent of our production and 8.29 percent of our overall consumption.

Mr. CARTER. Will the gentleman yield?

Mr. KING of Iowa. I will yield. I will add to the slice of the pie, just as I yield, one of these needs to be energy conservation. That changes the equation too.

The gentleman from Texas.

Mr. CARTER. There are commercials running on television on both sides of this issue, and one of them says, Why don't the oil companies do something about energy, not just oil? And do something about the environment.

Well, we are told that the big challenge we have today is CO_2. Carbon dioxide is ruining our planet. We talked about the polar bears earlier. If we captured carbon dioxide out of the atmosphere from some type of burn process,

what will we do with it? Who has a use for carbon dioxide; taking it out of the atmosphere? The oil companies have a use.

The oil companies can use carbon dioxide to deep inject into fields like east Texas, where Brother GOHMERT comes from, which just about spinout oil fields, and geologists tell us there may be 50 percent of the oil in that field may not be recoverable without some change in the field.

Under this future gen project, which this government is looking at spending billions of dollars on to study how to take coal, clean the burn of coal, capture the carbon dioxide and put the carbon dioxide deep in the ground, where it will change the composition of—I assume it's like tar sands that are left down there—and bring light crude to the surface.

So, you know, these are not the evil empire. They actually have a solution to a problem that we are talking about, and as we learn how to capture carbon dioxide, which we are working on right now.

I was in a meeting the day before yesterday with a group that has a process of capturing carbon dioxide from a burn process. As we capture it, it has a market price in a free enterprise world to the oil and gas industry to bring petroleum products to the surface safely, without polluting the atmosphere.

We don't talk about these things because these are the things that they do in the regular engineering in their business. But the reality is this is a solution to the very problem that our friend, Mr. Gore, is talking about. And if you believe that carbon dioxide is the end of the world, there are energy companies, oil and gas companies, that are ready, willing, and able to take captured carbon dioxide to work in their business.

This is the kind creativity when you challenge Americans to solve a problem. We say, Go to the moon. Yes, we can go to the moon by using these kind of new ideas to make life better for Americans so that when we get up tomorrow morning, we can comfortably start our automobiles and our pickup trucks and our SUVs and together work.

□ 2300

Mr. KING of Iowa. I thank the gentleman from Texas. I would add to that that the free market solutions that we have, they constantly adjust. If government gets out of the way, the demand will create the supply, and when the supply gets to be oversupply, then the price comes down.

Instead, we have people that have their hands on the gavel that don't believe in free market economy. They never sat down and read through Adam Smith's ''Wealth of Nations'' word-for-word and understood it. They don't live to appreciate it. They think there are a handful of intellectual elitists in the world that can manage the economy.

We have had two Members of this Congress that have called out for nationalization of at least part of our oil industry or all of our oil industry. One of them, the gentleman from New York, called for the nationalization of our oil refineries. In other words, that word doesn't fit too good with Americans, but it happens in places like Venezuela, and it happened in Libya to the Hunt brothers with their oil fields. Nationalization means the United States Government would take over the oil refineries and run them.

One other Member, the gentlewoman from California, argued that we should nationalize the entire oil industry in the United States, run that with the government.

I wonder, where does this come from? Where I come from, we are steeped in free enterprise. We are steeped in free market capitalization. We understand that ambition and the desire and need for profit has done more for the standard of living of all humanity than all the missionaries that ever went anywhere. And God love the missionaries for all they have done, but it has been the desire for profit that has driven our technology, in math and science and in the oil industry and in information technology.

It wasn't done because some intellectual elitist was sitting somewhere and decided let's invent a software package and a microchip and an oil drill rig and a derrick and a platform and a refinery. That was done because there was profit in it, and some good, solid, smart people put capital together and they worked hard and took risks and our lives got better.

There is a book that I read years ago called ''Trashing the Planet'' by Dixie Lee Ray, former Governor of the State of Washington. She since has passed away. She served one term out there, as I recall.

She starts the book out about how in 1900 the world was a very smelly and dirty and dangerous place, and she writes about how horses were going up and down in the streets, and they didn't wear diapers like they do in Central Park in those days. They left their mess behind them. The garbage got dumped out the window.

There was a time there in transition when a gentleman walked on the inside, away from the curb, so when the garbage got dumped out, it landed on him instead of the lady. Then, after a while, it got to be where the vehicles were splashing water up, so the gentleman walked on the curbside instead of the building side. That is how the culture changed.

We didn't have clean water and we didn't have clean air and we didn't have modern medicine, and she wrote about how we took a step up and new technology came, every new invention improved the standard of living and the quality of life on average of all Americans, and, in fact, most people in the world.

I read that book next to, side-by-side, simultaneous with Al Gore's book ''Earth in the Balance.'' It was quite a thing to see the difference between the good, solid, commonsense of Dixie Lee Ray, that was full of footnotes and references, a very respectable, scholarly work, compared to the work of ''Earth in the Balance,'' that I didn't find a footnote, and I found quotes from a respected politician, a noted public figure, but not even names.

So we are always better off with technology. Energy produces more technology, cheaper, and lets our economy flow. If we decide we are going to shut down, say, the coal mines here in the United States, shut down the oil drilling and for natural gas or for our crude oil, and, by the way, in the last 25 years, our oil rigs have gone from 4,500 of them operating and working in the United States down to 2,000 is all. Only six rigs working in Alaska. Only six up there in that huge oil.

So we need more energy so that we can have a more effective economy. That is the bottom line. We believe in free market capitalization. We believe in supply and demand. We believe that if there is more demand, there will be more supply created, if government gets out of the way.

You folks all believe get in the way and then drag a straw man out and a red herring and say, well, we will take some oil out of the Strategic Petroleum Reserve, or we will say ''use it or lose it.'' The American people know better.

I yield to the gentleman from Texas.

Mr. CARTER. The other bogeyman, strawman out there, is Big Oil. Big Oil finds the oil rigs. As a Member of this House, and I don't think you would be ashamed for me to tell this, and it is not a long story, his name is TRENT FRANKS, he is one of our classmates, and he made his living drilling for oil. You know how he started? TRENT was 18. His partner was his 15-year-old brother. They bought a makeshift drilling rig that was basically rigged on the back of an old truck, and they went down outside of Midland, Texas, and started looking for a place to drill for oil.

TRENT is out of the business now because he is a Member of Congress, but his firm today is drilling offshore off the coast of New Zealand and Australia. So he and his 15-year-old brother obviously found some someplace so they could keep drilling.

The average person who seeks oil is an independent, more or less for the oil industry, small businessman, and we should stop throwing these bogeymen out there, because these are the people looking for our oil, and they are going to find it and they are going to change things, as are our coal miners and all the other people we have talked about. We will get clean coal, we will get oil that we can live with, we will have American energy.

I thank you for allowing me to join you today. I yield back.

Mr. KING of Iowa. I thank the judge and the judges from Texas. It has been a big help to me and a boost to hear

your insight on this energy issue. I intend to continue to turn this up and do all I can to open it up.

I am tired of $4 gas. The American people are tired of $4 gas. They know that this if Congress shuts down energy, the price will go higher, not lower, and it is up to us. We have got discharge petitions down here that many, many Members have signed. When we get to 218, they will come to the floor, whether it is blocked by the Speaker or not. That is one of the key pieces of this.

I also wanted to add, first I will go back and recap this energy pie piece. The inside circle is energy production in America. The outside circle is energy consumption in America. The colored components of this, blue is gas production; diesel fuel is red; and you have got the yellow is natural gas; the kind of orange is coal; green is nuclear; and then you get hydroelectric is this little sliver right here in that faded lavender color.

But when you go around the corner and you ask the question, can we bring more biomass into this equation, environmentalists say no, you are burning wood and stuff, so you are polluting the atmosphere with the emissions from burning cellulose. So you can't do that.

Well, we get to diesel fuel and gasoline. We surely can't do that, because that comes from an oil well. That is a crude oil product. You can't do jet fuel, you can't do heavy oils, because that is all petroleum out of a well product. Here is natural gas. You can't do that. That is Outer Continental Shelf. They don't want to create fish habitat out there with those oil platforms.

And the idea for some people in Florida that out there at 199 miles away from shore we might punch a oil or natural gas well down and somebody might not come to Florida and sit on the beach because there was once a drill rig 199 miles away and now there is a platform that might even be underwater, that can't be seen? That has about as much sense as somebody sitting on Iowa's border with Missouri in a lawn chair saying, I don't like the idea there could be somebody with a drill rig up there in Southern Minnesota, right across the line. Same distance, 200 miles north to south.

Why is anybody worried about a drill rig 200 miles offshore of Florida? They can't see it from the beach. Chris Columbus, remember, said that is how he figured out the Earth was round. He saw the mast of the ship first as it got closer. He figured the Earth was curved, because you should have seen all the ship at once if it were flat.

We have to grow the size of this energy pie, Mr. Speaker. All of these things are off the table from environmentalists: No more natural gas, no coal, no more nuclear. Hydroelectric, we surely couldn't stop the water in a river and save a flood, like Cedar Rapids, Iowa, or Iowa City, Iowa, in the process. No, we can't have any more of that. All we can have more of is geothermal, wind and biodiesel. They represent approximately 1 percent of the overall energy, the overall energy production in America, and they are only 0.74 percent of the overall consumption in America.

So clearly something has to change. The American people will not tolerate expensive gas, as long as there is a logical, commonsense solution. We know what that is. We have talked about what that is, Mr. Speaker, and I call upon the Speaker of the House to let these energy bills come forward for votes and let the American people see where everybody stands in this Congress.

OMISSION FROM THE CONGRESSIONAL RECORD OF MONDAY, JULY 28, 2008 AT PAGE H7167

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule 1, the following enrolled bills were signed by the Speaker on Thursday, July 24, 2008:

H.R. 1553, to amend the public health service act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to information regarding pediatric cancers and current treatments for such cancers, establish a national childhood cancer registry, and promote public awareness of pediatric cancer

H.R. 3890, to impose sanctions on officials of the State Peace and Development Council in Burma, to amend the Burmese Freedom and Democracy Act of 2003 to exempt humanitarian assistance from United States sanctions on Burma, to prohibit the importation of gemstones from Burma, or that originate in Burma, to promote a coordinated international effort to restore civilian democratic rule to Burma, and for other purposes

H.R. 4841, to approve, ratify, and confirm the settlement agreement entered into to resolve claims by the Soboba Band of Luiseno Indians relating to alleged interferences with the water resources of the Tribe, to authorize and direct the Secretary of the Interior to execute and perform the Settlement Agreement and related waivers, and for other purposes

H.R. 5501, to authorize appropriations for fiscal year 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes

S. 2565, to establish an awards mechanism to honor exceptional acts of bravery in the line of duty by Federal, State, and local law enforcement officers

S. 2766, to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel

S. 3298, to clarify the circumstances during which the Administrator of the Environmental Protection Agency and applicable States may require permits for discharges from certain vessels, and to require the Administrator to conduct a study of discharges incidental to the normal operation of vessels.

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 on Thursday, July 24, 2008:

H.R. 1553. An act to amend the public health service act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to information regarding pediatric cancers and current treatments for such cancers, establish a national childhood cancer registry, and promote public awareness of pediatric cancer.

H.R. 3890. An act to impose sanctions on officials of the State Peace and Development Council in Burma, to amend the Burmese Freedom and Democracy Act of 2003 to exempt humanitarian assistance from United States sanctions on Burma, to prohibit the importation of gemstones from Burma, or that originate in Burma, to promote a coordinated international effort to restore civilian democratic rule to Burma, and for other purposes.

H.R. 4841. An act to approve, ratify, and confirm the settlement agreement entered into to resolve claims by the Soboba Band of Luiseno Indians relating to alleged interferences with the water resources of the Tribe, to authorize and direct the Secretary of the Interior to execute and perform the Settlement Agreement and related waivers, and for other purposes.

H.R. 5501. An act to authorize appropriations for fiscal year 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles on Thursday, July 24, 2008:

S. 2565. An act to establish an awards mechanism to honor exceptional acts of bravery in the line of duty by Federal, State, and local law enforcement officers.

S. 2766. An act to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel.

S. 3298. An act to clarify the circumstances during which the Administrator of the Environmental Protection Agency and applicable States may require permits for discharges from certain vessels, and to require the Administrator to conduct a study of discharges incidental to the normal operation of vessels.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LEVIN (at the request of Mr. HOYER) for today.

Ms. GINNY BROWN-WAITE of Florida (at the request of Mr. BOEHNER) for today on account of personal reasons.

Mr. MCHUGH (at the request of Mr. BOEHNER) for today on account of a family medical situation.

Mr. PEARCE (at the request of Mr. BOEHNER) for today on account of traveling back to Washington, D.C., on official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. SKELTON, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. HERGER) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, August 1.

Mr. CALVERT, for 5 minutes, July 30 and 31.

Mr. CULBERSON, for 5 minutes, today, July 30, 31 and August 1.

Mr. DAVIS of Kentucky, for 5 minutes, July 30.

Mr. WELLER of Illinois, for 5 minutes, July 30 and 31.

Mr. JONES of North Carolina, for 5 minutes, August 1.

Mr. FRANKS of Arizona, for 5 minutes, today, July 30 and 31.

Mr. MORAN of Kansas, for 5 minutes, today, July 30, 31 and August 1.

Mr. CONAWAY, for 5 minutes, today.

Mr. BURGESS, for 5 minutes, today.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker pro tempore, Mr. HOYER, on Monday, July 28, 2008:

H.J. Res. 93. Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker on Tuesday, July 29, 2008:

H.R. 3221. An act to provide needed housing reform and for other purposes.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 10 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 30, 2008, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the second quarter of 2008, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JENNIFER M. STEWART, HOUSE OF REPRESENTATIVES, EXPENDED ON MAY 25, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Jennifer M. Stewart	5/25	5/25	Lebanon				[3]				
Committee total											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

Hon. JOHN A. BOEHNER, Chairman, Jan. 30, 2008.

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, KARA STENCEL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 23 AND MAY 27, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Kara Stencel	5/23	5/23	Germany		391.00						391.00
	5/26	5/27	Pakistan		126.00						126.00
	5/27	5/27	Italy		273.00						273.00
Committee total					790.00						790.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

KARA STENCEL, July 1, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, KARA STENCEL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 24 AND MAY 28, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Kara Stencel	5/24	5/24	Germany		391.00						391.00
	5/26	5/27	Pakistan		126.00						126.00
	5/27	5/28	Italy		273.00						273.00
Committee total					790.00						790.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

KARA STENCEL, June 27, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, KAY A. KING, PH.D., HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 13 AND JUNE 16, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Kay A. King, Ph.D.	6/13	6/16	Ecuador		1,100.00		(3)				1,100.00
Committee total											1,100.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

KAY A. KING, PH.D., July 16, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. FRANK WOLF, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 26 AND JULY 1, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Frank Wolf		6/26	United States				9,786.40				9,786.40
	6/29		China		[3] 732.00						732.00
		6/1	China								
	6/1		United States								
Committee total					732.00		9,786.40				10,518.40

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Note: 35.00 Returned to U.S. Treasury via cashiers check #0300179.

Hon. FRANK R. WOLF, Chairman, July 14, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DAN SCANDLING, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 28 AND JULY 1, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Dan Scandling		6/28	United States				9,786.40				9,786.40
	6/29		China		732.00*						732.00
		7/1	China								
	7/1		United States								
Committee total					732.00*		9,786.40				10,518.40

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN SCANDLING, July 14, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO SLOVENIA AND ITALY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 23 AND MAY 30, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Shelley Berkley	5/23	5/26	Slovenia		446.54				652.36		1,098.90
	5/26	5/30	Italy		987.25				756.36		1,743.61
Hon. Cliff Stearns	5/23	5/26	Slovenia		446.54				652.36		1,098.90
	5/26	5/30	Italy		987.25				756.36		1,743.61
Hon. Gary L. Ackerman	5/23	5/26	Slovenia		446.54				652.36		1,098.90
	5/26	5/30	Italy		987.25				756.36		1,743.61
Hon. Elliot L. Engel	5/25	5/26	Slovenia		148.45		7,065.74				7,214.19
	5/26	5/30	Italy		987.25				756.36		1,743.61
Hon. Joe Barton	5/23	5/26	Slovenia		446.54				652.36		1,098.90
	5/26	5/30	Italy		987.25				756.36		1,743.61
Hon. Russ Carnahan	5/23	5/26	Slovenia		446.54				652.36		1,098.90
	5/26	5/30	Italy		987.25				756.36		1,743.61
Hon. Phil Gingrey	5/23	5/26	Slovenia		446.54				652.36		1,098.90
	5/26	5/30	Italy		987.25				756.36		1,743.61
Hon. Steve Israel	5/23	5/26	Slovenia		446.54				652.36		1,098.90
	5/26	5/30	Italy		987.25				756.36		1,743.61
Hon. Loretta Sanchez	5/23	5/26	Slovenia		446.54				652.36		1,098.90
	5/26	5/27	Italy		267.11				378.18		645.29
Hon. Sheila Jackson-Lee	5/23	5/26	Slovenia		446.54				652.36		1,098.90
	5/26	5/28	Italy		532.14		4,436.55		756.36		6,147.16
Amanda Sloat	5/23	5/26	Slovenia		446.54				652.36		1,098.90
	5/26	5/27	Italy		267.11				378.18		645.29
David Adams	5/23	5/26	Slovenia		446.54				652.36		1,098.90
	5/26	5/30	Italy		987.25				756.36		1,743.61
Robert King	5/23	5/26	Slovenia		446.54				652.36		1,098.90
	5/26	5/30	Italy		987.25				756.36		1,743.61
Riley Moore	5/23	5/26	Slovenia		446.54				652.38		1,098.90
	5/26	5/03	Italy		987.25				756.36		1,743.61
Sara Preisser	5/23	5/26	Slovenia		146.54				652.36		798.90
	5/26	5/27	Italy		67.65				378.18		445.83
Richard Urey	5/23	5/26	Slovenia		446.54				652.36		1,098.90
	5/26	5/30	Italy		987.25				756.36		1,743.61
Daniel Coughlin	5/23	5/26	Slovenia		446.54				652.36		1,098.90
	5/26	5/30	Italy		987.25				756.36		1,743.61
Committee totals											55,047.09

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Hon. SHELLEY BERKLEY, Chairman, July 1, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO HAITI, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 27 AND MAY 31, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
John Clocker	5/27	5/31	Haiti		182.00		1,485.80				2,213.80
Lashon Bethea	5/28	5/31	Haiti		182.00		1,485.80				2,213.80
Matthew Marco	5/27	5/31	Haiti		182.00		1,485.80				2,213.80
Committee total											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN CLOCKER, June 30, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO NATO PARLIAMENTARY ASSEMBLY SPRING MEETING IN BERLIN, GERMANY AND BILATERAL MEETINGS IN ISTANBUL, ANKARA AND INCIRLIK/ADANA, TURKEY, AND SHANNON, IRELAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 23 AND JUNE 2, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. John Tanner	5/23	5/27	Germany		940.00		[3]				1,775.00
	5/27	5/29	Istanbul, Turkey		328.00						
	5/29	6/1	Adana, Turkey		320.00						
	6/1	6/2	Ireland		187.00						
Hon. Marion Berry	5/23	5/27	Germany		940.00		[3]				1,775.00
	5/27	5/29	Istanbul, Turkey		328.00						
	5/29	6/1	Turkey		320.00						
	6/1	6/2	Ireland		187.00						
Hon. John Boozman	5/23	5/27	Germany		940.00		[3]				1,775.00
	5/27	5/29	Istanbul, Turkey		328.00						
	5/29	6/1	Turkey		320.00						
	6/1	6/2	Ireland		187.00						
Hon. Ben Chandler	5/23	5/27	Germany		940.00		[3]				1,775.00
	5/27	5/29	Istanbul, Turkey		328.00						
	5/29	6/1	Turkey		320.00						
	6/1	6/2	Ireland		187.00						
Hon. Jo Ann Emerson	5/23	5/27	Germany		940.00		[3]				1,775.00
	5/27	5/29	Istanbul, Turkey		328.00						
	5/29	6/1	Turkey		320.00						
	6/1	6/2	Ireland		187.00						
Hon. Carolyn McCarthy	5/23	5/27	Germany		940.00		[3]				1,7750.00
	5/27	5/29	Istanbul, Turkey		328.00						
	5/29	6/1	Turkey		320.00						
	6/1	6/2	Ireland		187.00						
Hon. Dennis Moore	5/23	5/27	Germany		940.00		[3]				1,775.00
	5/27	5/29	Istanbul, Turkey		328.00						
	5/29	6/1	Turkey		320.00						
	6/1	6/2	Ireland		187.00						
Hon. Ralph Regula	5/23	5/27	Germany		940.00		[3]				4,582.38
Hon. Mike Ross	5/23	5/27	Germany		940.00		[3]				1,775.00
	5/27	5/29	Istanbul, Turkey		328.00						
	5/29	6/1	Turkey		320.00						
	6/1	6/2	Ireland		187.00						
Hon. David Scott	5/23	5/27	Germany		940.00		[3]				1,775.00
	5/27	5/29	Istanbul, Turkey		328.00						
	5/29	6/1	Turkey		320.00						
	6/1	6/2	Ireland		187.00						
Hon. John Shimkus	5/23	5/27	Germany		940.00		[3]				1,775.00
	5/27	5/29	Istanbul, Turkey		328.00						
	5/29	6/1	Turkey		320.00						
	6/1	6/2	Ireland		187.00						
Melissa Adamson	5/23	5/27	Germany		940.00		[3]				1,775.00
	5/27	5/29	Istanbul, Turkey		328.00						
	5/29	6/1	Turkey		320.00						
	6/1	6/2	Ireland		187.00						
Kathy Becker	5/23	5/27	Germany		940.00		[3]				1,775.00
	5/27	5/29	Istanbul, Turkey		328.00						
	5/29	6/1	Turkey		320.00						
	6/1	6/2	Ireland		187.00						
Dr. Paul Gallis	5/23	5/27	Germany		940.00		[3]				1,775.00
	5/27	5/29	Istanbul, Turkey		328.00						
	5/29	6/1	Turkey		320.00						
	6/1	6/2	Ireland		187.00						
Alan Makovsky	5/23	5/27	Germany		940.00		[3]				1,775.00
	5/27	5/29	Istanbul, Turkey		328.00						
	5/29	6/1	Turkey		320.00						
	6/1	6/2	Ireland		187.00						
Greg McCarthy	5/23	5/27	Germany		940.00		[3]				1,775.00
	5/27	5/29	Istanbul, Turkey		328.00						
	5/29	6/1	Turkey		320.00						
	6/1	6/2	Ireland		187.00						
Delegation Expenses:											
—Representational Funds									9,528.76		9,528.76
—Miscellaneous									1,820.39		1,820.39
Committee total					27,565.00		3,642.38		11,349.15		42,556.53

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

Hon. JOHN S. TANNER, Chairman, July 2, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO MEXICO–U.S. INTERPARLIAMENTARY GROUP CONFERENCE IN MONTERREY, MEXICO, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 6 AND JUNE 8, 2008

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Ed Pastor	6/6	6/8	Mexico		433.59		[3]				433.59
Hon. Zoe Lofgren	6/6	6/8	Mexico		433.59		[3]				433.59
Hon. Ruben Hinojosa	6/7	6/8	Mexico		216.79		[3] 568.09				784.88
Hon. Silvestre Reyes	6/7	6/8	Mexico		216.79		[3] 608.94				825.73
Hon. Ciro Rodriguez	6/7	6/8	Mexico		216.79		[3] 608..94				825.73
Hon. Raul Grijalva	6/6	6/8	Mexico		603.63		[3]				603.63
Hon. Jerry Weller	6/7	6/8	Mexico		216.79		1,758.90				1,975.69
Hon. Brian Bilbray	6/6	6/8	Mexico		439.47		[3]				439.47
Hon. Devin Nunes	6/6	6/8	Mexico		564.18		[3]		16.19		580.37
Kay King	6/6	6/8	Mexico		433.59		[3]				433.59
Peter Quilter	6/6	6/8	Mexico		433.59		[3]				433.59
Marin Stein	6/6	6/8	Mexico		433.59		[3]				433.59
Robyn Wapner	6/6	6/8	Mexico		433.59		[3]		6.76		440.35
Jim Farr	6/6	6/8	Mexico		433.59		[3]				433.59
Delegation expenses									1,184.82		1,184.82
Interpreters									2,934.00		2,934.00
Committee total											13,196.21

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Hon. ED PASTOR. Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
David Goldenberg	5/25	5/27	Russia		322.00				620.00		942.00
	5/27	5/28	Finland		212.00				420.00		632.00
	5/28	5/31	Austria		663.00				862.15		1,525.15
Committee total											3,099.15

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Hon. LOUISE M. SLAUGHTER, Chairman, July 9, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
HOUSE COMMITTEES Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Hon. STEPHANIE TUBBS JONES, Chairman, July 17, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
HOUSE COMMITTEES Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Hon. BOB FILNER, Chairman, July 14, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TAXATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
HOUSE COMMITTEES Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Senator MAX BAUCUS, Chairman, July 15, 2008.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7816. A letter from the Assistant Director, Directives and Regulations Branch, Office of Regulatory and Management Services, USDA Forest Service, Department of Agriculture, transmitting the Department's final rule — National Environmental Policy Act Procedures (RIN: 0596-AC49) received July 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7817. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Raisins Produced From Grapes Grown In California; Revisions to Requirements Regarding Off-Grade Raisins [Docket No. AMS-FV-07-0117; FV07-989-4FR] received July 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7818. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Almonds Grown in California; Relaxation of Incoming Quality Control Requirements [Docket No. AMS-FV-08-0044; FV08-981-1 IFR] received July 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7819. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Nectarines and Peaches Grown in California; Changes in Handling Requirements for Fresh Nectarines and Peaches [Docket No. AMS-FV-07-0160; FV08-916/917-1 FIR] received July 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7820. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Additional Protocol Regulations [Docket No. 08021265-8693-01] (RIN: 0694-AD26) received July 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

7821. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7822. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7823. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7824. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7825. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7826. A letter from the Administrator, General Services Administration, transmitting notification of the new mileage reimbursement rates for Federal employees who use privately owned vehicles while on official travel, pursuant to 5 U.S.C. 5707(b)(1)(A); to the Committee on Oversight and Government Reform.

7827. A letter from the Director, Office of Personnel Management, transmitting notification of an approved plan for a personnel management demonstration project at the Department of Veterans Affairs' Veterans Health Administration, pursuant to 5 U.S.C. 4703; to the Committee on Oversight and Government Reform.

7828. A letter from the Chair of the Board, Pension Benefit Guaranty Corporation,

transmitting the Corporation's annual report as required by the Employee Retirement Income Security Act of 1974; to the Committee on Oversight and Government Reform.

7829. A letter from the Director, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Rule to Amend the Listing for the Preble's Meadow Jumping Mouse (Zapus hudsonius preblei) To Specify Over What Portion of Its Range the Subspecies Is Threatened [[FWS-R9-ES-2007-0003] [92220-1113-0000; C6]] (RIN: 1018-AV64) received July 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7830. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Allocating Bering Sea and Aleutian Islands King and Tanner Crab Fishery Resources; Correction [Docket No. 080516675-8677-01] (RIN: 0648-AW88) received July 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7831. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Cost Allocation Methodology Applicable to the Temporary Assistance for Needy Families Program (RIN: 0970-AC15) received July 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7832. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Extension of Time for Filing Returns [TD 9407] (RIN: 1545-BE62) received July 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7833. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.105: Examination of returns and claims for refund, credit or abatement; determination of correct tax liability. (Also Part I, 860D, 860G, 1001; 1.860G-2, 1.1001-3, 301.7701-2, 301.7701-3, 301.7701-4) (Rev. Proc. 2008-47) received July 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7834. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Elections Regarding Start-up Expenditures, Corporation Organizational Expenditures, and Partnership Organizational Expenses [REG-164965-04] (RIN: 1545-BE77) received July 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7835. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Coordinated Issue All Industries Supplemental (Beneficial) Environmental Projects (SEPs) UILs: 162.21-18 (Environmental Fraud/DOJ Settled Cases & False Claims) 162.21-22 (Settlements with EPA) 162.21-01 (Cases not covered by either of the above UILs) [LMSB-04-0608-036] received July 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7836. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Auction Rate Preferred Stock-Effect of Liquidity Facilities on Equity Character [Notice 2008-55] received July 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7837. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 301.7121-1: Closing Agreements. (Also Part I, 7702, 7702A.) (Rev. Proc. 2008-38) received July 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7838. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 301.7121-1: Closing Agreements. (Also Part I, 7702A.) (Rev. Proc. 2008-39) received July 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7839. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 301.7121-1: Closing Agreements. (Also Part I, Section 7702.) (Rev. Proc. 2008-40) received July 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7840. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 301.7121-1: Closing Agreements. (Also Part 1, Section 817; 1.817-5.) (Rev. Proc. 2008-41) received July 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7841. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.105: Examination of returns and claims for refund, credit or abatement; determination of correct tax liability. (Also Part 1, 101, 7702.) (Rev. Proc. 2008-42) received July 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7842. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Bonus Depreciation for the Kansas Disaster Area [Notice 2008-67] received July 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7843. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Relief from Certain Low-Income Housing Credit Requirements Due to Severe Storms and Flooding in Missouri [Notice 2008-66] received July 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7844. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Farmer and Fisherman Income Averaging [TD 9417] (RIN: 1545-BE39) received July 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7845. 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. 2008-43) received July 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7846. A letter from the President & CEO, Endowment for Forestry and Communities, transmitting the Endowment's First Annual Report for 2007; jointly to the Committees on Agriculture and Natural Resources.

7847. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Eighteenth Annual Report describing the Board's health and safety activities relating to the Department of Energy's defense nuclear facilities during the calendar year 2007; jointly to the Committees on Armed Services and Energy and Commerce.

7848. A letter from the Chairman, Medicare Payment Advisory Commission, transmitting a copy of the Commission's ''June 2008 Report to the Congress: Reforming the Delivery System''; jointly to the Committees on Energy and Commerce and Ways and Means.

7849. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's March 2008 ''Treasury Bulletin,'' pursuant to 26 U.S.C. 9602(a); jointly to the Committees on Ways and Means, Transportation and Infrastructure, Natural Resources, Energy and Commerce, Education and Labor, and Agriculture.

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. CONYERS: Committee on the Judiciary. H.R. 6083. A bill to authorize funding for the National Advocacy Center, with an amendment (Rept. 110–784). Referred to the Committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 6221. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to include in each contract the Secretary enters for the acquisition of goods and services a provision that requires the contractee to comply with the contracting goals and preferences for small business concerns owned or controlled by veterans, and for other purposes; with an amendment (Rept. 110–785). Referred to the Committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans' Affairs. 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, with amendments (Rept. 110–786). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee of Conference. Conference report on H.R. 4040. A bill to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission (Rept. 110–787). Ordered to be printed.

Mr. FRANK: Committee on Financial Services. H.R. 6309. A bill to amend the Residential Lead-Based Paint Hazard Reduction Act of 1992 to define environmental intervention blood lead level and establish additional requirements for certain lead hazard screens, and for other purposes; with an amendment (Rept. 110–788). Referred to the Committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 5892. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to modernize the disability benefits claims processing system of the Department of Veterans Affairs to ensure the accurate and timely delivery of compensation to veterans and their families and survivors, and for other purposes (Rept. 110–789). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3849. A bill to provide for the conveyance of parcels of land to Mantua, Box Elder County, Utah, with an amendment (Rept. 110–790). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 4828. A bill to amend the Palo Alto Battlefield National Historic Site Act of 1991 to expand the boundaries of the historic site, and for other purposes; with an amendment (Rept. 110–791). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2933. A bill to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, and for other purposes; with an amendment (Rept. 110–792). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3299. A bill to provide for a boundary adjustment and land conveyances 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, with an amendment (Rept. 110–793). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1575. A bill to reaffirm and clarify the Federal relationship of the Burt Lake Band as a distinct federally recognized Indian Tribe, and for other purposes; with an amendment (Rept. 110–794). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3094. A bill to establish in the Treasury of the United States a fund which shall be known as the National Park Centennial Fund, and for other purposes; with an amendment (Rept. 110–795). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 160. A bill to amend the American Battlefield Protection Act of 1996 to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes; with an amendment (Rept. 110–796). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 6176. A bill to authorize the expansion of the Fort Davis National Historic Site in Fort Davis, Texas, and for other purposes (Rept. 110–797). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3336. A bill to direct the Secretary of the Interior to carry out a study to determine the suitability and feasibility of establishing a historic district to the Camp Hale on parcels of land in the State of Colorado; with an amendment (Rept. 110–798). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 5751. A bill to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study of certain land adjacent to the Walnut Canyon National Monument in the State of Arizona, and for other purposes (Rept. 110–799). Referred to the Committee of the Whole House on the State of the Union.

Ms. CASTOR: Committee on Rules. H. Res. 1384. A resolution providing for consideration of the bill (H.R. 6599) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2009, and for other purposes (Rept. 110–800). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BRADY of Pennsylvania (for himself, Ms. WATSON, Ms. ZOE LOFGREN of California, Ms. KAPTUR, Mr. GONZALEZ, Mrs. DAVIS of California, Ms. WASSERMAN SCHULTZ, Mr. PATRICK MURPHY of Pennsylvania, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Ms. BERKLEY, Mr. HINCHEY, Ms. MOORE of Wisconsin, Mr. CUMMINGS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FILNER, Mr. FARR, Mr. MURPHY of Connecticut, Mrs. CHRISTENSEN, Mr. Foster, Ms. CORRINE BROWN of Florida, Mr. CAPUANO, Ms. JACKSON-LEE of Texas, Mr. BOUCHER, Mr. DAVIS of Alabama, Mr. SERRANO, Ms. SHEA-PORTER, Mrs. CAPPS, Mr. UDALL of Colorado, Mr. ALLEN, Mr. SCOTT of Virginia, Mr. MCGOVERN, Mr. BOSWELL, Ms. SLAUGHTER, Mr. GRIJALVA, Mr. HOLT, Mr. GENE GREEN of Texas, and Mr. COURTNEY):

H.R. 6625. A bill to require the Secretary of Veterans Affairs to permit facilities of the Department of Veterans Affairs to be designated as voter registration agencies, and for other purposes; referred to the Committee on House Administration, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAYS (for himself and Mr. COURTNEY):

H.R. 6626. A bill to authorize the Secretary of the Navy to repay Federal educational loans of officers of the United States Marine Corps who were commissioned on or after September 11, 2001; to the Committee on Armed Services.

By Mr. OBERSTAR (for himself, Mr. BRADY of Pennsylvania, Mr. MICA, Mr. EHLERS, Mr. HOYER, Ms. NORTON, Mr. BECERRA, Ms. MATSUI, and Mr. SAM JOHNSON of Texas):

H.R. 6627. A bill to authorize the Board of Regents of the Smithsonian Institution to carry out certain construction projects, and for other purposes; referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on House Administration, 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. YOUNG of Alaska:

H.R. 6628. A bill to provide for the application of the Recreation and Public Purposes Act to the Connell Lake area, so the Ketchikan Gateway Borough in Alaska may obtain that land under the Act's basic terms and conditions; to the Committee on Natural Resources.

By Ms. SHEA-PORTER:

H.R. 6629. A bill to amend title 38, United States Code, to ensure that veterans in each of the 48 contiguous States are able to receive services in at least one full-service hospital of the Veterans Health Administration in the State or receive comparable services provided by contract in the State; to the Committee on Veterans' Affairs.

By Mr. DEFAZIO (for himself, Mr. OBERSTAR, Mr. MICA, and Mr. DUNCAN):

H.R. 6630. A bill to prohibit the Secretary of Transportation from granting authority to a motor carrier domiciled in Mexico to operate beyond United States municipalities and commercial zones on the United States-Mexico border unless expressly authorized by Congress; to the Committee on Transportation and Infrastructure.

By Mr. BOUSTANY:

H.R. 6631. A bill to amend the Internal Revenue Code of 1986 to modify the withholding requirement with respect to proceeds from certain pari-mutuel wagers; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 6632. A bill to amend the Elementary and Secondary Education Act of 1965 to reform various programs and activities carried out under that Act; referred to the Committee on Education and Labor, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GIFFORDS (for herself, Mr. CALVERT, Mr. MCNULTY, Mr. SMITH of Texas, Mr. MOORE of Kansas, Mr. SAM JOHNSON of Texas, Mr. CHILDERS, Mr. RYAN of Wisconsin, Mrs. BOYDA of Kansas, Mr. BILBRAY, Mr. LAMPSON, and Mr. ELLSWORTH):

H.R. 6633. A bill to evaluate and extend the basic pilot program for employment eligibility confirmation and to ensure the protection of Social Security beneficiaries; referred to the Committee on the Judiciary, and in addition to the Committees on Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HILL:

H.R. 6634. A bill to amend the Internal Revenue Code of 1986 to allow dyed diesel to be sold in rural areas for use in highway vehicles; to the Committee on Ways and Means.

By Mr. KUCINICH (for himself, Mr. GRIJALVA, Ms. LEE, Ms. LINDA T. SÁNCHEZ of California, Mr. DEFAZIO, Mr. STARK, and Mr. HINCHEY):

H.R. 6635. A bill to prohibit the open-air cultivation of genetically engineered pharmaceutical and industrial crops, to prohibit the use of common human food or animal feed as the host plant for a genetically engineered pharmaceutical or industrial chemical, to establish a tracking system to regulate the growing, handling, transportation, and disposal of pharmaceutical and industrial crops and their byproducts to prevent human, animal, and general environmental exposure to genetically engineered pharmaceutical and industrial crops and their byproducts, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of genetically engineered foods, and for other purposes; referred to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Mr. SHAYS, Ms. SCHAKOWSKY, Mr. GRIJALVA, Ms. LEE, Ms. LINDA T. SÁNCHEZ of California, Mr. DEFAZIO, Mr. MCDERMOTT, Mr. STARK, and Mr. HINCHEY):

H.R. 6636. A bill to amend the Federal Food, Drug, and Cosmetic Act, the Federal Meat Inspection Act, and the Poultry Products Inspection Act to require that food that contains a genetically engineered material, or that is produced with a genetically engineered material, be labeled accordingly; referred to the Committee on Agriculture, 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.

H.R. 6637. By Mr. KUCINICH (for himself, Mr. SHAYS, Ms. SCHAKOWSKY, Mr. GRIJALVA, Ms. LEE, Ms. LINDA T. SÁNCHEZ of California, Mr. DEFAZIO, Mr. MCDERMOTT, Mr. STARK, and Mr. HINCHEY):

H.R. 6637. A bill to provide additional protections for farmers and ranchers that may

be harmed economically by genetically engineered seeds, plants, or animals, to ensure fairness for farmers and ranchers in their dealings with biotech companies that sell genetically engineered seeds, plants, or animals, to assign liability for injury caused by genetically engineered organisms, and for other purposes; referred to the Committee on Agriculture, and in addition to the Committees on Energy and Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JORDAN:

H.R. 6638. A bill to require the submission by the President of recommendations and proposed legislation to modernize, consolidate, reprioritize, and where necessary, terminate Federal programs, agencies, and activities; to the Committee on Oversight and Government Reform.

By Mr. Jordan:

H.R. 6639. A bill to amend the Inspector General Act of 1978 to require annual reviews by Inspectors General of the operations, efficiency, and effectiveness of Federal programs; to the Committee on Oversight and Government Reform.

By Mr. KIND (for himself, Mr. LEWIS of Georgia, Mr. TANNER, Mr. MEEK of Florida, Mr. DAVIS of Alabama, Ms. MOORE of Wisconsin, Mr. SENSENBRENNER, Mr. MELANCON, Mr. CAZAYOUX, Mr. JEFFERSON, Mr. CARNAHAN, Mr. PAUL, Mr. MICHAUD, and Mr. BISHOP of New York):

H.R. 6640. A bill to amend the Internal Revenue Code of 1986 to provide relief in the case of federally declared disasters; to the Committee on Ways and Means.

By Mr. KING of Iowa (for himself, Mr. LATHAM, Mr. LOEBSACK, Mr. BOSWELL, and Mr. BRALEY of Iowa):

H.R. 6641. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide assistance to small business concerns; to the Committee on Transportation and Infrastructure.

By Mrs. MALONEY of New York:

H.R. 6642. A bill to amend the National Consumer Cooperative Bank Act to allow for the treatment of the nonprofit corporation affiliate of the Bank as a community development financial institution for purposes of the Community Development Banking and Financial Institutions Act of 1994; to the Committee on Financial Services.

By Mr. MARKEY (for himself and Mr. PLATTS):

H.R. 6643. A bill to amend title 49, United States Code, to require determination of the maximum feasible fuel economy level achievable for cars and light trucks for a year based on a projected fuel gasoline price that is not less than the applicable high gasoline price projection issued by the Energy Information Administration; to the Committee on Energy and Commerce.

By Mr. MORAN of Kansas:

H.R. 6644. A bill to amend the Ethics in Government Act of 1978 to require Members of Congress to include information on the value of any personal residence and on the balance of any mortgage secured by a personal residence in the annual financial disclosure reports required to be filed under such Act; to the Committee on House Administration.

By Mr. ROHRABACHER:

H.R. 6645. A bill to authorize assistance to the Republic of the Philippines for the purpose of providing benefits to certain Filipino World War II veterans, and for other purposes; to the Committee on Foreign Affairs.

By Ms. ROS-LEHTINEN (for herself, Mr. TANCREDO, Ms. BERKLEY, Mr. BURTON of Indiana, Mr. PENCE, and Mr. MCCOTTER):

H.R. 6646. A bill to require the Secretary of State, in consultation with the Secretary of Defense, to provide detailed briefings to Congress on any recent discussions conducted between United States Government and the Government of Taiwan and any potential transfer of defense articles or defense services to the Government of Taiwan; to the Committee on Foreign Affairs.

By Mr. RUPPERSBERGER:

H.R. 6647. A bill to direct the Federal Trade Commission to investigate how speculators are driving up the cost of gasoline in the financial markets, and for other purposes; referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SALI (for himself, Mr. DAVID DAVIS of Tennessee, Mr. WILSON of South Carolina, Mr. FRANKS of Arizona, Mr. WALBERG, Mr. BARRETT of South Carolina, Mr. WELDON of Florida, Mr. MCCOTTER, Mr. DOOLITTLE, Ms. FALLIN, Mr. BISHOP of Utah, Mr. KINGSTON, Mr. DUNCAN, Mr. ROGERS of Kentucky, Mr. SHIMKUS, Mrs. DRAKE, Mr. WESTMORELAND, Mr. PAUL, Mr. CANTOR, Mrs. MUSGRAVE, Mr. COLE of Oklahoma, Mr. SCALISE, and Mr. BLUNT):

H.R. 6648. A bill to amend the Internal Revenue Code of 1986 to allow each individual a $500 credit to help with high energy prices; to the Committee on Ways and Means.

By Mr. STARK (for himself and Mr. BECERRA):

H.R. 6649. A bill to amend part E of title IV of the Social Security Act to require States to help alien children in the child welfare system apply for all available forms of immigration relief, and for other purposes; to the Committee on Ways and Means.

By Mr. WEINER:

H.R. 6650. A bill to authorize appropriations for certain provisions of the Workforce Investment Act of 1998; to the Committee on Education and Labor.

By Ms. HARMAN (for herself and Mr. TURNER):

H. Con. Res. 397. Concurrent resolution expressing the sense of the Congress regarding sexual assaults and rape in the military; to the Committee on Armed Services.

By Ms. ROYBAL-ALLARD (for herself, Mr. MCGOVERN, Ms. GRANGER, Mr. MORAN of Virginia, Ms. DEGETTE, and Mr. CASTLE):

H. Res. 1381. Resolution expressing the sense of the House that there should be an increased Federal commitment prioritizing prevention and public health for all people in the United States; to the Committee on Energy and Commerce.

By Mr. OBERSTAR (for himself, Mr. MICA, Mr. CUMMINGS, Mr. LATOURETTE, Mr. BAIRD, Mr. BISHOP of New York, Ms. CORRINE BROWN of Florida, Mr. COBLE, Mr. HIGGINS, Mr. LARSEN of Washington, Mr. LOBIONDO, Mr. TAYLOR, and Mr. YOUNG of Alaska):

H. Res. 1382. Resolution honoring the heritage of the Coast Guard; to the Committee on Transportation and Infrastructure.

By Mr. WILSON of South Carolina (for himself, Mr. WEXLER, Mr. GALLEGLY, Mrs. TAUSCHER, Ms. BORDALLO, Mr. MCINTYRE, Ms. JACKSON-LEE of Texas, Mr. FORBES, Mr. DAVID DAVIS of Tennessee, Mrs. MUSGRAVE, Mr. GARRETT of New Jersey, Mr. HAYES, Mr. MILLER of Florida, Mr. BOOZMAN, Mrs. BACHMANN, Mr. BARRETT of South Carolina, Mr. MARIO DIAZ-BALART of Florida, and Mr. CUELLAR):

H. Res. 1383. Resolution recognizing the 100th anniversary of the independence of Bulgaria; to the Committee on Foreign Affairs.

By Mrs. MILLER of Michigan (for herself, Mr. LATOURETTE, and Mr. LOBIONDO):

H. Res. 1385. Resolution expressing support for the designation of National Marina Day to honor America's marinas for their many contributions to their local communities and create awareness amongst citizens, policymakers, elected officials, and employees of the overall contributions of marinas to their well-being; to the Committee on Transportation and Infrastructure.

By Mr. ROYCE (for himself and Ms. HARMAN):

H. Res. 1386. Resolution expressing support for the designation of a National Prader-Willi Awareness Month to raise awareness and promote research into this challenging disorder; to the Committee on Energy and Commerce.

By Mr. WITTMAN of Virginia (for himself, Mrs. DRAKE, Mr. SCOTT of Virginia, Mr. FORBES, Mr. GOODE, Mr. GOODLATTE, Mr. CANTOR, Mr. MORAN of Virginia, Mr. BOUCHER, Mr. WOLF, and Mr. TOM DAVIS of Virginia):

H. Res. 1387. Resolution congratulating the University of Mary Washington in Fredericksburg, Virginia, for 100 years of service and leadership to the United States; to the Committee on Education and Labor.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 146: Mrs. BACHMANN.

H.R. 154: Mr. HONDA, Ms. MCCOLLUM of Minnesota, Mr. SAXTON, and Mr. SCHIFF.

H.R. 211: Ms. DELAURO.

H.R. 563: Mr. BILIRAKIS.

H.R. 606: Mr. WITTMAN of Virginia.

H.R. 643: Mr. OLVER.

H.R. 748: Mr. PUTNAM.

H.R. 882: Mr. CASTLE.

H.R. 971: Mr. CARSON.

H.R. 1222: Mrs. BIGGERT.

H.R. 1228: Mr. MEEKS of New York.

H.R. 1295: Mr. MCCAUL of Texas.

H.R. 1527: Ms. BORDALLO and Mr. YOUNG of Alaska.

H.R. 1589: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1590: Mr. BAIRD.

H.R. 1606: Mr. CARNAHAN and Mr. CAPUANO.

H.R. 1621: Mr. WEINER.

H.R. 1691: Mr. KUCINICH.

H.R. 1841: Mr. CARSON.

H.R. 1927: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1973: Mr. PETERSON of Minnesota and Mr. WEXLER.

H.R. 1975: Ms. SHEA-PORTER.

H.R. 2015: Ms. TSONGAS.

H.R. 2020: Mrs. BOYDA of Kansas.

H.R. 2092: Ms. SCHAKOWSKY.

H.R. 2205: Mr. FRANKS of Arizona.

H.R. 2210: Ms. LINDA T. SÁNCHEZ of California.

H.R. 2266: Mr. MOORE of Kansas and Ms. WATERS.

H.R. 2331: Mr. WEINER.

H.R. 2332: Mr. UPTON, Mr. ROSS, Mr. MCKEON, and Mr. KING of Iowa.

H.R. 2352: Mr. BRADY of Pennsylvania.

H.R. 2472: Mr. HOLDEN.

H.R. 2606: Mr. BACA.

H.R. 2668: Mr. SHAYS.

H.R. 2706: Mr. WILSON of South Carolina and Mr. BROWN of South Carolina.

H.R. 2712: Mrs. BACHMANN.

H.R. 2807: Mr. WITTMAN of Virginia and Mr. BROWN of South Carolina.

H.R. 2832: Mr. DELAHUNT.
H.R. 2833: Mr. GENE GREEN of Texas.
H.R. 2864: Mr. ALLEN.
H.R. 2892: Mr. COHEN.
H.R. 2976: Mr. SHAYS.
H.R. 3001: Mr. NADLER.
H.R. 3132: Mr. FRANK of Massachusetts.
H.R. 3189: Mr. KUCINICH.
H.R. 3202: Mr. RANGEL.
H.R. 3234: Mrs. BACHMANN.
H.R. 3257: Mrs. MCCARTHY of New York, Ms. SCHAKOWSKY, and Mr. ALLEN.
H.R. 3319: Mr. BRADY of Pennsylvania.
H.R. 3334: Ms. ROYBAL-ALLARD and Mr. GENE GREEN of Texas.
H.R. 3339: Mr. MOORE of Kansas.
H.R. 3407: Ms. SCHAKOWSKY.
H.R. 3438: Ms. DELAURO.
H.R. 3442: Mr. SCALISE.
H.R. 3452: Mr. GEORGE MILLER of California.
H.R. 3544: Mr. THOMPSON of California.
H.R. 3573: Mr. HOLT and Mr. ROTHMAN.
H.R. 3686: Ms. TSONGAS.
H.R. 3737: Mr. NADLER, Mr. CULBERSON, Ms. SCHAKOWSKY, Mr. GEORGE MILLER of California, and Ms. ZOE LOFGREN of California.
H.R. 3753: Mr. MCGOVERN.
H.R. 3844: Mr. MILLER of North Carolina.
H.R. 3888: Mrs. BACHMANN.
H.R. 3989: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 4062: Mr. PORTER.
H.R. 4091: Mr. SARBANES.
H.R. 4133: Mr. ROGERS of Alabama.
H.R. 4183: Ms. LINDA T. SÁNCHEZ of California, and Ms. ROS-LEHTINEN.
H.R. 4188: Mr. NADLER.
H.R. 4206: Ms. WATERS.
H.R. 4218: Ms. BORDALLO.
H.R. 4236: Mr. MEEKS of New York, Mr. MAHONEY of Florida, Mr. FOSTER, and Mrs. LOWEY.
H.R. 4245: Mr. RADANOVICH.
H.R. 4318: Mrs. BACHMANN.
H.R. 4450: Mr. CONYERS, Mr. ABERCROMBIE, Mr. SMITH of New Jersey, and Mr. UPTON.
H.R. 4460: Mr. GOODLATTE and Mr. BARRETT of South Carolina.
H.R. 4462: Mr. BACHUS.
H.R. 4544: Mr. PICKERING, Mr. LAMPSON, Mr. SMITH of Washington, Ms. DELAURO, Mr. BACHUS, and Mr. FORTUÑO.
H.R. 5143: Mr. MOORE of Kansas.
H.R. 5161: Ms. MCCOLLUM of Minnesota.
H.R. 5353: Mr. STARK and Ms. SHEA-PORTER.
H.R. 5447: Mr. COURTNEY.
H.R. 5450: Ms. ZOE LOFGREN of California.
H.R. 5498: Mr. MCGOVERN.
H.R. 5513: Mr. WAMP.
H.R. 5550: Mr. ALLEN.
H.R. 5564: Mr. WITTMAN of Virginia.
H.R. 5575: Mrs. CAPPS.
H.R. 5580: Mrs. NAPOLITANO.
H.R. 5595: Mr. CAZAYOUX.
H.R. 5607: Mr. BOUCHER.
H.R. 5629: Mr. STEARNS.
H.R. 5635: Mr. LEWIS of Kentucky.
H.R. 5641: Mr. GOODLATTE.
H.R. 5652: Mr. CRENSHAW.
H.R. 5656: Mr. LINDER and Mr. FLAKE.
H.R. 5673: Mr. FEENEY.
H.R. 5714: Mr. CONYERS, Mr. AL GREEN of Texas, Mr. WITTMAN of Virginia, Mr. NEUGEBAUER, Mr. MORAN of Virginia, Mr. DENT, Mr. ETHERIDGE, Mr. BACA, Mr. LEWIS of Georgia, Ms. SCHAKOWSKY, Mr. MCCOTTER, Mr. TOM DAVIS of Virginia, Mr. COBLE, Mrs. DRAKE, and Ms. BEAN.
H.R. 5734: Mr. TIERNEY and Ms. HARMAN.
H.R. 5756: Mr. MORAN of Virginia, Mr. SHAYS, and Mr. KIRK.
H.R. 5784: Mr. REICHERT.
H.R. 5802: Ms. CORRINE BROWN of Florida, Mr. MEEKS of New York, and Mrs. MALONEY of New York.
H.R. 5852: Mr. ISRAEL.
H.R. 5873: Ms. LEE and Mr. NADLER.
H.R. 5874: Mr. MCCOTTER.
H.R. 5892: Mr. MCGOVERN, Mr. BACA, Mr. WELCH of Vermont, Mr. ETHERIDGE, Mr. JEFFERSON, Mr. CONYERS, Mr. RANGEL, Mr. CUMMINGS, Mrs. CHRISTENSEN, Mr. BRADY of Pennsylvania, Ms. KILPATRICK, and Ms. MOORE of Wisconsin.
H.R. 5898: Ms. WATERS.
H.R. 5901: Ms. SCHAKOWSKY.
H.R. 5908: Mr. JORDAN and Mrs. BACHMANN.
H.R. 5935: Mr. KILDEE.
H.R. 5936: Ms. KAPTUR.
H.R. 5954: Mr. CAZAYOUX.
H.R. 5971: Mr. ROGERS of Kentucky.
H.R. 5984: Mr. MCHUGH, Mrs. BACHMANN, and Mr. HUNTER.
H.R. 6034: Mr. WALDEN of Oregon and Mr. GARRETT of New Jersey.
H.R. 6057: Ms. MCCOLLUM of Minnesota and Mr. ROTHMAN.
H.R. 6066: Mr. MCGOVERN.
H.R. 6078: Mr. ROTHMAN.
H.R. 6083: Mr. RAHALL.
H.R. 6108: Mr. WAMP.
H.R. 6163: Ms. SCHAKOWSKY.
H.R. 6195: Mr. DELAHUNT and Mr. FRANK of Massachusetts.
H.R. 6209: Mr. HOLT.
H.R. 6215: Mr. BISHOP of Georgia.
H.R. 6221: Ms. BORDALLO.
H.R. 6228: Mr. FILNER.
H.R. 6260: Mr. MARIO DIAZ-BALART of Florida, Mr. BOOZMAN, and Mr. MILLER of Florida.
IH.R. 6284: Ms. BEAN.
H.R. 6292: Mr. DANIEL E. LUNGREN of California and Mr. POE.
H.R. 6293: Ms. GIFFORDS, and Mr. LEWIS of Kentucky.
H.R. 6295: Ms. LORETTA SANCHEZ of California, Mr. KLEIN of Florida, and Mr. SOUDER.
H.R. 6298: Mr. COHEN and Mr. FILNER.
H.R. 6320: Ms. SCHAKOWSKY, Mr. TIERNEY, Mr. STARK, Ms. GIFFORDS, and Mr. HINCHEY.
H.R. 6321: Mr. ARCURI.
H.R. 6330: Mr. ELLISON.
H.R. 6363: Mr. GRIJALVA.
H.R. 6372: Mr. MICHAUD.
H.R. 6373: Mr. SALI.
H.R. 6375: Mr. COSTELLO and Mr. GRIJALVA.
H.R. 6379: Mr. SALI and Mr. REGULA.
H.R. 6392: Mr. CARNAHAN.
H.R. 6400: Ms. GINNY BROWN-WAITE of Florida.
H.R. 6404: Mr. MOORE of Kansas and Mr. ENGLISH of Pennsylvania.
H.R. 6427: Mr. MCHUGH, Mr. JACKSON of Illinois, Mr. MITCHELL, Mr. REYES, Mrs. NAPOLITANO, Mr. FARR, Mr. MCINTYRE, Mr. BACA, Mr. DEFAZIO, Mr. COURTNEY, Ms. JACKSON-LEE of Texas, Mr. NEAL of Massachusetts, Ms. GIFFORDS, and Mr. FILNER.
H.R. 6439: Mr. CARNAHAN and Mr. CUELLAR.
H.R. 6445: Ms. BORDALLO.
H.R. 6453: Mr. LEWIS of Kentucky, Mr. FORBES, and Mr. ROGERS of Alabama.
H.R. 6458: Ms. WATERS, Mrs. MALONEY of New York, and Ms. LEE.
H.R. 6460: Mr. PETRI, Mr. EMANUEL, Mr. STUPAK, Mr. HIGGINS, and Mr. REYNOLDS.
H.R. 6461: Ms. GIFFORDS, Mrs. BOYDA of Kansas, Mr. TIM MURPHY of Pennsylvania, Mr. WALZ of Minnesota, and Mr. CONYERS.
H.R. 6462: Mr. ROGERS of Kentucky.
H.R. 6469: Mr. GOODE and Mr. CANTOR.
H.R. 6475: Ms. GIFFORDS.
H.R. 6481: Mr. CONYERS.
H.R. 6485: Mr. SALAZAR, Mr. HINCHEY, Ms. BORDALLO, Mr. GENE GREEN of Texas, Mrs. BOYDA of Kansas, Mr. CARNAHAN, Mr. GRIJALVA, Mr. JOHNSON of Georgia, Ms. GIFFORDS, Mr. BUTTERFIELD, Ms. MOORE of Wisconsin, Mr. THOMPSON of Mississippi, Ms. SUTTON, Mr. MARKEY, Mr. ROTHMAN, Mr. BOUCHER, Mr. CARDOZA, Mr. ARCURI, Mr. SIRES, and Mr. GONZALEZ.
H.R. 6490: Mr. BOOZMAN.
H.R. 6491: Mr. ROSS, Mr. SHULER, and Mr. GOODE.
H.R. 6503: Mr. MARKEY, Mr. SMITH of New Jersey, Mr. WAXMAN, Mr. RAMSTAD, Mr. SCHIFF, Ms. JACKSON-LEE of Texas, Mr. DOGGETT, Mrs. CHRISTENSEN, Mr. MEEK of Florida, Ms. LINDA T. SÁNCHEZ of California, Mr. JEFFERSON, Ms. SCHAKOWSKY, and Mr. KIND.
H.R. 6516: Mr. FALEOMAVAEGA.
H.R. 6517: Mrs. MCCARTHY of New York.
H.R. 6520: Mr. SHAYS.
H.R. 6525: Mr. BRADY of Pennsylvania.
H.R. 6534: Mr. INGLIS of South Carolina.
H.R. 6547: Mr. KILDEE.
H.R. 6548: Ms. LEE, Ms. SUTTON, Mr. MCGOVERN, Mr. HARE, Mr. MORAN of Virginia, Ms. BORDALLO, Ms. SCHAKOWSKY, and Mrs. BOYDA of Kansas.
H.R. 6559: Mr. WEXLER.
H.R. 6569: Ms. DEGETTE and Ms. HARMAN.
H.R. 6577: Mr. WILSON of Ohio, Mr. COSTELLO, Mr. HOEKSTRA, Mr. REYNOLDS, and Mr. KIND.
H.R. 6581: Mr. BUCHANAN, Mr. FARR, Mr. BISHOP of Georgia, and Mr. HASTINGS of Florida.
H.R. 6594: Mr. SHAYS, Mr. SERRANO, Mr. MARKEY, and Mr. FERGUSON.
H.R. 6597: Mr. WEXLER.
H.R. 6612: Mr. BOREN and Mr. MCINTYRE.
H.R. 6613: Ms. MOORE of Wisconsin and Mr. CLAY.
H.R. 6617: Mr. EMANUEL.
H.R. 6618: Mr. LEWIS of Georgia.
H.R. 6622: Mr. PETERSON of Minnesota.
H.J. Res. 39: Mr. SHUSTER.
H.J. Res. 79: Mr. COURTNEY, Ms. SHEA-PORTER, and Ms. HARMAN.
H.J. Res. 81: Mr. KLINE of Minnesota, Mr. PAUL, and Mr. NEUGEBAUER.
H. Con. Res. 24: Ms. WATERS.
H. Con. Res. 81: Mr. MCDERMOTT.
H. Con. Res. 137: Mr. FLAKE and Mr. BARTON of Texas.
H. Con. Res. 223: Mr. PUTNAM and Ms. HOOLEY.
H. Con. Res. 276: Mr. ISRAEL.
H. Con. Res. 360: Ms. ZOE LOFGREN of California, Ms. DELAURO, Mr. JACKSON of Illinois, Mr. RUSH, Mr. RYAN of Ohio, Mr. HONDA, Ms. SUTTON, Mr. FATTAH, and Ms. HIRANO.
H. Con. Res. 361: Mr. NADLER and Mr. MURPHY of Connecticut.
H. Con. Res. 390: Mr. FILNER, Mr. HALL of New York, Mr. SPACE, Mr. MATHESON, Ms. HERSETH SANDLIN, Mr. MURPHY of Connecticut, Mr. BISHOP of New York, Mr. EMANUEL, Mr. ARCURI, Mr. CARDOZA, Mr. TANNER, Mr. SHULER, Mr. HODES, Mr. ROTHMAN, Ms. MATSUI, Mr. BERRY, Mr. ISRAEL, Mr. WU, Mr. GONZALEZ, Ms. ESHOO, Mr. SIRES, Mr. PERLMUTTER, Mr. SARBANES, Mr. BRALEY of Iowa, Ms. SUTTON, Mr. INSLEE, Mr. DENT, Mr. SHIMKUS, Mr. CUELLAR, Mr. PETERSON of Pennsylvania, Mr. WILSON of South Carolina, Mr. MILLER of Florida, Mr. BARROW, Mr. TIERNEY, Mr. MORAN of Virginia, Mr. TIBERI, Mr. GRAVES, Mr. LATOURETTE, Mr. FRELINGHUYSEN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. WOLF, Mr. LANGEVIN, Ms. HARMAN, Mr. THOMPSON of Mississippi, Mr. MAHONEY of Florida, Mr. ENGLISH of Pennsylvania, Mr. STUPAK, Mr. WHITFIELD of Kentucky, Mr. BLUNT, Mr. HAYES, Mr. PITTS, Mr. KIRK, Mr. CHANDLER, Mr. MELANCON, Mr. CHILDERS, Mr. CAZAYOUX, Mr. DONNELLY, Mr. MITCHELL, Mr. LINCOLN DAVIS of Tennessee, Mr. SKELTON, Mr. SPRATT, Mr. TAYLOR, Mr. REYES, Mr. SNYDER, Ms. LORETTA SANCHEZ of California, Mr. MCINTYRE, Mrs. TAUSCHER, Mr. ANDREWS, Mr. COOPER, Mr. BOREN, Mr. ELLSWORTH, Mrs. BOYDA of Kansas, Ms. SHEA-PORTER, Mr. COURTNEY, Mr. LOEBSACK, Mrs. GILLIBRAND, Ms. TSONGAS, Mr. MEEK of Florida, Ms. CASTOR, Mr. SHUSTER, Mr. SAXTON, Mr. MCHUGH, Mr. BARTLETT of Maryland,

Mrs. DRAKE, Mr. ABERCROMBIE, Mr. LOBIONDO, Mr. COLE of Oklahoma, Mr. BRADY of Pennsylvania, Mr. ROGERS of Alabama, Mr. ROGERS of Michigan, Mr. FATTAH, and Mr. TURNER.

H. Res. 30: Mr. WILSON of South Carolina.

H. Res. 758: Mr. CROWLEY, Mr. POE, Mr. BILIRAKIS, Mr. PRICE of Georgia, and Mr. COBLE.

H. Res. 844: Ms. SOLIS.

H. Res. 906: Mr. SPRATT and Mr. BOREN.

H. Res. 988: Mr. GRIJALVA, Ms. NORTON, Ms. MCCOLLUM of Minnesota, Mr. JEFFERSON, Mr. MCNULTY, Mr. BOSWELL, Mr. HOLDEN, Mr. MARKEY, Mr. MICHAUD, Ms. HARMAN, and Mr. BISHOP of New York.

H. Res. 1045: Ms. SCHAKOWSKY and Mr. PAYNE.

H. Res. 1046: Mr. HONDA and Mr. HINCHEY.

H. Res. 1055: Ms. SCHAKOWSKY.

H. Res. 1064: Mr. ROGERS of Michigan, Mr. BRADY of Pennsylvania, and Mr. GARRETT of New Jersey.

H. Res. 1108: Mrs. MILLER of Michigan.

H. Res. 1227: Ms. BORDALLO, Mr. TIERNEY, and Mr. MICHAUD.

H. Res. 1245: Mr. TIERNEY.

H. Res. 1255: Mr. MICHAUD, Mrs. MCCARTHY of New York, Mr. POE, and Mrs. EMERSON.

H. Res. 1287: Mr. BARTLETT of Maryland and Mrs. EMERSON.

H. Res. 1288: Mr. ARCURI, Mr. POE, and Mr. HONDA.

H. Res. 1303: Mr. DOGGETT and Mr. ROHRABACHER.

H. Res. 1306: Mr. KING of New York and Mr. HUNTER.

H. Res. 1316: Mr. RUPPERSBERGER.

H. Res. 1324: Ms. TSONGAS.

H. Res. 1328: Mr. PATRICK MURPHY of Pennsylvania and Mr. RUPPERSBERGER.

H. Res. 1332: Mr. HASTINGS of Florida and Mr. MEEK of Florida.

H. Res. 1351: Mr. GARRETT of New Jersey and Mr. ELLISON.

H. Res. 1352: Mr. FORTUÑO, Mr. EHLERS, Mr. FOSSELLA, and Mr. SHULER.

H. Res. 1356: Mrs. BACHMANN and Mr. MCCARTHY of California.

H. Res. 1357: Mr. BECERRA, Ms. MCCOLLUM of Minnesota, and Mr. AL GREEN of Texas.

H. Res. 1361: Mr. BRADY of Pennsylvania.

H. Res. 1366: Mr. UPTON.

H. Res. 1369: Mr. FARR, Ms. CLARKE, and Mr. SHAYS.

H. Res. 1370: Mr. ACKERMAN, Mr. COHEN, Ms. JACKSON-LEE of Texas, Mr. LANGEVIN, Mr. MCGOVERN, Mr. POE, Ms. ROS-LEHTINEN, Mr. RYAN of Ohio, Mr. SIRES, Mr. SMITH of New Jersey, Mr. WAXMAN, Mr. WOLF, Ms. WOOLSEY, Mr. PITTS, Mrs. LOWEY, Mr. MCCOTTER, Mr. ENGEL, Mr. SCOTT of Georgia, and Ms. WATERS.

H. Res. 1372: Mr. SESSIONS, Mr. BOOZMAN, Mr. COBLE, Mr. WALSH of New York, Mr. PITTS, Mr. THORNBERRY, Mr. DANIEL E. LUNGREN of California, Mr. ROHRABACHER, Mr. KNOLLENBERG, Mr. PETRI, Mr. LAMBORN, Mr. REHBERG, Mrs. MUSGRAVE, Mr. MCHENRY, Mr. TOM DAVIS of Virginia, Mr. NUNES, Mr. KELLER, Mr. SMITH of Nebraska, Mr. MARCHANT, Mr. GERLACH, Mr. WALZ of Minnesota, Mr. ROSS, Mr. CONAWAY, Mr. MILLER of Florida, Mr. MORAN of Kansas, Mr. FORTENBERRY, Mr. LATHAM, Mr. PLATTS, Mr. BRALEY of Iowa, Mr. KLINE of Minnesota, and Mr. KING of Iowa.

H. Res. 1379: Ms. NORTON, Mr. TOWNS, Mr. DICKS, Mr. GEORGE MILLER of California, Mr. MCDERMOTT, Mr. BUTTERFIELD, Ms. GIFFORDS, Mr. GRIJALVA, and Mr. MCNULTY.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY THE MANAGERS ON THE PART OF THE HOUSE

The conference report on H.R. 4040, the Consumer Product Safety Improvement Act of 2008, 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 BLLLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4789: Ms. GRANGER.

H. Res. 1361: Ms. WATERS.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 6599

OFFERED BY: MR. BUYER

AMENDMENT NO. 1: Page 34, line 21, after the dollar amount insert ''(increased by $150,000,000)''.

Page 38, line 23, after the dollar amount insert ''(reduced by $150,000,000)''.

Page 40, line 9, after the dollar amount insert ''reduced by $150,000,000)''.

H.R. 6599

OFFERED BY: MR. BUYER

AMENDMENT NO. 2: Page 34, line 21, after the dollar amount insert ''(increased by $7,000,000)''.

Page 38, line 23, after the dollar amount insert ''(reduced by $7,000,000)''.

Page 40, line 9, after the dollar amount insert ''reduced by $7,000,000)''.

H.R. 6599

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 3: Insert after section 407 the following:

SEC. 408. None of the funds made available in this Act may be used to enforce subchapter IV of Chapter 31 of title 40, United States Code (commonly referred to as the Davis-Bacon Act).

H.R. 6599

OFFERED BY: MR. FLAKE

AMENDMENT NO. 4: At the end of the bill (before the short title), insert the following:

SEC. ___. (a) ELIMINATION OF MILITARY CONSTRUCTION CONGRESSIONAL EARMARKS.—None of the funds provided in this Act shall be available from the following Department of Defense military construction accounts for the following projects, and the amount otherwise provided in this Act for each such account is hereby reduced by the sum of the amounts specified for such projects from such account:

Account	State	Location	Project Title	Amount (in thousands)
Army	Alabama	Anniston Army Depot	Lake Yard Railroad Interchange.	$1,400
Army	Alabama	Fort Rucker	Chapel Center	$6,800
Air Force	Arizona	Luke AFB	Repair Runway Pavement	$1,755
Army	Arizona	Fort Huachuca	ATC Radar Operations Building.	$2,000
Army NG	Arkansas	Cabot	Readiness Center	$10,868
Air NG	Arkansas	Little Rock AFB	Replace Engine Shop	$4,000
Navy	California	Monterey	Education Facility	$9,990
Air Force	California	Edwards AFB	Main Base Runway Ph 4	$6,000
Navy	California	North Island	Training Pool Replacement	$6,890
Navy	California	Twentynine Palms	Lifelong Learning Center Ph 1	$9,760
Air NG	Connecticut	Bradley IAP	TFI Upgrade Engine Shop	$7,200
Air Force	Florida	Tyndall AFB	325 ACS Ops Training Complex	$11,600
Army NG	Florida	Camp Blanding	Regional Training Institute Ph 4.	$20,907
Air Force	Florida	MacDill AFB	Combat Training Facility	$5,000
Navy	Florida	Mayport	Aircraft Refueling	$3,380
Air NG	Georgia	Savannah CRTC	Troop Training Quarters	$7,500
Navy	Georgia	Kings Bay	Add to Limited Area Reaction Force Facility.	$6,130
Air Force	Georgia	Robins AFB	Avionics Facility	$5,250
Army	Hawaii	Pohakuloa TA	Access Road, Ph 1	$9,000
Air NG	Illinois	Greater Peoria RAP	C-130 Squadron Operations Center.	$400
Army NG	Indiana	Muscatatuck	Combined Arms Collective Training Facility Ph 1.	$6,000
Air NG	Indiana	Fort Wayne IAP	Aircraft Ready Shelters/Fuel Fill Stands.	$5,600

Account	State	Location	Project Title	Amount (in thousands)
Army NG	Iowa	Camp Dodge	MOUT Site Add/Alt	$1,500
Army NG	Iowa	Davenport	Readiness Center Add/Alt	$1,550
Air NG	Iowa	Fort Dodge	Vehicle Maintenance & Comm. Training Complex.	$5,600
Army NG	Iowa	Mount Pleasant	Readiness Center Add/Alt	$1,500
Army	Kansas	Fort Leavenworth	Chapel Complex Ph 2	$4,200
Army	Kansas	Fort Riley	Fire Station	$3,000
Air Force	Kansas	McConnell AFB	MXG Consolidation & Forward Logistics Center Ph 2.	$6,800
Army NG	Kentucky	London	Aviation Operations Facility Ph III.	$7,191
Navy	Maine	Portsmouth NSY	Dry Dock 3 Waterfront Support Facility.	$1,450
Navy	Maine	Portsmouth NSY	Consolidated Global Sub Component Ph 1.	$9,980
Navy	Maryland	Carderock	RDTE Support Facility Ph 1	$6,980
Army NG	Maryland	Dundalk	Readiness Center	$579
Navy	Maryland	Indian Head	Energetics Systems & Tech Lab Complex Ph 1.	$12,050
Air NG	Maryland	Martin State Airport	Replace Fire Station	$7,900
Air NG	Massachusetts	Otis ANGB	TFI Digital Ground Station FOC Beddown.	$1,700
Air Reserve	Massachusetts	Westover ARB	Joint Service Lodging Facility.	$943
Army NG	Michigan	Camp Grayling	Live Fire Shoot House	$2,000
Army NG	Michigan	Camp Grayling	Urban Assault Course	$2,000
Army NG	Minnesota	Arden Hills	Infrastructure Improvements	$1,005
Air NG	Minnesota	Duluth	Replace Fuel Cell Hangar	$4,500
Air NG	Minnesota	Minneapolis-St. Paul IAP	Aircraft Deicing Apron	$1,500
Navy	Mississippi	Gulfport	Battalion Maintenance Facility.	$5,870
Army	Missouri	Fort Leonard Wood	Vehicle Maintenance Shop	$9,500
Air Force	Missouri	Whiteman AFB	Security Forces Animal Clinic	$4,200
Army	Missouri	Fort Leonard Wood	Chapel Complex	$3,500
Air NG	New Jersey	Atlantic City IAP	Operations and Training Facility.	$8,400
Air Force	New Jersey	McGuire AFB	Security Forces Operations Facility Ph 1.	$7,200
Army	New Jersey	Picatinny Arsenal	Ballistic Evaluation Facility Ph 1.	$9,900
Air Force	New Mexico	Cannon AFB	CV-22 Flight Simulator Facility.	$8,300
Air NG	New York	Gabreski Airport	Replace Pararescue Ops Facility Ph 2.	$7,500
Army	New York	Fort Drum	Replace Fire Station	$6,900
Air Reserve	New York	Niagara Falls ARS	Dining Facility/Community Center.	$9,000
Air NG	New York	Hancock Field	Upgrade ASOS Facilities	$5,400
Army	North Carolina	Fort Bragg	Access Roads Ph 1 (Additional Funds).	$8,600
Army NG	North Carolina	Camp Butner	Training Complex	$1,376
Army	North Carolina	Fort Bragg	Mass Casualty Facility	$1,300
Army	North Carolina	Fort Bragg	Chapel	$11,600
Army NG	Ohio	Camp Perry	Barracks	$2,000
Army NG	Ohio	Ravenna	Barracks	$2,000
Air NG	Ohio	Springfield ANGB	Combat Communications Training Complex.	$12,800
Air Force	Ohio	Wright-Patterson AFB	Security Forces Operations Facility.	$14,000
Army	Oklahoma	McAlester AAP	AP3 Connecting Rail	$5,800
Air Force	Oklahoma	Tinker AFB	Realign Air Depot Street	$5,400
Army NG	Pennsylvania	Honesdale	Readiness Center Add/Alt	$6,117
Army NG	Pennsylvania	Honesdale	Readiness Center Add/Alt	$504
Army NG	Pennsylvania	Pittsburgh	Combined Support Maintenance Shop.	$3,250
Army	Pennsylvania	Letterkenny Depot	Upgrade Munition Igloos Phase 2.	$7,500
Navy	Rhode Island	Newport	Unmanned ASW Support Facility.	$9,900
Air NG	Rhode Island	Quonset State Airport	Replace Control Tower	$600
Army NG	South Carolina	Hemingway	Field Maintenance Shop Ph 1	$4,600
Army NG	South Carolina	Sumter	Readiness Center	$382
Air Force	South Carolina	Shaw AFB	Physical Fitness Center	$9,900
Air NG	South Dakota	Joe Foss Field	Aircraft Ready Shelters/AMU	$4,500
Army NG	Tennessee	Tullahoma	Readiness Center	$10,372
Army Reserve	Texas	Bryan	Army Reserve Center	$920
Army	Texas	Camp Bullis	Live Fire Shoot House	$4,200
Air NG	Texas	Ellington Field	ASOS Facility	$7,600
Army	Texas	Fort Hood	Chapel with Education Center	$17,500
Air Force	Texas	Lackland AFB	Security Forces Building Ph 1	$900
Air Force	Texas	Laughlin AFB	Student Officer Quarters Ph 2	$1,440
Air Force	Texas	Randolph AFB	Fire and Rescue Station	$972
Navy	Texas	Corpus Christi	Parking Apron Recapitalization Ph 1.	$3,500

Account	State	Location	Project Title	Amount (in thousands)
Army	Texas	Fort Bliss	Medical Parking Garage Ph 1	$12,500
Air NG	Texas	Fort Worth NAS JRB	Security Forces Training Facility.	$5,000
Navy	Texas	Kingsville	Fitness Center	$11,580
Air Force	Utah	Hill AFB	Three-Bay Fire Station	$5,400
Army NG	Vermont	Ethan Allen Range	Readiness Center	$323
Army NG	Virginia	Fort Belvoir	Readiness Center and NGB Conference Center.	$1,085
Army	Virginia	Fort Myer	Hatfield Gate Expansion	$300
Army	Virginia	Fort Eustis	Vehicle Paint Facility	$3,900
Navy	Virginia	Norfolk NS	Fire and Emergency Services Station.	$9,960
Navy	Virginia	Norfolk NSY	Industrial Access Improvements, Main Gate 15.	$9,990
Navy	Virginia	Quantico	OCS Headquarters Facility	$5,980
Navy	Washington	Kitsap NB	Saltwater Cooling & Fire Protection Improvements.	$5,110
Air NG	Washington	McChord AFB	262 Info Warfare Aggressor Squadron Facility.	$8,600
Navy	Washington	Whidbey Island	Firefighting Facility	$6,160
Army NG	West Virginia	Camp Dawson	Shoot House	$2,000
Army NG	West Virginia	Camp Dawson	Access Control Point	$2,000
Army NG	West Virginia	Camp Dawson	Multi-Purpose Building Ph 2	$5,000
Air Force	Guam	Andersen AFB	ISR/STF Realign Arc Light Boulevard.	$5,400

(b) ELIMINATION OF VA CONGRESSIONAL EARMARK.—None of the funds provided in this Act shall be available from the following Department of Veterans Affairs account for the following project, and the amount otherwise provided in this Act for such account is hereby reduced by the amount specified for such project from such account:

Account	State	Location	Project Title	Amount (in thousands)
Major Construction	Kentucky	Louisville	Site Acquisition and Prep	$45,000

H.R. 6599

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 5: At the end of the bill (before the short title), add the following new section:

SEC. 408. None of the funds provided by this Act shall be available to enforce section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142).

H.R. 6599

OFFERED BY: MR. MCCAUL OF TEXAS

AMENDMENT NO. 6: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used for a project or program named for an individual then serving as a Member, Delegate, Resident Commissioner, or Senator of the United States Congress.

H.R. 6599

OFFERED BY: MR. BURGESS

AMENDMENT NO. 7: Page 3, line 8, insert before the period the following: ''*Provided further*, That of the amount appropriated in this paragraph, $100,000,000 shall be available for the design and construction of one petroleum refinery for the Army''.

Page 4, line 4, insert before the period the following: ''*Provided further*, That of the amount appropriated in this paragraph, $200,000,000 shall be available for the design and construction of one petroleum refinery each for the Navy and Marine Corps''.

Page 5, line 7, insert before the period the following: ''*Provided further*, That of the amount appropriated in this paragraph, $100,000,000 shall be available for the design and construction of one petroleum refinery for the Air Force''.

Page 15, line 17, insert after the dollar amount ''(reduced by $400,000,000)''.

H.R. 6599

OFFERED BY: MR. TERRY

AMENDMENT NO. 8: At the end of title II (page 51, after line 11), insert the following:

ESTABLISHMENT OF NATIONAL CEMETERY

SEC. 226. (a) IN GENERAL.—The Secretary of Veterans Affairs shall establish, in accordance with chapter 24 of title 38, United States Code, a national cemetery in the Sarpy County region to serve the needs of veterans and their families.

(b) CONSULTATION IN SELECTION OF SITE.—Before selecting the site for the national cemetery established under subsection (a), the Secretary shall consult with—

(1) appropriate officials of the State of Nebraska and local officials in the Sarpy County region; and

(2) appropriate officials of the United States, including the Administrator of General Services, with respect to land belonging to the United States in that area that would be suitable to establish the national cemetery under subsection (a).

(c) AUTHORITY TO ACCEPT DONATION OF PARCEL OF LAND.—

(1) IN GENERAL.—The Secretary of Veterans Affairs may accept on behalf of the United States the gift of an appropriate parcel of real property. The Secretary shall have administrative jurisdiction over such parcel of real property, and shall use such parcel to establish the national cemetery under subsection (a).

(2) INCOME TAX TREATMENT OF GIFT.—For purposes of Federal income, estate, and gift taxes, the real property accepted under paragraph (1) shall be considered as a gift to the United States.

(d) REPORT.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the establishment of the national cemetery under subsection (a). The report shall set forth a schedule for such establishment and an estimate of the costs associated with such establishment.

(e) SARPY COUNTY REGION DEFINED.—In this section, the term ''Sarpy County region'' means the geographic area consisting of the following Nebraska counties: Knox, Antelope, Boone, Nance, Merrick, Hamilton, Clay, Nuckolls, Thayer, Fillmore, York, Polk, Platte, Madison, Pierce, Cedar, Wayne, Stanton, Colfax, Butler, Seward, Saline, Jefferson, Gage, Lancaster, Saunders, Dodge, Cuming, Thurston, Dixon, Dakota, Burt, Washington, Douglas, Sarpy, Cass, Otoe, Johnson, Nemaha, Pawnee, Richardson, and the following counties in Iowa; Lyon, Sioux, Plymouth, Woodbury, Monona, Harrison, Pottawatomie, Mills, Fremont, Osceola, Dickinson, O''Brien, Clay, Cherokee, Buena Vista, Ida, Sac, Crawford, Carroll, Shelby, Audubon, Guthrie, Cass, Adair, Montgomery, Adams, Union, Page, Taylor, and Ringgold.

H.R. 6599

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 9: At the end of title II (page 51, after line 11), insert the following new section:

SEC. 226. (a) The Secretary of Veterans Affairs shall increase the number of medical centers specializing in post-traumatic stress disorder in underserved urban areas, which shall include using the services of existing health care entities, pursuant to the authority in section 1703 of title 38, United States Code.

(b) At least one of the existing health care institutions used by the Secretary pursuant to subsection (a) shall be—

(1) located in an area defined as a HUBzone (as that term is defined in section 3(p) of the Small Business Act (15 U.S.C. 632(p)) on the basis of one or more qualified census tracts;

(2) located within a State that has sustained more than five percent of the total casualties suffered by the United States Armed Forces in Operation Enduring Freedom and Operation Iraqi Freedom; and

(3) have at least 7 years experience and significant expertise in providing treatment

and counseling services with respect to substance abuse, alcohol addiction, and psychiatric or stress-related disorders to populations with special needs, including veterans and members of the Armed Forces serving on active duty.

H.R. 6599

OFFERED BY: MR. MURPHY OF CONNECTICUT

AMENDMENT NO. 10: At the end of the bill (before the short title), insert the following:

SEC. 408. None of the funds made available in this Act may be used to obstruct nonpartisan voter registration drives at Department of Veterans Affairs facilities or to prohibit nonpartisan organizations from providing voter registration information and assistance at facilities of the Department of Veterans Affairs.

H.R. 6599

OFFERED BY: MR. GARRETT OF NEW JERSEY

AMENDMENT NO. 11: Page 36, line 5, after the dollar amount, insert ''(reduced by $18,018,000)''.

Page 41, line 22, after the dollar amount, insert ''(increased by $18,018,000)''.

H.R. 6599

OFFERED BY: MR. LAMBORN

AMENDMENT NO. 12: In section 127, insert after ''action'' the following: ''(other than the purchase of land from a willing seller)''.

H.R. 6599

OFFERED BY: MR. PERLMUTTER

AMENDMENT NO. 13: Page 36, line 5, after the dollar amount, insert ''(reduced by $42,000,000)''.

Page 38, line 23, after the dollar amount, insert ''(increased by $42,000,000)''.

H.R. 6599

OFFERED BY: MR. STUPAK

AMENDMENT NO. 14: At the end of the bill (before the short title), insert the following:

SEC. 408. (a) IN GENERAL.—None of the funds appropriated or otherwise made available to the Secretary of Defense by this Act may be used for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron and steel used in such project is produced in the United States.

(b) EXCEPTIONS.—Subsection (a) shall not apply in any case in which the Secretary of Defense finds that—

(1) its application would be inconsistent with the public interest;

(2) iron and steel are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(3) inclusion of iron and steel produced in the United States will increase the cost of the overall project contract by more than 25 percent.

(c) PUBLIC BUILDING; PUBLIC WORK DEFINED.—In this section, the terms ''public building'' and ''public work'' have the meanings given such terms in section 1 of the Buy American Act (41 U.S.C. 10c) and include airports, bridges, canals, dams, dikes, pipelines, railroads, multiline mass transit systems, roads, tunnels, harbors, and piers.

H.R. 6599

OFFERED BY: MR. STUPAK

AMENDMENT NO. 15: At the end of the bill (before the short title), insert the following:

SEC. 408. (a) IN GENERAL.—None of the funds appropriated or otherwise made available to the Secretary of Veterans Affairs by this Act may be used for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron and steel used in such project is produced in the United States.

(b) EXCEPTIONS.—Subsection (a) shall not apply in any case in which the Secretary of Veterans Affairs finds that—

(1) its application would be inconsistent with the public interest;

(2) iron and steel are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(3) inclusion of iron and steel produced in the United States will increase the cost of the overall project contract by more than 25 percent.

(c) PUBLIC BUILDING; PUBLIC WORK DEFINED.—In this section, the terms ''public building'' and ''public work'' have the meanings given such terms in section 1 of the Buy American Act (41 U.S.C. 10c) and include airports, bridges, canals, dams, dikes, pipelines, railroads, multiline mass transit systems, roads, tunnels, harbors, and piers.

H.R. 6599

OFFERED BY: MR. STUPAK

AMENDMENT NO. 16: At the end of the bill (before the short title), insert the following:

SEC. 408. None of the funds made available in this Act may be used to carry out section 111(c)(5) of title 38, United States Code, during fiscal year 2009.

H.R. 6599

OFFERED BY: MR. HASTINGS OF FLORIDA

AMENDMENT NO. 17: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to establish contracts or procurement methods and procedures in contravention of title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.).

H.R. 6599

OFFERED BY: MR. FILNER

AMENDMENT NO. 18: At the end of title II of the bill, (page 51, after line 11), add the following new section:

SEC. 226. Appropriations made available in this title for ''Medical services'' shall be used by the Secretary of Veterans Affairs, in an amount not to exceed $250,000,000, to establish a community grant program to provide rehabilitative services to veterans and servicemembers with post-traumatic stress disorder or traumatic brain injury. The Secretary of Veterans Affairs may enter into cooperative agreements with States and localities in order to inform veterans and servicemembers of programs and benefits under this grant program.

H.R. 6599

OFFERED BY: MR. FILNER

AMENDMENT NO. 19: At the end of title II of the bill (page 51, after line 11), add the following new section:

SEC. 226. Appropriations made available in this title for ''Medical services'' shall be used by the Secretary of Veterans Affairs, in an amount not to exceed $10,000,000, to establish, in cooperation with the Secretary of Defense, a heroes' homecoming pilot program to evaluate the effectiveness of offering compulsory screening, evaluation, and when indicated, treatment for mental health conditions such as post-traumatic stress disorder, and traumatic brain injury, to servicemembers (and immediate family members) returning from deployment and those recently discharged.

H.R. 6599

OFFERED BY: MR. GINGREY

AMENDMENT NO. 20: At the end of the bill (before the short title), add the following new section:

SEC. 408. None of the funds appropriated or otherwise made available in this Act may be used to take private property for public use without just compensation.

H.R. 6599

OFFERED BY: MR. FILNER

AMENDMENT NO. 21: At the end of title II (page 51, after line 11), add the following new section:

SEC. 226. (a) CLARIFICATION OF MEANING OF ''COMBAT WITH THE ENEMY'' FOR PURPOSES OF SERVICE-CONNECTION OF DISABILITIES.—(1) Section 1154(b) of title 38, United States Code, is amended—

(A) by striking ''In the case'' and inserting ''(1) In the case''; and

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

''(2) For the purposes of this subsection, the term 'combat with the enemy' includes service on active duty—

''(A) in a theater of combat operations (as determined by the Secretary in consultation with the Secretary of Defense) during a period of war; or

''(B) in combat against a hostile force during a period of hostilities.''.

(2) Paragraph (2) of subsection (b) of section 1154 of title 38, United States Code, as added by this subsection, shall apply with respect to a claim for disability compensation under chapter 11 of such title pending on or after the date of the enactment of this Act.

(b) PILOT PROGRAMS TO PROVIDE DISABILITY COMPENSATION ON BASIS OF CERTAIN PRESUMPTIONS OF SERVICE-CONNECTION.—The Secretary of Veterans Affairs (in this section referred to as the ''Secretary'') shall carry out two pilot programs, each for a period of two years, at regional offices of the Department of Veterans Affairs. The first pilot program shall be carried out at each regional office of the Department for which the Secretary, as of the date of enactment of this Act, has entered into a contract with a private entity for the entity to conduct medical examinations required to administer claims for disability compensation under chapter 11 of title 38, United States Code. The second pilot program shall be carried out at four other regional offices of the Department selected by the Secretary, one for each of the four regions of the Department.

(c) PRESUMPTION OF SERVICE-CONNECTION.—At each regional office participating in a pilot program under this section, the Secretary shall administer claims for disability compensation under chapter 11 of title 38, United States Code, by considering each disability for which a claim is submitted to that regional office by a veteran to have been incurred in or aggravated by the veteran's service in the active military, naval, or air service during a period of war, campaign, or expedition or in a theater of combat operations during a period of war or in combat against the hostile force during a period of hostilities, notwithstanding there is no record of evidence of such disability during the period of service.

(d) MINIMUM DISABILITY RATING.—In the case of any claim for disability compensation submitted to a regional office participating in a pilot program under this section, the Secretary shall assign to the veteran who submits the claim a disability rating of at least minimal under the schedule for rating disabilities adopted and applied by the Secretary under subsection (e).

(e) EVALUATION AND COMPENSATION OF DISABILITIES UNDER PILOT PROGRAMS.—Under the pilot programs—

(1) the Secretary shall reduce the number of grades of disability upon which payments of compensation are based that would otherwise be applicable under section 1155 of title 38, United States Code, from ten to four;

(2) the four grades of disability shall be minimal, moderate, severe, and very severe; and

(3) the Secretary shall determine the amount of compensation payable for each of

such four grades of disability so that the amount of a compensation payment for a veteran in that grade of disability is equal to the amount of compensation payment for a veteran under such section 1155 with the highest percentage of disability that corresponds to such grade.

(f) COMPENSATION NOT TREATED AS OVERPAYMENT.—If the Secretary adjusts the amount of compensation payable to a veteran for a disability subject to a presumption of service-connection under a pilot program under this section, any payment of compensation to the veteran before such adjustment shall not be considered an overpayment for any purpose.

(g) AUDIT OF CERTAIN CLAIMS.—The Secretary shall conduct an audit of between five and ten percent of all claims administered under each pilot program under this section.

(h) TIME FRAME FOR ADJUDICATION OF CLAIMS.—The Secretary shall ensure that for each claim that is administered as part of a pilot program under this section a final determination is made not later than 90 days after the date of the submission of the claim. Notwithstanding section 5103A(d) of title 38, United States Code, a final determination for such a claim may be made without a medical examination.

(i) AUTHORITY TO ENTER INTO CONTRACTS.—(1) The Secretary may enter into a contract with a medical professional, including medical professionals who are not physicians, for the provision of medical reference assistance to employees of the Department who are responsible for rating disabilities at a regional office participating in a pilot program under this section. In no case shall such a medical professional be utilized or employed to rate any disability or evaluate any claim.

(2) If the Secretary utilizes or employs medical professionals in a pilot program under this section, the Secretary shall ensure that employees of the Department in all regional offices of the Veterans Benefits Administration participating in the two pilot programs have access to such medical professionals as a medical reference resource.

(j) SURVEYS.— In carrying out each of the two pilot programs under this section, the Secretary shall—

(1) conduct statistically significant surveys of employees of the Veterans Benefits Administration participating in the pilot program to ascertain whether, how, and to what degree a medical professional would provide assistance to such employees in carrying out their duties; and

(2) submit a written report of the findings of each survey to Congress not later than 30 days after the date of the conclusion of the pilot program.

(k) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as limiting or affecting any veteran participating in a pilot program under this section from being eligible for disability compensation under chapter 11 of title 38, United States Code, other than as specified in such chapter.

(l) REPORT TO CONGRESS.—Not later than 30 days after the date of the conclusion of each pilot program under this section, the Secretary shall submit to Congress a report on the pilot program. Such report shall include—

(1) the number of claims for disability compensation under chapter 11 of title 38, United States Code, that are pending at the regional offices participating in the pilot program on the date of the conclusion of the pilot program;

(2) the average amount of time required to process a claim for such compensation at such regional offices during the period covered by the pilot program;

(3) a quantitative and qualitative comparison of how such claims were processed at such regional offices during the period covered by the pilot program and how such claims were processed at other regional offices during such period;

(4) the results of the surveys conducted under subsection (j); and

(5) the recommendations of the Secretary with respect to implementing the pilot program at all regional offices of the Department.

(m) EMERGENCY DESIGNATION.—The amounts required to carry out the amendment made by subsection (a) and the pilot programs under this section are designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress) and section 301(b) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

H.R. 6599

OFFERED BY: MR. FILNER

AMENDMENT NO. 22: At the end of title II (page 51, after line 11), add the following new section:

SEC. 226. (a) PAYMENTS TO VETERANS WHO SERVED IN PHILIPPINES DURING WORLD WAR II.—During the one-year period beginning on the date of the enactment of this Act, the Secretary of Veterans Affairs (in this section referred to as the ''Secretary'') shall make a payment to a person described in subsection (e) who, during such period, submits to the Secretary an application containing such information and assurances as the Secretary may require.

(b) PAYMENT AMOUNTS.—Each payment under this section shall be—

(1) in the case of a person described in subsection (e) who is not a citizen of the United States, in the amount of $9,000; and

(2) in the case of a person described in subsection (e) who is a citizen of the United States, in the amount of $15,000.

(c) LIMITATION.—The Secretary may not make more than one payment under this section for each person described in subsection (d).

(d) ELIGIBILITY OF INDIVIDUALS LIVING OUTSIDE THE UNITED STATES ENTITLED TO CERTAIN SOCIAL SECURITY BENEFITS.—Receipt of a payment under this section shall not affect the eligibility of an individual residing outside the United States to receive benefits under title VIII of the Social Security Act (42 U.S.C. 1001 et seq.) or the amount of such benefits.

(e) ELIGIBLE PERSONS.—A person covered by this section is any person who served—

(1) before July 1, 1946, in the organized military forces of the Government of the Commonwealth of the Philippines, while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States; or

(2) in the Philippine Scouts under section 14 of the Armed Forces Voluntary Recruitment Act of 1945 (59 Stat. 538).

(f) OFFSETTING REDUCTION.—The amount otherwise provided by this title for ''INFORMATION TECHNOLOGY SYSTEMS'' is revised by reducing the amount by $198,000,000.

H.R. 6599

OFFERED BY: MR. FILNER

AMENDMENT NO. 23: At the end of title II (page 51, after line 11), add the following new section:

SEC. 226. (a) PAYMENTS TO INDIVIDUALS WHO SERVED DURING WORLD WAR II IN THE UNITED STATES MERCHANT MARINE.—Subchapter II of chapter 5 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 532. Merchant Mariner Equity Compensation Fund

''(a) COMPENSATION FUND.—(1) There is in the general fund of the Treasury a fund to be known as the 'Merchant Mariner Equity Compensation Fund' (in this section referred to as the 'compensation fund').

''(2) Subject to the availability of appropriations for such purpose, amounts in the fund shall be available to the Secretary without fiscal year limitation to make payments to eligible individuals in accordance with this section.

''(b) ELIGIBLE INDIVIDUALS.—(1) An eligible individual is an individual who—

''(A) before October 1, 2009, submits to the Secretary an application containing such information and assurances as the Secretary may require;

''(B) has not received benefits under the Servicemen's Readjustment Act of 1944 (Public Law 78–346); and

''(C) has engaged in qualified service.

''(2) For purposes of paragraph (1), a person has engaged in qualified service if, between December 7, 1941, and December 31, 1946, the person—

''(A) was a member of the United States merchant marine (including the Army Transport Service and the Naval Transport Service) serving as a crewmember of a vessel that was—

''(i) operated by the War Shipping Administration or the Office of Defense Transportation (or an agent of the Administration or Office);

''(ii) operated in waters other than inland waters, the Great Lakes, and other lakes, bays, and harbors of the United States;

''(iii) under contract or charter to, or property of, the Government of the United States; and

''(iv) serving the Armed Forces; and

''(B) while so serving, was licensed or otherwise documented for service as a crewmember of such a vessel by an officer or employee of the United States authorized to license or document the person for such service.

''(c) AMOUNT OF PAYMENTS.—The Secretary shall make a monthly payment out of the compensation fund in the amount of $1,000 to an eligible individual. The Secretary shall make such payments to eligible individuals in the order in which the Secretary receives the applications of the eligible individuals.

''(d) REPORTS.—The Secretary shall include, in documents submitted to Congress by the Secretary in support of the President's budget for each fiscal year, detailed information on the operation of the compensation fund, including the number of applicants, the number of eligible individuals receiving benefits, the amounts paid out of the compensation fund, the administration of the compensation fund, and an estimate of the amounts necessary to fully fund the compensation fund for that fiscal year and each of the three subsequent fiscal years.

''(e) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section.''.

(b) APPROPRIATION.—In addition to other amounts appropriated by this Act, there is hereby appropriated to the Merchant Mariner Equity Compensation Fund required by section 532 of title 38, United States Code, as added by subsection (a), $120,000,000, to remain available until expended, to make payments under such section.

(c) OFFSETTING REDUCTION.—The amount otherwise provided by this title for ''INFORMATION TECHNOLOGY SYSTEMS'' is revised by reducing the amount by $120,000,000.

(d) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prescribe the regulations required under subsection (e) of section 532 of title 38, United States Code, as added by subsection (a).

(e) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 531 the following new item:

''532. Merchant Mariner Equity Compensation Fund.''. .....

H.R. 6599

OFFERED BY: MR. BOEHNER

AMENDMENT NO. 24: Before title I, insert the following:

DIVISION A

At the end of the bill, before the short title, insert the following:

DIVISION B

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''American Energy Act''.

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

TITLE I—AMERICAN ENERGY

Subtitle A—OCS

SEC. 101. SHORT TITLE.

This subtitle may be cited as the ''Deep Ocean Energy Resources Act of 2008''.

SEC. 102. POLICY.

It is the policy of the United States that—

(1) the United States is blessed with abundant energy resources on the outer Continental Shelf and has developed a comprehensive framework of environmental laws and regulations and fostered the development of state-of-the-art technology that allows for the responsible development of these resources for the benefit of its citizenry;

(2) Adjacent States are required by the circumstances to commit significant resources in support of exploration, development, and production activities for mineral resources on the outer Continental Shelf, and it is fair and proper for a portion of the receipts from such activities to be shared with Adjacent States and their local coastal governments;

(3) the existing laws governing the leasing and production of the mineral resources of the outer Continental Shelf have reduced the production of mineral resources, have preempted Adjacent States from being sufficiently involved in the decisions regarding the allowance of mineral resource development, and have been harmful to the national interest;

(4) the national interest is served by granting the Adjacent States more options related to whether or not mineral leasing should occur in the outer Continental Shelf within their Adjacent Zones;

(5) it is not reasonably foreseeable that exploration of a leased tract located more than 25 miles seaward of the coastline, development and production of a natural gas discovery located more than 25 miles seaward of the coastline, or development and production of an oil discovery located more than 50 miles seaward of the coastline will adversely affect resources near the coastline;

(6) transportation of oil from a leased tract might reasonably be foreseen, under limited circumstances, to have the potential to adversely affect resources near the coastline if the oil is within 50 miles of the coastline, but such potential to adversely affect such resources is likely no greater, and probably less, than the potential impacts from tanker transportation because tanker spills usually involve large releases of oil over a brief period of time; and

(7) among other bodies of inland waters, the Great Lakes, Long Island Sound, Delaware Bay, Chesapeake Bay, Albemarle Sound, San Francisco Bay, and Puget Sound are not part of the outer Continental Shelf, and are not subject to leasing by the Federal Government for the exploration, development, and production of any mineral resources that might lie beneath them.

SEC. 103. DEFINITIONS UNDER THE SUBMERGED LANDS ACT.

Section 2 of the Submerged Lands Act (43 U.S.C. 1301) is amended—

(1) in subparagraph (2) of paragraph (a) by striking all after ''seaward to a line'' and inserting ''twelve nautical miles distant from the coast line of such State;'';

(2) by striking out paragraph (b) and redesignating the subsequent paragraphs in order as paragraphs (b) through (g);

(3) by striking the period at the end of paragraph (g) (as so redesignated) and inserting ''; and'';

(4) by adding the following: ''(i) The term 'Secretary' means the Secretary of the Interior.''; and

(5) by defining ''State'' as it is defined in section 2(r) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(r)).

SEC. 104. SEAWARD BOUNDARIES OF STATES.

Section 4 of the Submerged Lands Act (43 U.S.C. 1312) is amended—

(1) in the first sentence by striking ''original'', and in the same sentence by striking ''three geographical'' and inserting ''twelve nautical''; and

(2) by striking all after the first sentence and inserting the following: ''Extension and delineation of lateral offshore State boundaries under the provisions of this Act shall follow the lines used to determine the Adjacent Zones of coastal States under the Outer Continental Shelf Lands Act to the extent such lines extend twelve nautical miles for the nearest coastline.''

SEC. 105. EXCEPTIONS FROM CONFIRMATION AND ESTABLISHMENT OF STATES' TITLE, POWER, AND RIGHTS.

Section 5 of the Submerged Lands Act (43 U.S.C. 1313) is amended—

(1) by redesignating paragraphs (a) through (c) in order as paragraphs (1) through (3);

(2) by inserting ''(a)'' before ''There is excepted''; and

(3) by inserting at the end the following:

''(b) EXCEPTION OF OIL AND GAS MINERAL RIGHTS.—There is excepted from the operation of sections 3 and 4 all of the oil and gas mineral rights for lands beneath the navigable waters that are located within the expanded offshore State seaward boundaries established under this Act. These oil and gas mineral rights shall remain Federal property and shall be considered to be part of the Federal outer Continental Shelf for purposes of the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) and subject to leasing under the authority of that Act and to laws applicable to the leasing of the oil and gas resources of the Federal outer Continental Shelf. All existing Federal oil and gas leases within the expanded offshore State seaward boundaries shall continue unchanged by the provisions of this Act, except as otherwise provided herein. However, a State may exercise all of its sovereign powers of taxation within the entire extent of its expanded offshore State boundaries.''.

SEC. 106. DEFINITIONS UNDER THE OUTER CONTINENTAL SHELF LANDS ACT.

Section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331) is amended—

(1) by amending paragraph (f) to read as follows:

''(f) The term 'affected State' means the 'Adjacent State'.'';

(2) by striking the semicolon at the end of each of paragraphs (a) through (o) and inserting a period;

(3) by striking ''; and'' at the end of paragraph (p) and inserting a period;

(4) by adding at the end the following:

''(r) The term 'Adjacent State' means, with respect to any program, plan, lease sale, leased tract or other activity, proposed, conducted, or approved pursuant to the provisions of this Act, any State the laws of which are declared, pursuant to section 4(a)(2), to be the law of the United States for the portion of the outer Continental Shelf on which such program, plan, lease sale, leased tract or activity appertains or is, or is proposed to be, conducted. For purposes of this paragraph, the term 'State' includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, American Samoa, Guam, and the other Territories of the United States.

''(s) The term 'Adjacent Zone' means, with respect to any program, plan, lease sale, leased tract, or other activity, proposed, conducted, or approved pursuant to the provisions of this Act, the portion of the outer Continental Shelf for which the laws of a particular Adjacent State are declared, pursuant to section 4(a)(2), to be the law of the United States.

''(t) The term 'miles' means statute miles.

''(u) The term 'coastline' has the same meaning as the term 'coast line' as defined in section 2(c) of the Submerged Lands Act (43 U.S.C. 1301(c)).

''(v) The term 'Neighboring State' means a coastal State having a common boundary at the coastline with the Adjacent State.''; and

(5) in paragraph (a), by inserting after ''control'' the following: ''or lying within the United States exclusive economic zone adjacent to the Territories of the United States''.

SEC. 107. DETERMINATION OF ADJACENT ZONES AND PLANNING AREAS.

Section 4(a)(2)(A) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333(a)(2)(A)) is amended in the first sentence by striking '', and the President'' and all that follows through the end of the sentence and inserting the following: ''. The lines extending seaward and defining each State's Adjacent Zone, and each OCS Planning Area, are as indicated on the maps for each outer Continental Shelf region entitled 'Alaska OCS Region State Adjacent Zone and OCS Planning Areas', 'Pacific OCS Region State Adjacent Zones and OCS Planning Areas', 'Gulf of Mexico OCS Region State Adjacent Zones and OCS Planning Areas', and 'Atlantic OCS Region State Adjacent Zones and OCS Planning Areas', all of which are dated September 2005 and on file in the Office of the Director, Minerals Management Service.''.

SEC. 108. ADMINISTRATION OF LEASING.

Section 5 of the Outer Continental Shelf Lands Act (43 U.S.C. 1334) is amended by adding at the end the following:

''(k) VOLUNTARY PARTIAL RELINQUISHMENT OF A LEASE.—Any lessee of a producing lease may relinquish to the Secretary any portion of a lease that the lessee has no interest in producing and that the Secretary finds is geologically prospective. In return for any such relinquishment, the Secretary shall provide to the lessee a royalty incentive for the portion of the lease retained by the lessee, in accordance with regulations promulgated by the Secretary to carry out this subsection. The Secretary shall publish final regulations implementing this subsection within 365 days after the date of the enactment of the Deep Ocean Energy Resources Act of 2008.

''(l) NATURAL GAS LEASE REGULATIONS.—Not later than July 1, 2010, the Secretary shall publish a final regulation that shall—

''(1) establish procedures for entering into natural gas leases;

''(2) ensure that natural gas leases are only available for tracts on the outer Continental Shelf that are wholly within 100 miles of the coastline within an area withdrawn from disposition by leasing on the day after the date of enactment of the Deep Ocean Energy Resources Act of 2008;

''(3) provide that natural gas leases shall contain the same rights and obligations established for oil and gas leases, except as otherwise provided in the Deep Ocean Energy Resources Act of 2008;

''(4) provide that, in reviewing the adequacy of bids for natural gas leases, the value of any crude oil estimated to be contained within any tract shall be excluded;

''(5) provide that any crude oil produced from a well and reinjected into the leased tract shall not be subject to payment of royalty, and that the Secretary shall consider, in setting the royalty rates for a natural gas lease, the additional cost to the lessee of not producing any crude oil; and

''(6) provide that any Federal law that applies to an oil and gas lease on the outer Continental Shelf shall apply to a natural gas lease unless otherwise clearly inapplicable.''.

SEC. 109. GRANT OF LEASES BY SECRETARY.

Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended—

(1) in subsection (a)(1) by inserting after the first sentence the following: ''Further, the Secretary may grant natural gas leases in a manner similar to the granting of oil and gas leases and under the various bidding systems available for oil and gas leases.'';

(2) by adding at the end of subsection (b) the following:

''The Secretary may issue more than one lease for a given tract if each lease applies to a separate and distinct range of vertical depths, horizontal surface area, or a combination of the two. The Secretary may issue regulations that the Secretary determines are necessary to manage such leases consistent with the purposes of this Act.'';

(3) by amending subsection (p)(2)(B) to read as follows:

''(B) The Secretary shall provide for the payment to coastal States, and their local coastal governments, of 75 percent of Federal receipts from projects authorized under this section located partially or completely within the area extending seaward of State submerged lands out to 4 marine leagues from the coastline, and the payment to coastal States of 50 percent of the receipts from projects completely located in the area more than 4 marine leagues from the coastline. Payments shall be based on a formula established by the Secretary by rulemaking no later than 180 days after the date of the enactment of the Deep Ocean Energy Resources Act of 2008 that provides for equitable distribution, based on proximity to the project, among coastal States that have coastline that is located within 200 miles of the geographic center of the project.''.

(4) by adding at the end the following:

''(q) NATURAL GAS LEASES.—

''(1) RIGHT TO PRODUCE NATURAL GAS.—A lessee of a natural gas lease shall have the right to produce the natural gas from a field on a natural gas leased tract if the Secretary estimates that the discovered field has at least 40 percent of the economically recoverable Btu content of the field contained within natural gas and such natural gas is economical to produce.

''(2) CRUDE OIL.—A lessee of a natural gas lease may not produce crude oil from the lease unless the Governor of the Adjacent State agrees to such production.

''(3) ESTIMATES OF BTU CONTENT.—The Secretary shall make estimates of the natural gas Btu content of discovered fields on a natural gas lease only after the completion of at least one exploration well, the data from which has been tied to the results of a three-dimensional seismic survey of the field. The Secretary may not require the lessee to further delineate any discovered field prior to making such estimates.

''(4) DEFINITION OF NATURAL GAS.—For purposes of a natural gas lease, natural gas means natural gas and all substances produced in association with gas, including, but not limited to, hydrocarbon liquids (other than crude oil) that are obtained by the condensation of hydrocarbon vapors and separate out in liquid form from the produced gas stream.

''(r) REMOVAL OF RESTRICTIONS ON JOINT BIDDING IN CERTAIN AREAS OF THE OUTER CONTINENTAL SHELF.—Restrictions on joint bidders shall no longer apply to tracts located in the Alaska OCS Region. Such restrictions shall not apply to tracts in other OCS regions determined to be 'frontier tracts' or otherwise 'high cost tracts' under final regulations that shall be published by the Secretary by not later than 365 days after the date of the enactment of the Deep Ocean Energy Resources Act of 2008.

''(s) ROYALTY SUSPENSION PROVISIONS.—After the date of the enactment of the Deep Ocean Energy Resources Act of 2008, price

thresholds shall apply to any royalty suspension volumes granted by the Secretary. Unless otherwise set by Secretary by regulation or for a particular lease sale, the price thresholds shall be $40.50 for oil (January 1, 2006 dollars) and $6.75 for natural gas (January 1, 2006 dollars).

''(t) CONSERVATION OF RESOURCES FEES.—Not later than one year after the date of the enactment of the Deep Ocean Energy Resources Act of 2008, the Secretary by regulation shall establish a conservation of resources fee for nonproducing leases that will apply to new and existing leases which shall be set at $3.75 per acre per year. This fee shall apply from and after October 1, 2008, and shall be treated as offsetting receipts.'';

(5) by striking subsection (a)(3)(A) and redesignating the subsequent subparagraphs as subparagraphs (A) and (B), respectively;

(6) in subsection (a)(3)(A) (as so redesignated) by striking ''In the Western'' and all that follows through ''the Secretary'' the first place it appears and inserting ''The Secretary''; and

(7) effective October 1, 2008, in subsection (g)—

(A) by striking all after ''(g)'', except paragraph (3);

(B) by striking the last sentence of paragraph (3); and

(C) by striking ''(3)''.

SEC. 110. DISPOSITION OF RECEIPTS.

Section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) is amended—

(1) by designating the existing text as subsection (a);

(2) in subsection (a) (as so designated) by inserting '', if not paid as otherwise provided in this title'' after ''receipts''; and

(3) by adding the following:

''(b) TREATMENT OF OCS RECEIPTS FROM TRACTS COMPLETELY WITHIN 100 MILES OF THE COASTLINE.—

''(1) DEPOSIT.—The Secretary shall deposit into a separate account in the Treasury the portion of OCS Receipts for each fiscal year that will be shared under paragraphs (2), (3), and (4).

''(2) PHASED-IN RECEIPTS SHARING.—

''(A) Beginning October 1, 2008, the Secretary shall share OCS Receipts derived from the following areas:

''(i) Lease tracts located on portions of the Gulf of Mexico OCS Region completely beyond 4 marine leagues from any coastline and completely within 100 miles of any coastline that were available for leasing under the 2002–2007 5-Year OCS Oil and Gas Leasing Program.

''(ii) Lease tracts in production prior to October 1, 2008, completely beyond 4 marine leagues from any coastline and completely within 100 miles of any coastline located on portions of the OCS that were not available for leasing under the 2002–2007 5-Year OCS Oil and Gas Leasing Program.

''(iii) Lease tracts for which leases are issued prior to October 1, 2008, located in the Alaska OCS Region completely beyond 4 marine leagues from any coastline and completely within 100 miles of the coastline.

''(B) The Secretary shall share the following percentages of OCS Receipts from the leases described in subparagraph (A) derived during the fiscal year indicated:

''(i) For fiscal year 2009, 5 percent.

''(ii) For fiscal year 2010, 8 percent.

''(iii) For fiscal year 2011, 11 percent.

''(iv) For fiscal year 2012, 14 percent.

''(v) For fiscal year 2013, 17 percent.

''(vi) For fiscal year 2014, 20 percent.

''(vii) For fiscal year 2015, 23 percent.

''(viii) For fiscal year 2016, 26 percent.

''(ix) For fiscal year 2017, 29 percent.

''(x) For fiscal year 2018, 32 percent.

''(xi) For fiscal year 2019, 35 percent.

''(xii) For fiscal year 2020 and each subsequent fiscal year, 37.5 percent.

''(C) The provisions of this paragraph shall not apply to leases that could not have been issued but for section 5(k) of this Act or section 6(2) of the Deep Ocean Energy Resources Act of 2008.

''(3) IMMEDIATE RECEIPTS SHARING.—Beginning October 1, 2008, the Secretary shall share 37.50 percent of OCS Receipts derived from all leases located completely beyond 4 marine leagues from any coastline and completely within 100 miles of any coastline not included within the provisions of paragraph (2), and 90 percent of the balance of such OCS Receipts shall be deposited into the American Renewable and Alternative Energy Trust Fund established by section 331 of the American Energy Act.

''(4) RECEIPTS SHARING FROM TRACTS WITHIN 4 MARINE LEAGUES OF ANY COASTLINE.—

''(A) AREAS DESCRIBED IN PARAGRAPH (2).—Beginning October 1, 2008, and continuing through September 30, 2010, the Secretary shall share 25 percent of OCS Receipts derived from all leases located within 4 marine leagues from any coastline within areas described in paragraph (2). For each fiscal year after September 30, 2010, the Secretary shall increase the percent shared in 5 percent increments each fiscal year until the sharing rate for all leases located within 4 marine leagues from any coastline within areas described in paragraph (2) becomes 75 percent.

''(B) AREAS NOT DESCRIBED IN PARAGRAPH (2).—Beginning October 1, 2008, the Secretary shall share 75 percent of OCS receipts derived from all leases located completely or partially within 4 marine leagues from any coastline within areas not described paragraph (2).

''(5) ALLOCATIONS.—The Secretary shall allocate the OCS Receipts deposited into the separate account established by paragraph (1) that are shared under paragraphs (2), (3), and (4) as follows:

''(A) BONUS BIDS.—Deposits derived from bonus bids from a leased tract, including interest thereon, shall be allocated at the end of each fiscal year to the Adjacent State.

''(B) ROYALTIES.—Deposits derived from royalties from a leased tract, including interest thereon, shall be allocated at the end of each fiscal year to the Adjacent State and any other producing State or States with a leased tract within its Adjacent Zone within 100 miles of its coastline that generated royalties during the fiscal year, if the other producing or States have a coastline point within 300 miles of any portion of the leased tract, in which case the amount allocated for the leased tract shall be—

''(i) one-third to the Adjacent State; and

''(ii) two-thirds to each producing State, including the Adjacent State, inversely proportional to the distance between the nearest point on the coastline of the producing State and the geographic center of the leased tract.

''(c) TREATMENT OF OCS RECEIPTS FROM TRACTS PARTIALLY OR COMPLETELY BEYOND 100 MILES OF THE COASTLINE.—

''(1) DEPOSIT.—The Secretary shall deposit into a separate account in the Treasury the portion of OCS Receipts for each fiscal year that will be shared under paragraphs (2) and (3).

''(2) PHASED-IN RECEIPTS SHARING.—

''(A) Beginning October 1, 2008, the Secretary shall share OCS Receipts derived from the following areas:

''(i) Lease tracts located on portions of the Gulf of Mexico OCS Region partially or completely beyond 100 miles of any coastline that were available for leasing under the 2002–2007 5-Year OCS Oil and Gas Leasing Program.

''(ii) Lease tracts in production prior to October 1, 2008, partially or completely beyond 100 miles of any coastline located on portions of the OCS that were not available for leasing under the 2002–2007 5-Year OCS Oil and Gas Leasing Program.

''(iii) Lease tracts for which leases are issued prior to October 1, 2008, located in the Alaska OCS Region partially or completely beyond 100 miles of the coastline.

''(B) The Secretary shall share the following percentages of OCS Receipts from the leases described in subparagraph (A) derived during the fiscal year indicated:

''(i) For fiscal year 2009, 5 percent.

''(ii) For fiscal year 2010, 8 percent.

''(iii) For fiscal year 2011, 11 percent.

''(iv) For fiscal year 2012, 14 percent.

''(v) For fiscal year 2013, 17 percent.

''(vi) For fiscal year 2014, 20 percent.

''(vii) For fiscal year 2015, 23 percent.

''(viii) For fiscal year 2016, 26 percent.

''(ix) For fiscal year 2017, 29 percent.

''(x) For fiscal year 2018, 32 percent.

''(xi) For fiscal year 2019, 35 percent.

''(xii) For fiscal year 2020 and each subsequent fiscal year, 37.5 percent.

''(C) The provisions of this paragraph shall not apply to leases that could not have been issued but for section 5(k) of this Act or section 106(2) of the Deep Ocean Energy Resources Act of 2008.

''(3) IMMEDIATE RECEIPTS SHARING.—Beginning October 1, 2008, the Secretary shall share 37.5 percent of OCS Receipts derived on and after October 1, 2008, from all leases located partially or completely beyond 100 miles of any coastline not included within the provisions of paragraph (2), except that the Secretary shall only share 25 percent of such OCS Receipts derived from all such leases within a State's Adjacent Zone if no leasing is allowed within any portion of that State's Adjacent Zone located completely within 100 miles of any coastline.

''(4) ALLOCATIONS.—The Secretary shall allocate the OCS Receipts deposited into the separate account established by paragraph (1) that are shared under paragraphs (2) and (3) as follows:

''(A) BONUS BIDS.—Deposits derived from bonus bids from a leased tract, including interest thereon, shall be allocated at the end of each fiscal year to the Adjacent State.

''(B) ROYALTIES.—Deposits derived from royalties from a leased tract, including interest thereon, shall be allocated at the end of each fiscal year to the Adjacent State and any other producing State or States with a leased tract within its Adjacent Zone partially or completely beyond 100 miles of its coastline that generated royalties during the fiscal year, if the other producing State or States have a coastline point within 300 miles of any portion of the leased tract, in which case the amount allocated for the leased tract shall be—

''(i) one-third to the Adjacent State; and

''(ii) two-thirds to each producing State, including the Adjacent State, inversely proportional to the distance between the nearest point on the coastline of the producing State and the geographic center of the leased tract.

''(d) TRANSMISSION OF ALLOCATIONS.—

''(1) IN GENERAL.—Not later than 90 days after the end of each fiscal year, the Secretary shall transmit—

''(A) to each State 60 percent of such State's allocations under subsections (b)(5)(A), (b)(5)(B), (c)(4)(A), and (c)(4)(B) for the immediate prior fiscal year;

''(B) to each coastal county-equivalent and municipal political subdivisions of such State a total of 40 percent of such State's allocations under subsections (b)(5)(A), (b)(5)(B), (c)(4)(A), and (c)(4)(B), together with all accrued interest thereon; and

''(C) the remaining allocations under subsections (b)(5) and (c)(4), together with all accrued interest thereon.

''(2) ALLOCATIONS TO COASTAL COUNTY-EQUIVALENT POLITICAL SUBDIVISIONS.—The Secretary shall make an initial allocation of the OCS Receipts to be shared under paragraph (1)(B) as follows:

''(A) 25 percent shall be allocated to coastal county-equivalent political subdivisions that are completely more than 25 miles landward of the coastline and at least a part of which lies not more than 75 miles landward from the coastline, with the allocation among such coastal county-equivalent political subdivisions based on population.

''(B) 75 percent shall be allocated to coastal county-equivalent political subdivisions that are completely or partially less than 25 miles landward of the coastline, with the allocation among such coastal county-equivalent political subdivisions to be further allocated as follows:

''(i) 25 percent shall be allocated based on the ratio of such coastal county-equivalent political subdivision's population to the coastal population of all coastal county-equivalent political subdivisions in the State.

''(ii) 25 percent shall be allocated based on the ratio of such coastal county-equivalent political subdivision's coastline miles to the coastline miles of all coastal county-equivalent political subdivisions in the State as calculated by the Secretary. In such calculations, coastal county-equivalent political subdivisions without a coastline shall be considered to have 50 percent of the average coastline miles of the coastal county-equivalent political subdivisions that do have coastlines.

''(iii) 25 percent shall be allocated to all coastal county-equivalent political subdivisions having a coastline point within 300 miles of the leased tract for which OCS Receipts are being shared based on a formula that allocates the funds based on such coastal county-equivalent political subdivision's relative distance from the leased tract.

''(iv) 25 percent shall be allocated to all coastal county-equivalent political subdivisions having a coastline point within 300 miles of the leased tract for which OCS Receipts are being shared based on the relative level of outer Continental Shelf oil and gas activities in a coastal political subdivision compared to the level of outer Continental Shelf activities in all coastal political subdivisions in the State. The Secretary shall define the term 'outer Continental Shelf oil and gas activities' for purposes of this subparagraph to include, but not be limited to, construction of vessels, drillships, and platforms involved in exploration, production, and development on the outer Continental Shelf; support and supply bases, ports, and related activities; offices of geologists, geophysicists, engineers, and other professionals involved in support of exploration, production, and development of oil and gas on the outer Continental Shelf; pipelines and other means of transporting oil and gas production from the outer Continental Shelf; and processing and refining of oil and gas production from the outer Continental Shelf. For purposes of this subparagraph, if a coastal county-equivalent political subdivision does not have a coastline, its coastal point shall be the point on the coastline closest to it.

''(3) ALLOCATIONS TO COASTAL MUNICIPAL POLITICAL SUBDIVISIONS.—The initial allocation to each coastal county-equivalent political subdivision under paragraph (2) shall be further allocated to the coastal county-equivalent political subdivision and any coastal municipal political subdivisions located partially or wholly within the boundaries of the coastal county-equivalent political subdivision as follows:

''(A) One-third shall be allocated to the coastal county-equivalent political subdivision.

''(B) Two-thirds shall be allocated on a per capita basis to the municipal political subdivisions and the county-equivalent political subdivision, with the allocation to the latter based upon its population not included within the boundaries of a municipal political subdivision.

''(e) INVESTMENT OF DEPOSITS.—Amounts deposited under this section shall be invested by the Secretary of the Treasury in securities backed by the full faith and credit of the United States having maturities suitable to the needs of the account in which they are deposited and yielding the highest reasonably available interest rates as determined by the Secretary of the Treasury.

''(f) USE OF FUNDS.—A recipient of funds under this section may use the funds for one or more of the following:

''(1) To reduce in-State college tuition at public institutions of higher learning and otherwise support public education, including career technical education.

''(2) To make transportation infrastructure improvements.

''(3) To reduce taxes.

''(4) To promote, fund, and provide for—

''(A) coastal or environmental restoration;

''(B) fish, wildlife, and marine life habitat enhancement;

''(C) waterways construction and maintenance;

''(D) levee construction and maintenance and shore protection; and

''(E) marine and oceanographic education and research.

''(5) To promote, fund, and provide for—

''(A) infrastructure associated with energy production activities conducted on the outer Continental Shelf;

''(B) energy demonstration projects;

''(C) supporting infrastructure for shore-based energy projects;

''(D) State geologic programs, including geologic mapping and data storage programs, and State geophysical data acquisition;

''(E) State seismic monitoring programs, including operation of monitoring stations;

''(F) development of oil and gas resources through enhanced recovery techniques;

''(G) alternative energy development, including bio fuels, coal-to-liquids, oil shale, tar sands, geothermal, geopressure, wind, waves, currents, hydro, and other renewable energy;

''(H) energy efficiency and conservation programs; and

''(I) front-end engineering and design for facilities that produce liquid fuels from hydrocarbons and other biological matter.

''(6) To promote, fund, and provide for—

''(A) historic preservation programs and projects;

''(B) natural disaster planning and response; and

''(C) hurricane and natural disaster insurance programs.

''(7) For any other purpose as determined by State law.

''(g) NO ACCOUNTING REQUIRED.—No recipient of funds under this section shall be required to account to the Federal Government for the expenditure of such funds, except as otherwise may be required by law. However, States may enact legislation providing for accounting for and auditing of such expenditures. Further, funds allocated under this section to States and political subdivisions may be used as matching funds for other Federal programs.

''(h) EFFECT OF FUTURE LAWS.—Enactment of any future Federal statute that has the effect, as determined by the Secretary, of restricting any Federal agency from spending appropriated funds, or otherwise preventing it from fulfilling its pre-existing responsibilities as of the date of enactment of the statute, unless such responsibilities have been reassigned to another Federal agency by the statute with no prevention of performance, to issue any permit or other approval impacting on the OCS oil and gas leasing program, or any lease issued thereunder, or to implement any provision of this Act shall automatically prohibit any sharing of OCS Receipts under this section directly with the States, and their coastal political subdivisions, for the duration of the restriction. The Secretary shall make the determination of the existence of such restricting effects within 30 days of a petition by any outer Continental Shelf lessee or producing State.

''(i) DEFINITIONS.—In this section:

''(1) COASTAL COUNTY-EQUIVALENT POLITICAL SUBDIVISION.—The term 'coastal county-equivalent political subdivision' means a political jurisdiction immediately below the level of State government, including a county, parish, borough in Alaska, independent municipality not part of a county, parish, or borough in Alaska, or other equivalent subdivision of a coastal State, that lies within the coastal zone.

''(2) COASTAL MUNICIPAL POLITICAL SUBDIVISION.—The term 'coastal municipal political subdivision' means a municipality located within and part of a county, parish, borough in Alaska, or other equivalent subdivision of a State, all or part of which coastal municipal political subdivision lies within the coastal zone.

''(3) COASTAL POPULATION.—The term 'coastal population' means the population of all coastal county-equivalent political subdivisions, as determined by the most recent official data of the Census Bureau.

''(4) COASTAL ZONE.—The term 'coastal zone' means that portion of a coastal State, including the entire territory of any coastal county-equivalent political subdivision at least a part of which lies, within 75 miles landward from the coastline, or a greater distance as determined by State law enacted to implement this section.

''(5) BONUS BIDS.—The term 'bonus bids' means all funds received by the Secretary to issue an outer Continental Shelf minerals lease.

''(6) ROYALTIES.—The term 'royalties' means all funds received by the Secretary from production of oil or natural gas, or the sale of production taken in-kind, from an outer Continental Shelf minerals lease.

''(7) PRODUCING STATE.—The term 'producing State' means an Adjacent State having an Adjacent Zone containing leased tracts from which OCS Receipts were derived.

''(8) OCS RECEIPTS.—The term 'OCS Receipts' means bonus bids, royalties, and conservation of resources fees.''.

SEC. 111. RESERVATION OF LANDS AND RIGHTS.

Section 12 of the Outer Continental Shelf Lands Act (43 U.S.C. 1341) is amended—

(1) in subsection (a) by adding at the end the following: ''The President may partially or completely revise or revoke any prior withdrawal made by the President under the authority of this section. The President may not revise or revoke a withdrawal that is extended by a State under subsection (h), nor may the President withdraw from leasing any area for which a State failed to prohibit, or petition to prohibit, leasing under subsection (g). Further, in the area of the outer Continental Shelf more than 100 miles from any coastline, not more than 25 percent of the acreage of any OCS Planning Area may be withdrawn from leasing under this section at any point in time. A withdrawal by the

President may be for a term not to exceed 10 years. When considering potential uses of the outer Continental Shelf, to the maximum extent possible, the President shall accommodate competing interests and potential uses.'';

(2) by adding at the end the following:

''(g) AVAILABILITY FOR LEASING WITHIN CERTAIN AREAS OF THE OUTER CONTINENTAL SHELF.—

''(1) PROHIBITION AGAINST LEASING.—

''(A) UNAVAILABLE FOR LEASING WITHOUT STATE REQUEST.—Except as otherwise provided in this subsection, from and after enactment of the Deep Ocean Energy Resources Act of 2008, the Secretary shall not offer for leasing for oil and gas, or natural gas, any area within 50 miles of the coastline that was withdrawn from disposition by leasing in the Atlantic OCS Region or the Pacific OCS Region, or the Gulf of Mexico OCS Region Eastern Planning Area, as depicted on the maps referred to in this subparagraph, under the 'Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition', 34 Weekly Comp. Pres. Doc. 1111, dated June 12, 1998, or any area within 50 miles of the coastline not withdrawn under that Memorandum that is included within the Gulf of Mexico OCS Region Eastern Planning Area as indicated on the map entitled 'Gulf of Mexico OCS Region State Adjacent Zones and OCS Planning Areas' or the Florida Straits Planning Area as indicated on the map entitled 'Atlantic OCS Region State Adjacent Zones and OCS Planning Areas', both of which are dated September 2005 and on file in the Office of the Director, Minerals Management Service.

''(B) AREAS BETWEEN 50 AND 100 MILES FROM THE COASTLINE.—Unless an Adjacent State petitions under subsection (h) within one year after the date of the enactment of the Deep Ocean Energy Resources Act of 2008 for natural gas leasing or by June 30, 2010, for oil and gas leasing, the Secretary shall offer for leasing any area more than 50 miles but less than 100 miles from the coastline that was withdrawn from disposition by leasing in the Atlantic OCS Region, the Pacific OCS Region, or the Gulf of Mexico OCS Region Eastern Planning Area, as depicted on the maps referred to in this subparagraph, under the 'Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition', 34 Weekly Comp. Pres. Doc. 1111, dated June 12, 1998, or any area more than 50 miles but less than 100 miles of the coastline not withdrawn under that Memorandum that is included within the Gulf of Mexico OCS Region Eastern Planning Area as indicated on the map entitled 'Gulf of Mexico OCS Region State Adjacent Zones and OCS Planning Areas' or within the Florida Straits Planning Area as indicated on the map entitled 'Atlantic OCS Region State Adjacent Zones and OCS Planning Areas', both of which are dated September 2005 and on file in the Office of the Director, Minerals Management Service.

''(2) PETITION FOR LEASING.—

''(A) IN GENERAL.—The Governor of the State, upon concurrence of its legislature, may submit to the Secretary a petition requesting that the Secretary make available any area that is within the State's Adjacent Zone, included within the provisions of paragraph (1), and that (i) is greater than 25 miles from any point on the coastline of a Neighboring State for the conduct of offshore leasing, pre-leasing, and related activities with respect to natural gas leasing; or (ii) is greater than 50 miles from any point on the coastline of a Neighboring State for the conduct of offshore leasing, pre-leasing, and related activities with respect to oil and gas leasing. The Adjacent State may also petition for leasing any other area within its Adjacent Zone if leasing is allowed in the similar area of the Adjacent Zone of the applicable Neighboring State, or if not allowed, if the Neighboring State, acting through its Governor, expresses its concurrence with the petition. The Secretary shall only consider such a petition upon making a finding that leasing is allowed in the similar area of the Adjacent Zone of the applicable Neighboring State or upon receipt of the concurrence of the Neighboring State. The date of receipt by the Secretary of such concurrence by the Neighboring State shall constitute the date of receipt of the petition for that area for which the concurrence applies.

''(B) LIMITATIONS ON LEASING.—In its petition, a State with an Adjacent Zone that contains leased tracts may condition new leasing for oil and gas, or natural gas for tracts within 25 miles of the coastline by—

''(i) requiring a net reduction in the number of production platforms;

''(ii) requiring a net increase in the average distance of production platforms from the coastline;

''(iii) limiting permanent surface occupancy on new leases to areas that are more than 10 miles from the coastline;

''(iv) limiting some tracts to being produced from shore or from platforms located on other tracts; or

''(v) other conditions that the Adjacent State may deem appropriate as long as the Secretary does not determine that production is made economically or technically impracticable or otherwise impossible.

''(C) ACTION BY SECRETARY.—Not later than 90 days after receipt of a petition under subparagraph (A), the Secretary shall approve the petition, unless the Secretary determines that leasing the area would probably cause serious harm or damage to the marine resources of the State's Adjacent Zone. Prior to approving the petition, the Secretary shall complete an environmental assessment that documents the anticipated environmental effects of leasing in the area included within the scope of the petition.

''(D) FAILURE TO ACT.—If the Secretary fails to approve or deny a petition in accordance with subparagraph (C) the petition shall be considered to be approved 90 days after receipt of the petition.

''(E) AMENDMENT OF THE 5-YEAR LEASING PROGRAM.—Notwithstanding section 18, within 180 days of the approval of a petition under subparagraph (C) or (D), after the expiration of the time limits in paragraph (1)(B), the Secretary shall amend the current 5-Year Outer Continental Shelf Oil and Gas Leasing Program to include a lease sale or sales for at least 75 percent of the associated areas, unless there are, from the date of approval, expiration of such time limits, as applicable, fewer than 12 months remaining in the current 5-Year Leasing Program in which case the Secretary shall include the associated areas within lease sales under the next 5-Year Leasing Program. For purposes of amending the 5-Year Program in accordance with this section, further consultations with States shall not be required. For purposes of this section, an environmental assessment performed under the provisions of the National Environmental Policy Act of 1969 to assess the effects of approving the petition shall be sufficient to amend the 5-Year Leasing Program.

''(h) OPTION TO EXTEND WITHDRAWAL FROM LEASING WITHIN CERTAIN AREAS OF THE OUTER CONTINENTAL SHELF.—A State, through its Governor and upon the concurrence of its legislature, may extend for a period of time of up to 5 years for each extension the withdrawal from leasing for all or part of any area within the State's Adjacent Zone located more than 50 miles, but less than 100 miles, from the coastline that is subject to subsection (g)(1)(B). A State may extend multiple times for any particular area but not more than once per calendar year for any particular area. A State must prepare separate extensions, with separate votes by its legislature, for oil and gas leasing and for natural gas leasing. An extension by a State may affect some areas to be withdrawn from all leasing and some areas to be withdrawn only from one type of leasing.

''(i) EFFECT OF OTHER LAWS.—Adoption by any Adjacent State of any constitutional provision, or enactment of any State statute, that has the effect, as determined by the Secretary, of restricting either the Governor or the Legislature, or both, from exercising full discretion related to subsection (g) or (h), or both, shall automatically (1) prohibit any sharing of OCS Receipts under this Act with the Adjacent State, and its coastal political subdivisions, and (2) prohibit the Adjacent State from exercising any authority under subsection (h), for the duration of the restriction. The Secretary shall make the determination of the existence of such restricting constitutional provision or State statute within 30 days of a petition by any outer Continental Shelf lessee or coastal State.

''(j) PROHIBITION ON LEASING EAST OF THE MILITARY MISSION LINE.—

''(1) Notwithstanding any other provision of law, from and after the enactment of the Deep Ocean Energy Resources Act of 2008, prior to January 1, 2022, no area of the outer Continental Shelf located in the Gulf of Mexico east of the military mission line may be offered for leasing for oil and gas or natural gas unless a waiver is issued by the Secretary of Defense. If such a waiver is granted, 62.5 percent of the OCS Receipts from a lease within such area issued because of such waiver shall be paid annually to the National Guards of all States having a point within 1000 miles of such a lease, allocated among the States on a per capita basis using the entire population of such States.

''(2) In this subsection, the term 'military mission line' means a line located at 86 degrees, 41 minutes West Longitude, and extending south from the coast of Florida to the outer boundary of United States territorial waters in the Gulf of Mexico.''.

SEC. 112. OUTER CONTINENTAL SHELF LEASING PROGRAM.

Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended—

(1) in subsection (a), by adding at the end of paragraph (3) the following: ''The Secretary shall, in each 5-Year Program, include lease sales that when viewed as a whole propose to offer for oil and gas or natural gas leasing at least 75 percent of the available unleased acreage within each OCS Planning Area. Available unleased acreage is that portion of the outer Continental Shelf that is not under lease at the time of the proposed lease sale, and has not otherwise been made unavailable for leasing by law.'';

(2) in subsection (c), by striking so much as precedes paragraph (3) and inserting the following:

''(c)(1) During the preparation of any proposed leasing program under this section, the Secretary shall consider and analyze leasing throughout the entire outer Continental Shelf without regard to any other law affecting such leasing. During this preparation the Secretary shall invite and consider suggestions from any interested Federal agency, including the Attorney General, in consultation with the Federal Trade Commission, and from the Governor of any coastal State. The Secretary may also invite or consider any suggestions from the executive of any local government in a coastal State that have been previously submitted to the

Governor of such State, and from any other person. Further, the Secretary shall consult with the Secretary of Defense regarding military operational needs in the outer Continental Shelf. The Secretary shall work with the Secretary of Defense to resolve any conflicts that might arise regarding offering any area of the outer Continental Shelf for oil and gas or natural gas leasing. If the Secretaries are not able to resolve all such conflicts, any unresolved issues shall be elevated to the President for resolution.

''(2) After the consideration and analysis required by paragraph (1), including the consideration of the suggestions received from any interested Federal agency, the Federal Trade Commission, the Governor of any coastal State, any local government of a coastal State, and any other person, the Secretary shall publish in the Federal Register a proposed leasing program accompanied by a draft environmental impact statement prepared pursuant to the National Environmental Policy Act of 1969. After the publishing of the proposed leasing program and during the comment period provided for on the draft environmental impact statement, the Secretary shall submit a copy of the proposed program to the Governor of each affected State for review and comment. The Governor may solicit comments from those executives of local governments in the Governor's State that the Governor, in the discretion of the Governor, determines will be affected by the proposed program. If any comment by such Governor is received by the Secretary at least 15 days prior to submission to the Congress pursuant to paragraph (3) and includes a request for any modification of such proposed program, the Secretary shall reply in writing, granting or denying such request in whole or in part, or granting such request in such modified form as the Secretary considers appropriate, and stating the Secretary's reasons therefor. All such correspondence between the Secretary and the Governor of any affected State, together with any additional information and data relating thereto, shall accompany such proposed program when it is submitted to the Congress.''; and

(3) by adding at the end the following:

''(i) PROJECTION OF STATE ADJACENT ZONE RESOURCES AND STATE AND LOCAL GOVERNMENT SHARES OF OCS RECEIPTS.—Concurrent with the publication of the scoping notice at the beginning of the development of each 5-Year Outer Continental Shelf Oil and Gas Leasing Program, or as soon thereafter as possible, the Secretary shall—

''(1) provide to each Adjacent State a current estimate of proven and potential oil and gas resources located within the State's Adjacent Zone; and

''(2) provide to each Adjacent State, and coastal political subdivisions thereof, a best-efforts projection of the OCS Receipts that the Secretary expects will be shared with each Adjacent State, and its coastal political subdivisions, using the assumption that the unleased tracts within the State's Adjacent Zone are fully made available for leasing, including long-term projected OCS Receipts. In addition, the Secretary shall include a macroeconomic estimate of the impact of such leasing on the national economy and each State's economy, including investment, jobs, revenues, personal income, and other categories.''.

SEC. 113. COORDINATION WITH ADJACENT STATES.

Section 19 of the Outer Continental Shelf Lands Act (43 U.S.C. 1345) is amended—

(1) in subsection (a) in the first sentence by inserting '', for any tract located within the Adjacent State's Adjacent Zone,'' after ''government''; and

(2) by adding the following:

''(f)(1) No Federal agency may permit or otherwise approve, without the concurrence of the Adjacent State, the construction of a crude oil or petroleum products (or both) pipeline within the part of the Adjacent State's Adjacent Zone that is withdrawn from oil and gas or natural gas leasing, except that such a pipeline may be approved, without such Adjacent State's concurrence, to pass through such Adjacent Zone if at least 50 percent of the production projected to be carried by the pipeline within its first 10 years of operation is from areas of the Adjacent State's Adjacent Zone.

''(2) No State may prohibit the construction within its Adjacent Zone or its State waters of a natural gas pipeline that will transport natural gas produced from the outer Continental Shelf. However, an Adjacent State may prevent a proposed natural gas pipeline landing location if it proposes two alternate landing locations in the Adjacent State, acceptable to the Adjacent State, located within 50 miles on either side of the proposed landing location.''.

SEC. 114. ENVIRONMENTAL STUDIES.

Section 20(d) of the Outer Continental Shelf Lands Act (43 U.S.C. 1346) is amended—

(1) by inserting ''(1)'' after ''(d)''; and

(2) by adding at the end the following:

''(2) For all programs, lease sales, leases, and actions under this Act, the following shall apply regarding the application of the National Environmental Policy Act of 1969:

''(A) Granting or directing lease suspensions and the conduct of all preliminary activities on outer Continental Shelf tracts, including seismic activities, are categorically excluded from the need to prepare either an environmental assessment or an environmental impact statement, and the Secretary shall not be required to analyze whether any exceptions to a categorical exclusion apply for activities conducted under the authority of this Act.

''(B) The environmental impact statement developed in support of each 5-Year Oil and Gas Leasing Program provides the environmental analysis for all lease sales to be conducted under the program and such sales shall not be subject to further environmental analysis.

''(C) Exploration plans shall not be subject to any requirement to prepare an environmental impact statement, and the Secretary may find that exploration plans are eligible for categorical exclusion due to the impacts already being considered within an environmental impact statement or due to mitigation measures included within the plan.

''(D) Within each OCS Planning Area, after the preparation of the first development and production plan environmental impact statement for a leased tract within the Area, future development and production plans for leased tracts within the Area shall only require the preparation of an environmental assessment unless the most recent development and production plan environmental impact statement within the Area was finalized more than 10 years prior to the date of the approval of the plan, in which case an environmental impact statement shall be required.''.

SEC. 115. TERMINATION OF EFFECT OF LAWS PROHIBITING THE SPENDING OF APPROPRIATED FUNDS FOR CERTAIN PURPOSES.

All provisions of existing Federal law prohibiting the spending of appropriated funds to conduct oil and natural gas leasing and preleasing activities, or to issue a lease to any person, for any area of the outer Continental Shelf shall have no force or effect.

SEC. 116. OUTER CONTINENTAL SHELF INCOMPATIBLE USE.

(a) IN GENERAL.—No Federal agency may permit construction or operation (or both) of any facility, or designate or maintain a restricted transportation corridor or operating area on the Federal outer Continental Shelf or in State waters, that will be incompatible with, as determined by the Secretary of the Interior, oil and gas or natural gas leasing and substantially full exploration and production of tracts that are geologically prospective for oil or natural gas (or both).

(b) EXCEPTIONS.—Subsection (a) shall not apply to any facility, transportation corridor, or operating area the construction, operation, designation, or maintenance of which is or will be—

(1) located in an area of the outer Continental Shelf that is unavailable for oil and gas or natural gas leasing by operation of law;

(2) used for a military readiness activity (as defined in section 315(f) of Public Law 107–314; 16 U.S.C. 703 note); or

(3) required in the national interest, as determined by the President.

SEC. 117. REPURCHASE OF CERTAIN LEASES.

(a) AUTHORITY TO REPURCHASE AND CANCEL CERTAIN LEASES.—The Secretary of the Interior shall repurchase and cancel any Federal oil and gas, geothermal, coal, oil shale, tar sands, or other mineral lease, whether onshore or offshore, but not including any outer Continental Shelf oil and gas leases that were subject to litigation in the Court of Federal Claims on January 1, 2006, if the Secretary finds that such lease qualifies for repurchase and cancellation under the regulations authorized by this section.

(b) REGULATIONS.—Not later than 365 days after the date of the enactment of this Act, the Secretary shall publish a final regulation stating the conditions under which a lease referred to in subsection (a) would qualify for repurchase and cancellation, and the process to be followed regarding repurchase and cancellation. Such regulation shall include, but not be limited to, the following:

(1) The Secretary shall repurchase and cancel a lease after written request by the lessee upon a finding by the Secretary that—

(A) a request by the lessee for a required permit or other approval complied with applicable law, except the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), and terms of the lease and such permit or other approval was denied;

(B) a Federal agency failed to act on a request by the lessee for a required permit, other approval, or administrative appeal within a regulatory or statutory time-frame associated with the requested action, whether advisory or mandatory, or if none, within 180 days; or

(C) a Federal agency attached a condition of approval, without agreement by the lessee, to a required permit or other approval if such condition of approval was not mandated by Federal statute or regulation in effect on the date of lease issuance, or was not specifically allowed under the terms of the lease.

(2) A lessee shall not be required to exhaust administrative remedies regarding a permit request, administrative appeal, or other required request for approval for the purposes of this section.

(3) The Secretary shall make a final agency decision on a request by a lessee under this section within 180 days of request.

(4) Compensation to a lessee to repurchase and cancel a lease under this section shall be the amount that a lessee would receive in a restitution case for a material breach of contract.

(5) Compensation shall be in the form of a check or electronic transfer from the Department of the Treasury from funds deposited into miscellaneous receipts under the authority of the same Act that authorized the issuance of the lease being repurchased.

(6) Failure of the Secretary to make a final agency decision on a request by a lessee under this section within 180 days of request shall result in a 10 percent increase in the compensation due to the lessee if the lease is ultimately repurchased.

(c) NO PREJUDICE.—This section shall not be interpreted to prejudice any other rights that the lessee would have in the absence of this section.

SEC. 118. OFFSITE ENVIRONMENTAL MITIGATION.

Notwithstanding any other provision of law, any person conducting activities under the Mineral Leasing Act (30 U.S.C. 181 et seq.), the Geothermal Steam Act (30 U.S.C. 1001 et seq.), the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.), the Weeks Act (16 U.S.C. 552 et seq.), the General Mining Act of 1872 (30 U.S.C. 22 et seq.), the Materials Act of 1947 (30 U.S.C. 601 et seq.), or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), may in satisfying any mitigation requirements associated with such activities propose mitigation measures on a site away from the area impacted and the Secretary of the Interior shall accept these proposed measures if the Secretary finds that they generally achieve the purposes for which mitigation measures appertained.

SEC. 119. OCS REGIONAL HEADQUARTERS.

Not later than July 1, 2010, the Secretary of the Interior shall establish the headquarters for the Atlantic OCS Region, the headquarters for the Gulf of Mexico OCS Region, and the headquarters for the Pacific OCS Region within a State bordering the Atlantic OCS Region, a State bordering the Gulf of Mexico OCS Region, and a State bordering the Pacific OCS Region, respectively, from among the States bordering those Regions, that petitions by no later than January 1, 2010, for leasing, for oil and gas or natural gas, covering at least 40 percent of the area of its Adjacent Zone within 100 miles of the coastline. Such Atlantic and Pacific OCS Regions headquarters shall be located within 25 miles of the coastline and each MMS OCS regional headquarters shall be the permanent duty station for all Minerals Management Service personnel that on a daily basis spend on average 60 percent or more of their time in performance of duties in support of the activities of the respective Region, except that the Minerals Management Service may house regional inspection staff in other locations. Each OCS Region shall each be led by a Regional Director who shall be an employee within the Senior Executive Service.

SEC. 120. LEASES FOR AREAS LOCATED WITHIN 100 MILES OF CALIFORNIA OR FLORIDA.

(a) AUTHORIZATION TO CANCEL AND EXCHANGE CERTAIN EXISTING OIL AND GAS LEASES; PROHIBITION ON SUBMITTAL OF EXPLORATION PLANS FOR CERTAIN LEASES PRIOR TO JUNE 30, 2012.—

(1) AUTHORITY.—Within 2 years after the date of enactment of this Act, the lessee of an existing oil and gas lease for an area located completely within 100 miles of the coastline within the California or Florida Adjacent Zones shall have the option, without compensation, of exchanging such lease for a new oil and gas lease having a primary term of 5 years. For the area subject to the new lease, the lessee may select any unleased tract on the outer Continental Shelf that is in an area available for leasing. Further, with the permission of the relevant Governor, such a lessee may convert its existing oil and gas lease into a natural gas lease having a primary term of 5 years and covering the same area as the existing lease or another area within the same State's Adjacent Zone within 100 miles of the coastline.

(2) ADMINISTRATIVE PROCESS.—The Secretary of the Interior shall establish a reasonable administrative process to implement paragraph (1). Exchanges and conversions under subsection (a), including the issuance of new leases, shall not be considered to be major Federal actions for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). Further, such actions conducted in accordance with this section are deemed to be in compliance all provisions of the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

(3) OPERATING RESTRICTIONS.—A new lease issued in exchange for an existing lease under this section shall be subject to such national defense operating stipulations on the OCS tract covered by the new lease as may be applicable upon issuance.

(4) PRIORITY.—The Secretary shall give priority in the lease exchange process based on the amount of the original bonus bid paid for the issuance of each lease to be exchanged. The Secretary shall allow leases covering partial tracts to be exchanged for leases covering full tracts conditioned upon payment of additional bonus bids on a per-acre basis as determined by the average per acre of the original bonus bid per acre for the partial tract being exchanged.

(5) EXPLORATION PLANS.—Any exploration plan submitted to the Secretary of the Interior after the date of the enactment of this Act and before July 1, 2012, for an oil and gas lease for an area wholly within 100 miles of the coastline within the California Adjacent Zone or Florida Adjacent Zone shall not be treated as received by the Secretary until the earlier of July 1, 2012, or the date on which a petition by the Adjacent State for oil and gas leasing covering the area within which is located the area subject to the oil and gas lease was approved.

(b) FURTHER LEASE CANCELLATION AND EXCHANGE PROVISIONS.—

(1) CANCELLATION OF LEASE.—As part of the lease exchange process under this section, the Secretary shall cancel a lease that is exchanged under this section.

(2) CONSENT OF LESSEES.—All lessees holding an interest in a lease must consent to cancellation of their leasehold interests in order for the lease to be cancelled and exchanged under this section.

(3) WAIVER OF RIGHTS.—As a prerequisite to the exchange of a lease under this section, the lessee must waive any rights to bring any litigation against the United States related to the transaction.

(4) PLUGGING AND ABANDONMENT.—The plugging and abandonment requirements for any wells located on any lease to be cancelled and exchanged under this section must be complied with by the lessees prior to the cancellation and exchange.

(c) AREA PARTIALLY WITHIN 100 MILES OF FLORIDA.—An existing oil and gas lease for an area located partially within 100 miles of the coastline within the Florida Adjacent Zone may only be developed and produced using wells drilled from well-head locations at least 100 miles from the coastline to any bottom-hole location on the area of the lease. This subsection shall not apply if Florida has petitioned for leasing closer to the coastline than 100 miles.

(d) EXISTING OIL AND GAS LEASE DEFINED.—In this section the term ''existing oil and gas lease'' means an oil and gas lease in effect on the date of the enactment of this Act.

SEC. 121. COASTAL IMPACT ASSISTANCE.

Section 31 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a) is repealed.

SEC. 122. REPEAL OF THE GULF OF MEXICO ENERGY SECURITY ACT OF 2006.

The Gulf of Mexico Energy Security Act of 2006 is repealed effective October 1, 2008.

Subtitle B—ANWR

SEC. 141. SHORT TITLE.

This subtitle may be cited as the ''American Energy Independence and Price Reduction Act''.

SEC. 142. DEFINITIONS.

In this subtitle:

(1) COASTAL PLAIN.—The term ''Coastal Plain'' means that area described in appendix I to part 37 of title 50, Code of Federal Regulations.

(2) SECRETARY.—The term ''Secretary'', except as otherwise provided, means the Secretary of the Interior or the Secretary's designee.

SEC. 143. LEASING PROGRAM FOR LANDS WITHIN THE COASTAL PLAIN.

(a) IN GENERAL.—The Secretary shall take such actions as are necessary—

(1) to establish and implement, in accordance with this subtitle and acting through the Director of the Bureau of Land Management in consultation with the Director of the United States Fish and Wildlife Service, a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain; and

(2) to administer the provisions of this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment, including, in furtherance of this goal, by requiring the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this subtitle in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) REPEAL.—

(1) REPEAL.—Section 1003 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3143) is repealed.

(2) CONFORMING AMENDMENT.—The table of contents in section 1 of such Act is amended by striking the item relating to section 1003.

(c) COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER LAWS.—

(1) COMPATIBILITY.—For purposes of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), the oil and gas leasing program and activities authorized by this section in the Coastal Plain are deemed to be compatible with the purposes for which the Arctic National Wildlife Refuge was established, and no further findings or decisions are required to implement this determination.

(2) ADEQUACY OF THE DEPARTMENT OF THE INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.—The ''Final Legislative Environmental Impact Statement'' (April 1987) on the Coastal Plain prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is deemed to satisfy the requirements under the National Environmental Policy Act of 1969 that apply with respect to prelease activities, including actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this subtitle before the conduct of the first lease sale.

(3) COMPLIANCE WITH NEPA FOR OTHER ACTIONS.—Before conducting the first lease sale under this subtitle, the Secretary shall prepare an environmental impact statement

under the National Environmental Policy Act of 1969 with respect to the actions authorized by this subtitle that are not referred to in paragraph (2). Notwithstanding any other law, the Secretary is not required to identify nonleasing alternative courses of action or to analyze the environmental effects of such courses of action. The Secretary shall only identify a preferred action for such leasing and a single leasing alternative, and analyze the environmental effects and potential mitigation measures for those two alternatives. The identification of the preferred action and related analysis for the first lease sale under this subtitle shall be completed within 18 months after the date of enactment of this Act. The Secretary shall only consider public comments that specifically address the Secretary's preferred action and that are filed within 20 days after publication of an environmental analysis. Notwithstanding any other law, compliance with this paragraph is deemed to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this subtitle.

(d) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—Nothing in this subtitle shall be considered to expand or limit State and local regulatory authority.

(e) SPECIAL AREAS.—

(1) IN GENERAL.—The Secretary, after consultation with the State of Alaska, the city of Kaktovik, and the North Slope Borough, may designate up to a total of 45,000 acres of the Coastal Plain as a Special Area if the Secretary determines that the Special Area is of such unique character and interest so as to require special management and regulatory protection. The Secretary shall designate as such a Special Area the Sadlerochit Spring area, comprising approximately 4,000 acres.

(2) MANAGEMENT.—Each such Special Area shall be managed so as to protect and preserve the area's unique and diverse character including its fish, wildlife, and subsistence resource values.

(3) EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.—The Secretary may exclude any Special Area from leasing. If the Secretary leases a Special Area, or any part thereof, for purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the lands comprising the Special Area.

(4) DIRECTIONAL DRILLING.—Notwithstanding the other provisions of this subsection, the Secretary may lease all or a portion of a Special Area under terms that permit the use of horizontal drilling technology from sites on leases located outside the Special Area.

(f) LIMITATION ON CLOSED AREAS.—The Secretary's sole authority to close lands within the Coastal Plain to oil and gas leasing and to exploration, development, and production is that set forth in this subtitle.

(g) REGULATIONS.—

(1) IN GENERAL.—The Secretary shall prescribe such regulations as may be necessary to carry out this subtitle, including rules and regulations relating to protection of the fish and wildlife, their habitat, subsistence resources, and environment of the Coastal Plain, by no later than 15 months after the date of enactment of this Act.

(2) REVISION OF REGULATIONS.—The Secretary shall periodically review and, if appropriate, revise the rules and regulations issued under subsection (a) to reflect any significant biological, environmental, or engineering data that come to the Secretary's attention.

SEC. 144. LEASE SALES.

(a) IN GENERAL.—Lands may be leased pursuant to this subtitle to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) PROCEDURES.—The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale;

(2) the holding of lease sales after such nomination process; and

(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) LEASE SALE BIDS.—Bidding for leases under this subtitle shall be by sealed competitive cash bonus bids.

(d) ACREAGE MINIMUM IN FIRST SALE.—In the first lease sale under this subtitle, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) TIMING OF LEASE SALES.—The Secretary shall—

(1) conduct the first lease sale under this subtitle within 22 months after the date of the enactment of this Act;

(2) evaluate the bids in such sale and issue leases resulting from such sale, within 90 days after the date of the completion of such sale; and

(3) conduct additional sales so long as sufficient interest in development exists to warrant, in the Secretary's judgment, the conduct of such sales.

SEC. 145. GRANT OF LEASES BY THE SECRETARY.

(a) IN GENERAL.—The Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 144 any lands to be leased on the Coastal Plain upon payment by the lessee of such bonus as may be accepted by the Secretary.

(b) SUBSEQUENT TRANSFERS.—No lease issued under this subtitle may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary. Prior to any such approval the Secretary shall consult with, and give due consideration to the views of, the Attorney General.

SEC. 146. LEASE TERMS AND CONDITIONS.

(a) IN GENERAL.—An oil or gas lease issued pursuant to this subtitle shall—

(1) provide for the payment of a royalty of not less than 12½ percent in amount or value of the production removed or sold from the lease, as determined by the Secretary under the regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, portions of the Coastal Plain to exploratory drilling activities as necessary to protect caribou calving areas and other species of fish and wildlife;

(3) require that the lessee of lands within the Coastal Plain shall be fully responsible and liable for the reclamation of lands within the Coastal Plain and any other Federal lands that are adversely affected in connection with exploration, development, production, or transportation activities conducted under the lease and within the Coastal Plain by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, the reclamation responsibility and liability to another person without the express written approval of the Secretary;

(5) provide that the standard of reclamation for lands required to be reclaimed under this subtitle shall be, as nearly as practicable, a condition capable of supporting the uses which the lands were capable of supporting prior to any exploration, development, or production activities, or upon application by the lessee, to a higher or better use as approved by the Secretary;

(6) contain terms and conditions relating to protection of fish and wildlife, their habitat, subsistence resources, and the environment as required pursuant to section 143(a)(2);

(7) provide that the lessee, its agents, and its contractors use best efforts to provide a fair share, as determined by the level of obligation previously agreed to in the 1974 agreement implementing section 29 of the Federal Agreement and Grant of Right of Way for the Operation of the Trans-Alaska Pipeline, of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State;

(8) prohibit the export of oil produced under the lease; and

(9) contain such other provisions as the Secretary determines necessary to ensure compliance with the provisions of this subtitle and the regulations issued under this subtitle.

(b) PROJECT LABOR AGREEMENTS.—The Secretary, as a term and condition of each lease under this subtitle and in recognizing the Government's proprietary interest in labor stability and in the ability of construction labor and management to meet the particular needs and conditions of projects to be developed under the leases issued pursuant to this subtitle and the special concerns of the parties to such leases, shall require that the lessee and its agents and contractors negotiate to obtain a project labor agreement for the employment of laborers and mechanics on production, maintenance, and construction under the lease.

SEC. 147. COASTAL PLAIN ENVIRONMENTAL PROTECTION.

(a) NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—The Secretary shall, consistent with the requirements of section 143, administer the provisions of this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(1) ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, and the environment;

(2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations; and

(3) ensure that the maximum amount of surface acreage covered by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 2,000 acres on the Coastal Plain.

(b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—The Secretary shall also require, with respect to any proposed drilling and related activities, that—

(1) a site-specific analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, their habitat, subsistence resources, and the environment;

(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the extent practicable) any significant adverse effect identified under paragraph (1); and

(3) the development of the plan shall occur after consultation with the agency or agencies having jurisdiction over matters mitigated by the plan.

(c) REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.—Before implementing the leasing program authorized by this subtitle, the Secretary shall

prepare and promulgate regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other measures designed to ensure that the activities undertaken on the Coastal Plain under this subtitle are conducted in a manner consistent with the purposes and environmental requirements of this subtitle.

(d) COMPLIANCE WITH FEDERAL AND STATE ENVIRONMENTAL LAWS AND OTHER REQUIREMENTS.—The proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this subtitle shall require compliance with all applicable provisions of Federal and State environmental law, and shall also require the following:

(1) Standards at least as effective as the safety and environmental mitigation measures set forth in items 1 through 29 at pages 167 through 169 of the ''Final Legislative Environmental Impact Statement'' (April 1987) on the Coastal Plain.

(2) Seasonal limitations on exploration, development, and related activities, where necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration.

(3) That exploration activities, except for surface geological studies, be limited to the period between approximately November 1 and May 1 each year and that exploration activities shall be supported, if necessary, by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods, except that such exploration activities may occur at other times if the Secretary finds that such exploration will have no significant adverse effect on the fish and wildlife, their habitat, and the environment of the Coastal Plain.

(4) Design safety and construction standards for all pipelines and any access and service roads, that—

(A) minimize, to the maximum extent possible, adverse effects upon the passage of migratory species such as caribou; and

(B) minimize adverse effects upon the flow of surface water by requiring the use of culverts, bridges, and other structural devices.

(5) Prohibitions on general public access and use on all pipeline access and service roads.

(6) Stringent reclamation and rehabilitation requirements, consistent with the standards set forth in this subtitle, requiring the removal from the Coastal Plain of all oil and gas development and production facilities, structures, and equipment upon completion of oil and gas production operations, except that the Secretary may exempt from the requirements of this paragraph those facilities, structures, or equipment that the Secretary determines would assist in the management of the Arctic National Wildlife Refuge and that are donated to the United States for that purpose.

(7) Appropriate prohibitions or restrictions on access by all modes of transportation.

(8) Appropriate prohibitions or restrictions on sand and gravel extraction.

(9) Consolidation of facility siting.

(10) Appropriate prohibitions or restrictions on use of explosives.

(11) Avoidance, to the extent practicable, of springs, streams, and river system; the protection of natural surface drainage patterns, wetlands, and riparian habitats; and the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling.

(12) Avoidance or minimization of air traffic-related disturbance to fish and wildlife.

(13) Treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including an annual waste management report, a hazardous materials tracking system, and a prohibition on chlorinated solvents, in accordance with applicable Federal and State environmental law.

(14) Fuel storage and oil spill contingency planning.

(15) Research, monitoring, and reporting requirements.

(16) Field crew environmental briefings.

(17) Avoidance of significant adverse effects upon subsistence hunting, fishing, and trapping by subsistence users.

(18) Compliance with applicable air and water quality standards.

(19) Appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited.

(20) Reasonable stipulations for protection of cultural and archeological resources.

(21) All other protective environmental stipulations, restrictions, terms, and conditions deemed necessary by the Secretary.

(e) CONSIDERATIONS.—In preparing and promulgating regulations, lease terms, conditions, restrictions, prohibitions, and stipulations under this section, the Secretary shall consider the following:

(1) The stipulations and conditions that govern the National Petroleum Reserve-Alaska leasing program, as set forth in the 1999 Northeast National Petroleum Reserve-Alaska Final Integrated Activity Plan/Environmental Impact Statement.

(2) The environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 to 37.33 of title 50, Code of Federal Regulations.

(3) The land use stipulations for exploratory drilling on the KIC–ASRC private lands that are set forth in Appendix 2 of the August 9, 1983, agreement between Arctic Slope Regional Corporation and the United States.

(f) FACILITY CONSOLIDATION PLANNING.—

(1) IN GENERAL.—The Secretary shall, after providing for public notice and comment, prepare and update periodically a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of Coastal Plain oil and gas resources.

(2) OBJECTIVES.—The plan shall have the following objectives:

(A) Avoiding unnecessary duplication of facilities and activities.

(B) Encouraging consolidation of common facilities and activities.

(C) Locating or confining facilities and activities to areas that will minimize impact on fish and wildlife, their habitat, and the environment.

(D) Utilizing existing facilities wherever practicable.

(E) Enhancing compatibility between wildlife values and development activities.

(g) ACCESS TO PUBLIC LANDS.—The Secretary shall—

(1) manage public lands in the Coastal Plain subject to subsections (a) and (b) of section 811 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3121); and

(2) ensure that local residents shall have reasonable access to public lands in the Coastal Plain for traditional uses.

SEC. 148. EXPEDITED JUDICIAL REVIEW.

(a) FILING OF COMPLAINT.—

(1) DEADLINE.—Subject to paragraph (2), any complaint seeking judicial review of any provision of this subtitle or any action of the Secretary under this subtitle shall be filed—

(A) except as provided in subparagraph (B), within the 90-day period beginning on the date of the action being challenged; or

(B) in the case of a complaint based solely on grounds arising after such period, within 90 days after the complainant knew or reasonably should have known of the grounds for the complaint.

(2) VENUE.—Any complaint seeking judicial review of any provision of this subtitle or any action of the Secretary under this subtitle may be filed only in the United States Court of Appeals for the District of Columbia.

(3) LIMITATION ON SCOPE OF CERTAIN REVIEW.—Judicial review of a Secretarial decision to conduct a lease sale under this subtitle, including the environmental analysis thereof, shall be limited to whether the Secretary has complied with the terms of this subtitle and shall be based upon the administrative record of that decision. The Secretary's identification of a preferred course of action to enable leasing to proceed and the Secretary's analysis of environmental effects under this subtitle shall be presumed to be correct unless shown otherwise by clear and convincing evidence to the contrary.

(b) LIMITATION ON OTHER REVIEW.—Actions of the Secretary with respect to which review could have been obtained under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

SEC. 149. FEDERAL AND STATE DISTRIBUTION OF REVENUES.

(a) IN GENERAL.—Notwithstanding any other provision of law, of the amount of adjusted bonus, rental, and royalty revenues from Federal oil and gas leasing and operations authorized under this subtitle—

(1) 50 percent shall be paid to the State of Alaska; and

(2) except as provided in section 152(d), 90 percent of the balance shall be deposited into the American Renewable and Alternative Energy Trust Fund established by section 331.

(b) PAYMENTS TO ALASKA.—Payments to the State of Alaska under this section shall be made semiannually.

SEC. 150. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.

(a) IN GENERAL.—The Secretary shall issue rights-of-way and easements across the Coastal Plain for the transportation of oil and gas—

(1) except as provided in paragraph (2), under section 28 of the Mineral Leasing Act (30 U.S.C. 185), without regard to title XI of the Alaska National Interest Lands Conservation Act (30 U.S.C. 3161 et seq.); and

(2) under title XI of the Alaska National Interest Lands Conservation Act (30 U.S.C. 3161 et seq.), for access authorized by sections 1110 and 1111 of that Act (16 U.S.C. 3170 and 3171).

(b) TERMS AND CONDITIONS.—The Secretary shall include in any right-of-way or easement issued under subsection (a) such terms and conditions as may be necessary to ensure that transportation of oil and gas does not result in a significant adverse effect on the fish and wildlife, subsistence resources, their habitat, and the environment of the Coastal Plain, including requirements that facilities be sited or designed so as to avoid unnecessary duplication of roads and pipelines.

(c) REGULATIONS.—The Secretary shall include in regulations under section 143(g) provisions granting rights-of-way and easements described in subsection (a) of this section.

SEC. 151. CONVEYANCE.

In order to maximize Federal revenues by removing clouds on title to lands and clarifying land ownership patterns within the Coastal Plain, the Secretary, notwithstanding the provisions of section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), shall convey—

(1) to the Kaktovik Inupiat Corporation the surface estate of the lands described in paragraph 1 of Public Land Order 6959, to the extent necessary to fulfill the Corporation's entitlement under sections 12 and 14 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611 and 1613) in accordance with the terms and conditions of the Agreement between the Department of the Interior, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Kaktovik Inupiat Corporation effective January 22, 1993; and

(2) to the Arctic Slope Regional Corporation the remaining subsurface estate to which it is entitled pursuant to the August 9, 1983, agreement between the Arctic Slope Regional Corporation and the United States of America.

SEC. 152. LOCAL GOVERNMENT IMPACT AID AND COMMUNITY SERVICE ASSISTANCE.

(a) FINANCIAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—The Secretary may use amounts available from the Coastal Plain Local Government Impact Aid Assistance Fund established by subsection (d) to provide timely financial assistance to entities that are eligible under paragraph (2) and that are directly impacted by the exploration for or production of oil and gas on the Coastal Plain under this subtitle.

(2) ELIGIBLE ENTITIES.—The North Slope Borough, the City of Kaktovik, and any other borough, municipal subdivision, village, or other community in the State of Alaska that is directly impacted by exploration for, or the production of, oil or gas on the Coastal Plain under this subtitle, as determined by the Secretary, shall be eligible for financial assistance under this section.

(b) USE OF ASSISTANCE.—Financial assistance under this section may be used only for—

(1) planning for mitigation of the potential effects of oil and gas exploration and development on environmental, social, cultural, recreational, and subsistence values;

(2) implementing mitigation plans and maintaining mitigation projects;

(3) developing, carrying out, and maintaining projects and programs that provide new or expanded public facilities and services to address needs and problems associated with such effects, including fire-fighting, police, water, waste treatment, medivac, and medical services; and

(4) establishment of a coordination office, by the North Slope Borough, in the City of Kaktovik, which shall—

(A) coordinate with and advise developers on local conditions, impact, and history of the areas utilized for development; and

(B) provide to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate an annual report on the status of coordination between developers and the communities affected by development.

(c) APPLICATION.—

(1) IN GENERAL.—Any community that is eligible for assistance under this section may submit an application for such assistance to the Secretary, in such form and under such procedures as the Secretary may prescribe by regulation.

(2) NORTH SLOPE BOROUGH COMMUNITIES.—A community located in the North Slope Borough may apply for assistance under this section either directly to the Secretary or through the North Slope Borough.

(3) APPLICATION ASSISTANCE.—The Secretary shall work closely with and assist the North Slope Borough and other communities eligible for assistance under this section in developing and submitting applications for assistance under this section.

(d) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury the Coastal Plain Local Government Impact Aid Assistance Fund.

(2) USE.—Amounts in the fund may be used only for providing financial assistance under this section.

(3) DEPOSITS.—Subject to paragraph (4), there shall be deposited into the fund amounts received by the United States as revenues derived from rents, bonuses, and royalties from Federal leases and lease sales authorized under this subtitle.

(4) LIMITATION ON DEPOSITS.—The total amount in the fund may not exceed $11,000,000.

(5) INVESTMENT OF BALANCES.—The Secretary of the Treasury shall invest amounts in the fund in interest bearing government securities.

(e) AUTHORIZATION OF APPROPRIATIONS.—To provide financial assistance under this section there is authorized to be appropriated to the Secretary from the Coastal Plain Local Government Impact Aid Assistance Fund $5,000,000 for each fiscal year.

Subtitle C—Oil Shale

SEC. 161. REPEAL.

Section 433 of the Consolidated Appropriations Act, 2008 is repealed.

TITLE II—CONSERVATION AND EFFICIENCY

Subtitle A—Tax Incentives for Fuel Efficiency

SEC. 201. CREDIT FOR NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 30D. NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

''(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credit amounts determined under subsection (b) with respect to each new qualified plug-in electric drive motor vehicle placed in service by the taxpayer during the taxable year.

''(b) PER VEHICLE DOLLAR LIMITATION.—

''(1) IN GENERAL.—The amount determined under this subsection with respect to any new qualified plug-in electric drive motor vehicle is the sum of the amounts determined under paragraphs (2) and (3) with respect to such vehicle.

''(2) BASE AMOUNT.—The amount determined under this paragraph is $3,000.

''(3) BATTERY CAPACITY.—In the case of a vehicle which draws propulsion energy from a battery with not less than 5 kilowatt hours of capacity, the amount determined under this paragraph is $200, plus $200 for each kilowatt hour of capacity in excess of 5 kilowatt hours. The amount determined under this paragraph shall not exceed $2,000.

''(c) APPLICATION WITH OTHER CREDITS.—

''(1) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to property of a character subject to an allowance for depreciation shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

''(2) PERSONAL CREDIT.—

''(A) IN GENERAL.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.

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

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

''(ii) the sum of the credits allowable under subpart A (other than this section and sections 23 and 25D) and section 27 for the taxable year.

''(d) NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE.—For purposes of this section—

''(1) IN GENERAL.—The term 'new qualified plug-in electric drive motor vehicle' means a motor vehicle (as defined in section 30(c)(2))—

''(A) the original use of which commences with the taxpayer,

''(B) which is acquired for use or lease by the taxpayer and not for resale,

''(C) which is made by a manufacturer,

''(D) which has a gross vehicle weight rating of less than 14,000 pounds,

''(E) which has received a certificate of conformity under the Clean Air Act and meets or exceeds the Bin 5 Tier II emission standard established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle, and

''(F) which is propelled to a significant extent by an electric motor which draws electricity from a battery which—

''(i) has a capacity of not less than 4 kilowatt hours, and

''(ii) is capable of being recharged from an external source of electricity.

''(2) EXCEPTION.—The term 'new qualified plug-in electric drive motor vehicle' shall not include any vehicle which is not a passenger automobile or light truck if such vehicle has a gross vehicle weight rating of less than 8,500 pounds.

''(3) OTHER TERMS.—The terms 'passenger automobile', 'light truck', and 'manufacturer' have the meanings given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

''(4) BATTERY CAPACITY.—The term 'capacity' means, with respect to any battery, the quantity of electricity which the battery is capable of storing, expressed in kilowatt hours, as measured from a 100 percent state of charge to a 0 percent state of charge.

''(e) LIMITATION ON NUMBER OF NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES ELIGIBLE FOR CREDIT.—

''(1) IN GENERAL.—In the case of a new qualified plug-in electric drive motor vehicle sold during the phaseout period, only the applicable percentage of the credit otherwise allowable under subsection (a) shall be allowed.

''(2) PHASEOUT PERIOD.—For purposes of this subsection, the phaseout period is the period beginning with the second calendar quarter following the calendar quarter which includes the first date on which the number of new qualified plug-in electric drive motor vehicles manufactured by the manufacturer of the vehicle referred to in paragraph (1) sold for use in the United States after the date of the enactment of this section, is at least 60,000.

''(3) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage is—

''(A) 50 percent for the first 2 calendar quarters of the phaseout period,

''(B) 25 percent for the 3d and 4th calendar quarters of the phaseout period, and

''(C) 0 percent for each calendar quarter thereafter.

''(4) CONTROLLED GROUPS.—Rules similar to the rules of section 30B(f)(4) shall apply for purposes of this subsection.

''(f) SPECIAL RULES.—

''(1) BASIS REDUCTION.—The basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit (determined without regard to subsection (c)).

''(2) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit.

''(3) PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowed under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

''(4) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects to not have this section apply to such vehicle.

''(5) PROPERTY USED BY TAX-EXEMPT ENTITY; INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—Rules similar to the rules of paragraphs (6) and (10) of section 30B(h) shall apply for purposes of this section.''.

(b) COORDINATION WITH ALTERNATIVE MOTOR VEHICLE CREDIT.—Section 30B(d)(3) of such Code is amended by adding at the end the following new subparagraph:

''(D) EXCLUSION OF PLUG-IN VEHICLES.—Any vehicle with respect to which a credit is allowable under section 30D (determined without regard to subsection (c) thereof) shall not be taken into account under this section.''.

(c) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) of such Code is amended—

(1) by striking ''and'' each place it appears at the end of any paragraph,

(2) by striking ''plus'' each place it appears at the end of any paragraph,

(3) by striking the period at the end of paragraph (31) and inserting '', plus'', and

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

''(32) the portion of the new qualified plug-in electric drive motor vehicle credit to which section 30D(c)(1) applies.''.

(d) CONFORMING AMENDMENTS.—

(1)(A) Section 24(b)(3)(B) of such Code is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(B) Section 25(e)(1)(C)(ii) of such Code is amended by inserting ''30D,'' after ''25D,''.

(C) Section 25B(g)(2) of such Code is amended by striking ''and 25D'' and inserting '', 25D, and 30D''.

(D) Section 26(a)(1) of such Code is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(E) Section 1400C(d)(2) of such Code is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(2) Section 1016(a) of such Code is amended by striking ''and'' at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting '', and'', and by adding at the end the following new paragraph:

''(37) to the extent provided in section 30D(f)(1).''.

(3) Section 6501(m) of such Code is amended by inserting ''30D(f)(4),'' after ''30C(e)(5),''.

(4) The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 30D. New qualified plug-in electric drive motor vehicles.''.

(e) TREATMENT OF ALTERNATIVE MOTOR VEHICLE CREDIT AS A PERSONAL CREDIT.—

(1) IN GENERAL.—Paragraph (2) of section 30B(g) of such Code is amended to read as follows:

''(2) PERSONAL CREDIT.—The credit allowed under subsection (a) for any taxable year (after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.''.

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (A) of section 30C(d)(2) of such Code is amended by striking ''sections 27, 30, and 30B'' and inserting ''sections 27 and 30''.

(B) Paragraph (3) of section 55(c) of such Code is amended by striking ''30B(g)(2),''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(2) TREATMENT OF ALTERNATIVE MOTOR VEHICLE CREDIT AS PERSONAL CREDIT.—The amendments made by subsection (e) shall apply to taxable years beginning after December 31, 2007.

(g) APPLICATION OF EGTRRA SUNSET.—The amendment made by subsection (d)(1)(A) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provision of such Act to which such amendment relates.

SEC. 202. EXTENSION OF CREDIT FOR ALTERNATIVE FUEL VEHICLES.

Paragraph (4) of section 30B(j) of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2010'' and inserting ''December 31, 2014''.

SEC. 203. EXTENSION OF ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

Paragraph (1) of section 30C(g) of the Internal Revenue Code of 1986 is amended by striking ''hydrogen,'' inserting ''hydrogen or alternative fuels (as defined in section 30B(e)(4)(B)),''.

Subtitle B—Tapping America's Ingenuity and Creativity

SEC. 211. DEFINITIONS.

In this subtitle:

(1) ADMINISTERING ENTITY.—The term ''administering entity'' means the entity with which the Secretary enters into an agreement under section 214(c).

(2) DEPARTMENT.—The term ''Department'' means the Department of Energy.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 212. STATEMENT OF POLICY.

It is the policy of the United States to provide incentives to encourage the development and implementation of innovative energy technologies and new energy sources that will reduce our reliance on foreign energy.

SEC. 213. PRIZE AUTHORITY.

(a) IN GENERAL.—The Secretary shall carry out a program to competitively award cash prizes in conformity with this subtitle to advance the research, development, demonstration, and commercial application of innovative energy technologies and new energy sources.

(b) ADVERTISING AND SOLICITATION OF COMPETITORS.—

(1) ADVERTISING.—The Secretary shall widely advertise prize competitions to encourage broad participation in the program carried out under subsection (a), including individuals, universities, communities, and large and small businesses.

(2) ANNOUNCEMENT THROUGH FEDERAL REGISTER NOTICE.—The Secretary shall announce each prize competition by publishing a notice in the Federal Register. This notice shall include essential elements of the competition such as the subject of the competition, the duration of the competition, the eligibility requirements for participation in the competition, the process for participants to register for the competition, the amount of the prize, and the criteria for awarding the prize.

(c) ADMINISTERING THE COMPETITION.—The Secretary may enter into an agreement with a private, nonprofit entity to administer the prize competitions, subject to the provisions of this subtitle. The administering entity shall perform the following functions:

(1) Advertise the competition and its results.

(2) Raise funds from private entities and individuals to pay for administrative costs and cash prizes.

(3) Develop, in consultation with and subject to the final approval of the Secretary, criteria to select winners based upon the goal of safely and adequately storing nuclear used fuel.

(4) Determine, in consultation with and subject to the final approval of the Secretary, the appropriate amount of the awards.

(5) Protect against the administering entity's unauthorized use or disclosure of a registered participant's intellectual property, trade secrets, and confidential business information. Any information properly identified as trade secrets or confidential business information that is submitted by a participant as part of a competitive program under this subtitle may be withheld from public disclosure.

(6) Develop and promulgate sufficient rules to define the parameters of designing and proposing innovative energy technologies and new energy sources with input from industry, citizens, and corporations familiar with such activities.

(d) FUNDING SOURCES.—Prizes under this subtitle may consist of Federal appropriated funds, funds provided by the administering entity, or funds raised through grants or donations. The Secretary may accept funds from other Federal agencies for such cash prizes and, notwithstanding section 3302(b) of title 31, United States Code, may use such funds for the cash prize program. Other than publication of the names of prize sponsors, the Secretary may not give any special consideration to any private sector entity or individual in return for a donation to the Secretary or administering entity.

(e) ANNOUNCEMENT OF PRIZES.—The Secretary may not publish a notice required by subsection (b)(2) until all the funds needed to pay out the announced amount of the prize have been appropriated to the Department or the Department has received from the administering entity a written commitment to provide all necessary funds.

SEC. 214. ELIGIBILITY.

To be eligible to win a prize under this subtitle, an individual or entity—

(1) shall notify the administering entity of intent to submit ideas and intent to collect the prize upon selection;

(2) shall comply with all the requirements stated in the Federal Register notice required under section 213(b)(2);

(3) in the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States, and in the case of an individual, whether participating singly or in a group, shall be a citizen of the United States;

(4) shall not be a Federal entity, a Federal employee acting within the scope of his or her employment, or an employee of a national laboratory acting within the scope of employment;

(5) shall not use Federal funding or other Federal resources to compete for the prize; and

(6) shall not be an entity acting on behalf of any foreign government or agent.

SEC. 215. INTELLECTUAL PROPERTY.

The Federal Government shall not, by virtue of offering or awarding a prize under this subtitle, be entitled to any intellectual property rights derived as a consequence of, or in direct relation to, the participation by a registered participant in a competition authorized by this subtitle. This section shall not be construed to prevent the Federal Government from negotiating a license for the use of intellectual property developed for a prize competition under this subtitle. The Federal Government may seek assurances that technologies for which prizes are awarded under this subtitle are offered for commercialization in the event an award recipient does not take, or is not expected to take within a reasonable time, effective steps to achieve practical application of the technology.

SEC. 216. WAIVER OF LIABILITY.

The Secretary may require registered participants to waive claims against the Federal Government and the administering entity (except claims for willful misconduct) for any injury, death, damage, or loss of property, revenue, or profits arising from the registered participants' participation in a competition under this subtitle. The Secretary shall give notice of any waiver required under this section in the notice required by section 213(b)(2). The Secretary may not require a registered participant to waive claims against the administering entity arising out of the unauthorized use or disclosure by the administering entity of the registered participant's intellectual property, trade secrets, or confidential business information.

SEC. 217. AUTHORIZATION OF APPROPRIATIONS.

(a) AWARDS.—40 percent of amounts in the American Energy Trust Fund shall be available without further appropriation to carry out specified provisions of this section.

(b) TREATMENT OF AWARDS.—Amounts received pursuant to an award under this subtitle may not be taxed by any Federal, State, or local authority.

(c) ADMINISTRATION.—In addition to the amounts authorized under subsection (a), there are authorized to be appropriated to the Secretary for each of fiscal years 2009 through 2020 $2,000,000 for the administrative costs of carrying out this subtitle.

(d) CARRYOVER OF FUNDS.—Funds appropriated for prize awards under this subtitle shall remain available until expended and may be transferred, reprogrammed, or expended for other purposes only after the expiration of 11 fiscal years after the fiscal year for which the funds were originally appropriated. No provision in this subtitle permits obligation or payment of funds in violation of section 1341 of title 31, United States Code.

SEC. 218. NEXT GENERATION AUTOMOBILE PRIZE PROGRAM.

The Secretary of Energy shall establish a program to award a prize in the amount of $500,000,000 to the first automobile manufacturer incorporated in the United States to manufacture and sell in the United States 50,000 midsized sedan automobiles which operate on gasoline and can travel 100 miles per gallon.

SEC. 219. ADVANCED BATTERY MANUFACTURING INCENTIVE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADVANCED BATTERY.—The term ''advanced battery'' means an electrical storage device suitable for vehicle applications.

(2) ENGINEERING INTEGRATION COSTS.—The term ''engineering integration costs'' includes the cost of engineering tasks relating to—

(A) incorporation of qualifying components into the design of advanced batteries; and

(B) design of tooling and equipment and developing manufacturing processes and material suppliers for production facilities that produce qualifying components or advanced batteries.

(b) ADVANCED BATTERY MANUFACTURING FACILITY.—The Secretary shall provide facility funding awards under this section to advanced battery manufacturers to pay not more than 30 percent of the cost of reequipping, expanding, or establishing a manufacturing facility in the United States to produce advanced batteries.

(c) PERIOD OF AVAILABILITY.—An award under subsection (b) shall apply to—

(1) facilities and equipment placed in service before December 30, 2020; and

(2) engineering integration costs incurred during the period beginning on the date of enactment of this Act and ending on December 30, 2020.

(d) DIRECT LOAN PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subtitle, and subject to the availability of appropriated funds, the Secretary shall carry out a program to provide a total of not more than $100,000,000 in loans to eligible individuals and entities (as determined by the Secretary) for the costs of activities described in subsection (b).

(2) SELECTION OF ELIGIBLE PROJECTS.—The Secretary shall select eligible projects to receive loans under this subsection in cases in which, as determined by the Secretary, the award recipient—

(A) is financially viable without the receipt of additional Federal funding associated with the proposed project;

(B) will provide sufficient information to the Secretary for the Secretary to ensure that the qualified investment is expended efficiently and effectively; and

(C) has met such other criteria as may be established and published by the Secretary.

(3) RATES, TERMS, AND REPAYMENT OF LOANS.—A loan provided under this subsection—

(A) shall have an interest rate that, as of the date on which the loan is made, is equal to the cost of funds to the Department of the Treasury for obligations of comparable maturity;

(B) shall have a term equal to the lesser of—

(i) the projected life, in years, of the eligible project to be carried out using funds from the loan, as determined by the Secretary; and

(ii) 25 years;

(C) may be subject to a deferral in repayment for not more than 5 years after the date on which the eligible project carried out using funds from the loan first begins operations, as determined by the Secretary; and

(D) shall be made by the Federal Financing Bank.

(e) FEES.—The cost of administering a loan made under this section shall not exceed $100,000.

(f) SET ASIDE FOR SMALL MANUFACTURERS.—

(1) DEFINITION OF COVERED FIRM.—In this subsection, the term ''covered firm'' means a firm that—

(A) employs fewer than 500 individuals; and

(B) manufactures automobiles or components of automobiles.

(2) SET ASIDE.—Of the amount of funds used to provide awards for each fiscal year under subsection (b), the Secretary shall use not less than 10 percent to provide awards to covered firms or consortia led by a covered firm.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the American Energy Trust Fund such sums as are necessary to carry out this section for each of fiscal years 2009 through 2013.

Subtitle C—Home and Business Tax Incentives

SEC. 221. EXTENSION OF CREDIT FOR ENERGY EFFICIENT APPLIANCES.

(a) IN GENERAL.—Subsection (b) of section 45M of the Internal Revenue Code of 1986 (relating to applicable amount) is amended by striking ''calendar year 2006 or 2007'' each place it appears in paragraphs (1)(A)(i), (1)(B)(i), (1)(C)(ii)(I), and (1)(C)(iii)(I), and inserting ''calendar year 2006, 2007, 2008, 2009, 2010, 2011, 2012, or 2013''.

(b) RESTART OF CREDIT LIMITATION.—Paragraph (1) of section 45M(e) of such Code (relating to aggregate credit amount allowed) is amended by inserting ''beginning after December 31, 2007'' after ''for all prior taxable years''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

SEC. 222. EXTENSION OF CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) IN GENERAL.—Section 25C(g) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 223. EXTENSION OF CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

Section 25D(g) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 224. EXTENSION OF NEW ENERGY EFFICIENT HOME CREDIT.

Subsection (g) of section 45L of the Internal Revenue Code of 1986 (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 225. EXTENSION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

Section 179D(h) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 226. EXTENSION OF SPECIAL RULE TO IMPLEMENT FERC AND STATE ELECTRIC RESTRUCTURING POLICY.

(a) IN GENERAL.—Paragraph (3) of section 451(i) of the Internal Revenue Code of 1986 is amended by striking ''January 1, 2008'' and inserting ''January 1, 2014''.

(b) EXTENSION OF PERIOD FOR TRANSFER OF OPERATIONAL CONTROL AUTHORIZED BY FERC.—Clause (ii) of section 451(i)(4)(B) of such Code is amended by striking ''December 31, 2007'' and inserting ''the date which is 4 years after the close of the taxable year in which the transaction occurs''.

(c) EFFECTIVE DATES.—

(1) EXTENSION.—The amendments made by subsection (a) shall apply to transactions after December 31, 2007.

(2) TRANSFERS OF OPERATIONAL CONTROL.—The amendment made by subsection (b) shall take effect as if included in section 909 of the American Jobs Creation Act of 2004.

SEC. 227. HOME ENERGY AUDITS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 25D the following new section:

''SEC. 25E. HOME ENERGY AUDITS.

''(a) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 50 percent of the amount of qualified energy audit paid or incurred by the taxpayer during the taxable year.

''(b) LIMITATIONS.—

''(1) DOLLAR LIMITATION.—The amount allowed as a credit under subsection (a) with

respect to a residence of the taxpayer for a taxable year shall not exceed $400.

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

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

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

''(c) QUALIFIED ENERGY AUDIT.—For purposes of this section, the term 'qualified energy audit' means an energy audit of the principal residence of the taxpayer performed by a qualified energy auditor through a comprehensive site visit. Such audit may include a blower door test, an infra-red camera test, and a furnace combustion efficiency test. In addition, such audit shall include such substitute tests for the tests specified in the preceding sentence, and such additional tests, as the Secretary may by regulation require. A principal residence shall not be taken into consideration under this subparagraph unless such residence is located in the United States.

''(d) PRINCIPAL RESIDENCE.—For purposes of this section, the term 'principal residence' has the same meaning as when used in section 121.

''(e) QUALIFIED ENERGY AUDITOR.—

''(1) IN GENERAL.—The Secretary shall specify by regulations the qualifications required to be a qualified energy auditor for purposes of this section. Such regulations shall include rules prohibiting conflicts-of-interest, including the disallowance of commissions or other payments based on goods or non-audit services purchased by the taxpayer from the auditor.

''(2) CERTIFICATION.—The Secretary shall prescribe the procedures and methods for certifying that an auditor is a qualified energy auditor. To the maximum extent practicable, such procedures and methods shall provide for a variety of sources to obtain certifications.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 23(b)(4)(B) of the Internal Revenue Code of 1986 is amended by inserting ''and section 25E'' after ''this section''.

(2) Section 23(c)(1) of such Code is amended by inserting '', 25E,'' after ''25D''.

(3) Section 24(b)(3)(B) of such Code is amended by striking ''and 25B'' and inserting '', 25B, and 25E''.

(4) Clauses (i) and (ii) of section 25(e)(1)(C) of such Code are each amended by inserting ''25E,'' after ''25D,''.

(5) Section 25B(g)(2) of such Code is amended by striking ''section 23'' and inserting ''sections 23 and 25E''.

(6) Section 25D(c)(1) of such Code is amended by inserting ''and section 25E'' after ''this section''.

(7) Section 25D(c)(2) of such Code is amended by striking ''and 25B'' and inserting ''25B, and 25E''.

(8) The table of sections for subpart A of part IV of subchapter A chapter 1 of such Code is amended by inserting after the item relating to section 25D the following new item:

''Sec. 25E. Home energy audits.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after the date of the enactment of this Act.

(2) APPLICATION OF EGTRRA SUNSET.—The amendments made by paragraphs (1) and (3) of subsection (b) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendments relate.

SEC. 228. ACCELERATED RECOVERY PERIOD FOR DEPRECIATION OF SMART METERS.

(a) IN GENERAL.—Section 168(e)(3)(B) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of clause (v), by striking the period at the end of clause (vi) and inserting '', and'', and by inserting after clause (vi) the following new clause:

''(vii) any qualified smart electric meter.''.

(b) DEFINITION.—Section 168(i) of such Code is amended by inserting at the end the following new paragraph:

''(18) QUALIFIED SMART ELECTRIC METERS.—

''(A) IN GENERAL.—The term 'qualified smart electric meter' means any smart electric meter which is placed in service by a taxpayer who is a supplier of electric energy or a provider of electric energy services.

''(B) SMART ELECTRIC METER.—For purposes of subparagraph (A), the term 'smart electric meter' means any time-based meter and related communication equipment which is capable of being used by the taxpayer as part of a system that—

''(i) measures and records electricity usage data on a time-differentiated basis in at least 24 separate time segments per day,

''(ii) provides for the exchange of information between supplier or provider and the customer's electric meter in support of time-based rates or other forms of demand response,

''(iii) provides data to such supplier or provider so that the supplier or provider can provide energy usage information to customers electronically, and

''(iv) provides net metering.''.

(c) CONTINUED APPLICATION OF 150 PERCENT DECLINING BALANCE METHOD.—Paragraph (2) of section 168(b) of such Code is amended by striking ''or'' at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

''(C) any property (other than property described in paragraph (3)) which is a qualified smart electric meter, or''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

Subtitle D—Refinery Permit Process Schedule

SEC. 231. SHORT TITLE.

This subtitle may be cited as the ''Refinery Permit Process Schedule Act''.

SEC. 232. DEFINITIONS.

For purposes of this subtitle—

(1) the term ''Administrator'' means the Administrator of the Environmental Protection Agency;

(2) the term ''applicant'' means a person who (with the approval of the governor of the State, or in the case of Native American tribes or tribal territories the designated leader of the tribe or tribal community, where the proposed refinery would be located) is seeking a Federal refinery authorization;

(3) the term ''biomass'' has the meaning given that term in section 932(a)(1) of the Energy Policy Act of 2005;

(4) the term ''Federal refinery authorization''—

(A) means any authorization required under Federal law, whether administered by a Federal or State administrative agency or official, with respect to siting, construction, expansion, or operation of a refinery; and

(B) includes any permits, licenses, special use authorizations, certifications, opinions, or other approvals required under Federal law with respect to siting, construction, expansion, or operation of a refinery;

(5) the term ''refinery'' means—

(A) a facility designed and operated to receive, load, unload, store, transport, process, and refine crude oil by any chemical or physical process, including distillation, fluid catalytic cracking, hydrocracking, coking, alkylation, etherification, polymerization, catalytic reforming, isomerization, hydrotreating, blending, and any combination thereof, in order to produce gasoline or distillate;

(B) a facility designed and operated to receive, load, unload, store, transport, process, and refine coal by any chemical or physical process, including liquefaction, in order to produce gasoline or diesel as its primary output; or

(C) a facility designed and operated to receive, load, unload, store, transport, process (including biochemical, photochemical, and biotechnology processes), and refine biomass in order to produce biofuel; and

(6) the term ''State'' means a State, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

SEC. 233. STATE ASSISTANCE.

(a) STATE ASSISTANCE.—At the request of a governor of a State, or in the case of Native American tribes or tribal territories the designated leader of the tribe or tribal community, the Administrator is authorized to provide financial assistance to that State or tribe or tribal community to facilitate the hiring of additional personnel to assist the State or tribe or tribal community with expertise in fields relevant to consideration of Federal refinery authorizations.

(b) OTHER ASSISTANCE.—At the request of a governor of a State, or in the case of Native American tribes or tribal territories the designated leader of the tribe or tribal community, a Federal agency responsible for a Federal refinery authorization shall provide technical, legal, or other nonfinancial assistance to that State or tribe or tribal community to facilitate its consideration of Federal refinery authorizations.

SEC. 234. REFINERY PROCESS COORDINATION AND PROCEDURES.

(a) APPOINTMENT OF FEDERAL COORDINATOR.—

(1) IN GENERAL.—The President shall appoint a Federal coordinator to perform the responsibilities assigned to the Federal coordinator under this subtitle.

(2) OTHER AGENCIES.—Each Federal and State agency or official required to provide a Federal refinery authorization shall cooperate with the Federal coordinator.

(b) FEDERAL REFINERY AUTHORIZATIONS.—

(1) MEETING PARTICIPANTS.—Not later than 30 days after receiving a notification from an applicant that the applicant is seeking a Federal refinery authorization pursuant to Federal law, the Federal coordinator appointed under subsection (a) shall convene a meeting of representatives from all Federal and State agencies responsible for a Federal refinery authorization with respect to the refinery. The governor of a State shall identify each agency of that State that is responsible for a Federal refinery authorization with respect to that refinery.

(2) MEMORANDUM OF AGREEMENT.—(A) Not later than 90 days after receipt of a notification described in paragraph (1), the Federal coordinator and the other participants at a meeting convened under paragraph (1) shall establish a memorandum of agreement setting forth the most expeditious coordinated schedule possible for completion of all Federal refinery authorizations with respect to the refinery, consistent with the full substantive and procedural review required by

Federal law. If a Federal or State agency responsible for a Federal refinery authorization with respect to the refinery is not represented at such meeting, the Federal coordinator shall ensure that the schedule accommodates those Federal refinery authorizations, consistent with Federal law. In the event of conflict among Federal refinery authorization scheduling requirements, the requirements of the Environmental Protection Agency shall be given priority.

(B) Not later than 15 days after completing the memorandum of agreement, the Federal coordinator shall publish the memorandum of agreement in the Federal Register.

(C) The Federal coordinator shall ensure that all parties to the memorandum of agreement are working in good faith to carry out the memorandum of agreement, and shall facilitate the maintenance of the schedule established therein.

(c) CONSOLIDATED RECORD.—The Federal coordinator shall, with the cooperation of Federal and State administrative agencies and officials, maintain a complete consolidated record of all decisions made or actions taken by the Federal coordinator or by a Federal administrative agency or officer (or State administrative agency or officer acting under delegated Federal authority) with respect to any Federal refinery authorization. Such record shall be the record for judicial review under subsection (d) of decisions made or actions taken by Federal and State administrative agencies and officials, except that, if the Court determines that the record does not contain sufficient information, the Court may remand the proceeding to the Federal coordinator for further development of the consolidated record.

(d) REMEDIES.—

(1) IN GENERAL.—The United States District Court for the district in which the proposed refinery is located shall have exclusive jurisdiction over any civil action for the review of the failure of an agency or official to act on a Federal refinery authorization in accordance with the schedule established pursuant to the memorandum of agreement.

(2) STANDING.—If an applicant or a party to a memorandum of agreement alleges that a failure to act described in paragraph (1) has occurred and that such failure to act would jeopardize timely completion of the entire schedule as established in the memorandum of agreement, such applicant or other party may bring a cause of action under this subsection.

(3) COURT ACTION.—If an action is brought under paragraph (2), the Court shall review whether the parties to the memorandum of agreement have been acting in good faith, whether the applicant has been cooperating fully with the agencies that are responsible for issuing a Federal refinery authorization, and any other relevant materials in the consolidated record. Taking into consideration those factors, if the Court finds that a failure to act described in paragraph (1) has occurred, and that such failure to act would jeopardize timely completion of the entire schedule as established in the memorandum of agreement, the Court shall establish a new schedule that is the most expeditious coordinated schedule possible for completion of proceedings, consistent with the full substantive and procedural review required by Federal law. The court may issue orders to enforce any schedule it establishes under this paragraph.

(4) FEDERAL COORDINATOR'S ACTION.—When any civil action is brought under this subsection, the Federal coordinator shall immediately file with the Court the consolidated record compiled by the Federal coordinator pursuant to subsection (c).

(5) EXPEDITED REVIEW.—The Court shall set any civil action brought under this subsection for expedited consideration.

SEC. 235. DESIGNATION OF CLOSED MILITARY BASES.

(a) DESIGNATION REQUIREMENT.—Not later than 90 days after the date of enactment of this Act, the President shall designate no less than 3 closed military installations, or portions thereof, as potentially suitable for the construction of a refinery. At least 1 such site shall be designated as potentially suitable for construction of a refinery to refine biomass in order to produce biofuel.

(b) REDEVELOPMENT AUTHORITY.—The redevelopment authority for each installation designated under subsection (a), in preparing or revising the redevelopment plan for the installation, shall consider the feasibility and practicability of siting a refinery on the installation.

(c) MANAGEMENT AND DISPOSAL OF REAL PROPERTY.—The Secretary of Defense, in managing and disposing of real property at an installation designated under subsection (a) pursuant to the base closure law applicable to the installation, shall give substantial deference to the recommendations of the redevelopment authority, as contained in the redevelopment plan for the installation, regarding the siting of a refinery on the installation. The management and disposal of real property at a closed military installation or portion thereof found to be suitable for the siting of a refinery under subsection (a) shall be carried out in the manner provided by the base closure law applicable to the installation.

(d) DEFINITIONS.—For purposes of this section—

(1) the term ''base closure law'' means the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note); and

(2) the term ''closed military installation'' means a military installation closed or approved for closure pursuant to a base closure law.

SEC. 236. SAVINGS CLAUSE.

Nothing in this subtitle shall be construed to affect the application of any environmental or other law, or to prevent any party from bringing a cause of action under any environmental or other law, including citizen suits.

SEC. 237. REFINERY REVITALIZATION REPEAL.

Subtitle H of title III of the Energy Policy Act of 2005 and the items relating thereto in the table of contents of such Act are repealed.

TITLE III—NEW AND EXPANDING TECHNOLOGIES

Subtitle A—Alternative Fuels

SEC. 301. REPEAL.

Section 526 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17142) is repealed.

SEC. 302. GOVERNMENT AUCTION OF LONG TERM PUT OPTION CONTRACTS ON COAL-TO-LIQUID FUEL PRODUCED BY QUALIFIED COAL-TO-LIQUID FACILITIES.

(a) IN GENERAL.—The Secretary shall, from time to time, auction to the public coal-to-liquid fuel put option contracts having expiration dates of 5 years, 10 years, 15 years, or 20 years.

(b) CONSULTATION WITH SECRETARY OF ENERGY.—The Secretary shall consult with the Secretary of Energy regarding—

(1) the frequency of the auctions;

(2) the strike prices specified in the contracts;

(3) the number of contracts to be auctioned with a given strike price and expiration date; and

(4) the capacity of existing or planned facilities to produce coal-to-liquid fuel.

(c) DEFINITIONS.—In this section:

(1) COAL-TO-LIQUID FUEL.—The term ''coal-to-liquid fuel'' means any transportation-grade liquid fuel derived primarily from coal (including peat) and produced at a qualified coal-to-liquid facility.

(2) COAL-TO-LIQUID PUT OPTION CONTRACT.—The term ''coal-to-liquid put option contract'' means a contract, written by the Secretary, which—

(A) gives the holder the right (but not the obligation) to sell to the Government of the United States a certain quantity of a specific type of coal-to-liquid fuel produced by a qualified coal-to-liquid facility specified in the contract, at a strike price specified in the contract, on or before an expiration date specified in the contract; and

(B) is transferable by the holder to any other entity.

(3) QUALIFIED COAL-TO-LIQUID FACILITY.—The term ''qualified coal-to-liquid facility'' means a manufacturing facility that has the capacity to produce at least 10,000 barrels per day of transportation grade liquid fuels from a feedstock that is primarily domestic coal (including peat and any property which allows for the capture, transportation, or sequestration of by-products resulting from such process, including carbon emissions).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

(5) STRIKE PRICE.—The term ''strike price'' means, with respect to a put option contract, the price at which the holder of the contract has the right to sell the fuel which is the subject of the contract.

(d) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out this section.

(e) EFFECTIVE DATE.—This section shall take effect 1 year after the date of the enactment of this Act.

SEC. 303. STANDBY LOANS FOR QUALIFYING COAL-TO-LIQUIDS PROJECTS.

Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by adding at the end the following new subsection:

''(k) STANDBY LOANS FOR QUALIFYING CTL PROJECTS.—

''(1) DEFINITIONS.—For purposes of this subsection:

''(A) CAP PRICE.—The term 'cap price' means a market price specified in the standby loan agreement above which the project is required to make payments to the United States.

''(B) FULL TERM.—The term 'full term' means the full term of a standby loan agreement, as specified in the agreement, which shall not exceed the lesser of 30 years or 90 percent of the projected useful life of the project (as determined by the Secretary).

''(C) MARKET PRICE.—The term 'market price' means the average quarterly price of a petroleum price index specified in the standby loan agreement.

''(D) MINIMUM PRICE.—The term 'minimum price' means a market price specified in the standby loan agreement below which the United States is obligated to make disbursements to the project.

''(E) OUTPUT.—The term 'output' means some or all of the liquid or gaseous transportation fuels produced from the project, as specified in the loan agreement.

''(F) PRIMARY TERM.—The term 'primary term' means the initial term of a standby loan agreement, as specified in the agreement, which shall not exceed the lesser of 20 years or 75 percent of the projected useful life of the project (as determined by the Secretary).

''(G) QUALIFYING CTL PROJECT.—The term 'qualifying CTL project' means—

''(i) a commercial-scale project that converts coal to one or more liquid or gaseous transportation fuels; or

''(ii) not more than one project at a facility that converts petroleum refinery waste products, including petroleum coke, into one or more liquids or gaseous transportation fuels,

that demonstrates the capture, and sequestration or disposal or use of, the carbon dioxide produced in the conversion process, and that, on the basis of a carbon dioxide sequestration plan prepared by the applicant, is certified by the Administrator of the Environmental Protection Agency, in consultation with the Secretary, as producing fuel with life cycle carbon dioxide emissions at or below the average life cycle carbon dioxide emissions for the same type of fuel produced at traditional petroleum based facilities with similar annual capacities.

''(H) STANDBY LOAN AGREEMENT.—The term 'standby loan agreement' means a loan agreement entered into under paragraph (2).

''(2) STANDBY LOANS.—

''(A) LOAN AUTHORITY.—The Secretary may enter into standby loan agreements with not more than six qualifying CTL projects, at least one of which shall be a project jointly or in part owned by two or more small coal producers. Such an agreement—

''(i) shall provide that the Secretary will make a direct loan (within the meaning of section 502(1) of the Federal Credit Reform Act of 1990) to the qualifying CTL project; and

''(ii) shall set a cap price and a minimum price for the primary term of the agreement.

''(B) LOAN DISBURSEMENTS.—Such a loan shall be disbursed during the primary term of such agreement whenever the market price falls below the minimum price. The amount of such disbursements in any calendar quarter shall be equal to the excess of the minimum price over the market price, times the output of the project (but not more than a total level of disbursements specified in the agreement).

''(C) LOAN REPAYMENTS.—The Secretary shall establish terms and conditions, including interest rates and amortization schedules, for the repayment of such loan within the full term of the agreement, subject to the following limitations:

''(i) If in any calendar quarter during the primary term of the agreement the market price is less than the cap price, the project may elect to defer some or all of its repayment obligations due in that quarter. Any unpaid obligations will continue to accrue interest.

''(ii) If in any calendar quarter during the primary term of the agreement the market price is greater than the cap price, the project shall meet its scheduled repayment obligation plus deferred repayment obligations, but shall not be required to pay in that quarter an amount that is more than the excess of the market price over the cap price, times the output of the project.

''(iii) At the end of the primary term of the agreement, the cumulative amount of any deferred repayment obligations, together with accrued interest, shall be amortized (with interest) over the remainder of the full term of the agreement.

''(3) PROFIT-SHARING.—The Secretary is authorized to enter into a profit-sharing agreement with the project at the time the standby loan agreement is executed. Under such an agreement, if the market price exceeds the cap price in a calendar quarter, a profit-sharing payment shall be made for that quarter, in an amount equal to—

''(A) the excess of the market price over the cap price, times the output of the project; less

''(B) any loan repayments made for the calendar quarter.

''(4) COMPLIANCE WITH FEDERAL CREDIT REFORM ACT.—

''(A) UPFRONT PAYMENT OF COST OF LOAN.—No standby loan agreement may be entered into under this subsection unless the project makes a payment to the United States that the Office of Management and Budget determines is equal to the cost of such loan (determined under 502(5)(B) of the Federal Credit Reform Act of 1990). Such payment shall be made at the time the standby loan agreement is executed.

''(B) MINIMIZATION OF RISK TO THE GOVERNMENT.—In making the determination of the cost of the loan for purposes of setting the payment for a standby loan under subparagraph (A), the Secretary and the Office of Management and Budget shall take into consideration the extent to which the minimum price and the cap price reflect historical patterns of volatility in actual oil prices relative to projections of future oil prices, based upon publicly available data from the Energy Information Administration, and employing statistical methods and analyses that are appropriate for the analysis of volatility in energy prices.

''(C) TREATMENT OF PAYMENTS.—The value to the United States of a payment under subparagraph (A) and any profit-sharing payments under paragraph (3) shall be taken into account for purposes of section 502(5)(B)(iii) of the Federal Credit Reform Act of 1990 in determining the cost to the Federal Government of a standby loan made under this subsection. If a standby loan has no cost to the Federal Government, the requirements of section 504(b) of such Act shall be deemed to be satisfied.

''(5) OTHER PROVISIONS.—

''(A) NO DOUBLE BENEFIT.—A project receiving a loan under this subsection may not, during the primary term of the loan agreement, receive a Federal loan guarantee under subsection (a) of this section, or under other laws.

''(B) SUBROGATION, ETC.—Subsections (g)(2) (relating to subrogation), (h) (relating to fees), and (j) (relating to full faith and credit) shall apply to standby loans under this subsection to the same extent they apply to loan guarantees.''.

Subtitle B—Tax Provisions

SEC. 311. EXTENSION OF RENEWABLE ELECTRICITY, REFINED COAL, AND INDIAN COAL PRODUCTION CREDIT.

(a) CREDIT MADE PERMANENT.—

(1) IN GENERAL.—Subsection (d) of section 45 of the Internal Revenue Code of 1986 (relating to qualified facilities) is amended—

(A) by striking ''and before January 1, 2009'' each place it occurs,

(B) by striking '', and before January 1, 2009'' in paragraphs (1) and (2)(A)(i), and

(C) by striking ''before January 1, 2009'' in paragraph (10).

(2) OPEN-LOOP BIOMASS FACILITIES.—Subparagraph (A) of section 45(d)(3) of such Code is amended to read as follows:

''(A) IN GENERAL.—In the case of a facility using open-loop biomass to produce electricity, the term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service after October 22, 2004.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to electricity produced and sold after December 31, 2008, in taxable years ending after such date.

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

(c) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Clause (ii) of section 38(c)(4)(B) of such Code (relating to specified credits) is amended by striking ''produced— '' and all that follows and inserting ''produced at a facility which is originally placed in service after the date of the enactment of this paragraph.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 312. EXTENSION OF ENERGY CREDIT.

(a) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) of the Internal Revenue Code of 1986 (relating to energy credit) are each amended by striking ''but only with respect to periods ending before January 1, 2009''.

(b) FUEL CELL PROPERTY.—Section 48(c)(1) of such Code (relating to qualified fuel cell property) is amended by striking subparagraph (E).

(c) MICROTURBINE PROPERTY.—Subparagraph (E) of section 48(c)(2) of the Internal Revenue Code of 1986 (relating to qualified microturbine property) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

(d) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subparagraph (B) of section 38(c)(4) of such Code (relating to specified credits) is amended by striking ''and'' at the end of clause (iii), by redesignating clause (iv) as clause (v), and by inserting after clause (iii) the following new clause:

''(iv) the credit determined under section 48, and''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 313. EXTENSION AND MODIFICATION OF CREDIT FOR CLEAN RENEWABLE ENERGY BONDS.

(a) EXTENSION.—Section 54(m) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

(b) INCREASE IN NATIONAL LIMITATION.—Section 54(f) of such Code (relating to limitation on amount of bonds designated) is amended—

(1) by striking ''$1,200,000,000'' in paragraph (1) and inserting ''$1,600,000,000'', and

(2) by striking ''$750,000,000'' in paragraph (2) and inserting ''$1,000,000,000''.

(c) MODIFICATION OF RATABLE PRINCIPAL AMORTIZATION REQUIREMENT.—

(1) IN GENERAL.—Paragraph (5) of section 54(l) of such Code is amended to read as follows:

''(5) RATABLE PRINCIPAL AMORTIZATION REQUIRED.—A bond shall not be treated as a clean renewable energy bond unless it is part of an issue which provides for an equal amount of principal to be paid by the qualified issuer during each 12-month period that the issue is outstanding (other than the first 12-month period).''.

(2) TECHNICAL AMENDMENT.—The third sentence of section 54(e)(2) of such Code is amended by striking ''subsection (l)(6)'' and inserting ''subsection (l)(5)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 314. EXTENSION OF CREDITS FOR BIODIESEL AND RENEWABLE DIESEL.

(a) IN GENERAL.—Sections 40A(g), 6426(c)(6), and 6427(e)(5)(B) of the Internal Revenue Code of 1986 are each amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced, and sold or used, after December 31, 2008.

Subtitle C—Nuclear

SEC. 321. USE OF FUNDS FOR RECYCLING.

Section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222) is amended—

(1) in subsection (d), by striking ''The Secretary may'' and inserting ''Except as provided in subsection (f), the Secretary may''; and

(2) by adding at the end the following new subsection:

''(f) RECYCLING.—

''(1) IN GENERAL.—Amounts in the Waste Fund may be used by the Secretary of Energy to make grants to or enter into long-term contracts with private sector entities for the recycling of spent nuclear fuel.

''(2) COMPETITIVE SELECTION.—Grants and contracts authorized under paragraph (1) shall be awarded on the basis of a competitive bidding process that—

''(A) maximizes the competitive efficiency of the projects funded;

''(B) best serves the goal of reducing the amount of waste requiring disposal under this Act; and

''(C) ensures adequate protection against the proliferation of nuclear materials that could be used in the manufacture of nuclear weapons.''.

SEC. 322. RULEMAKING FOR LICENSING OF SPENT NUCLEAR FUEL RECYCLING FACILITIES.

(a) REQUIREMENT.—The Nuclear Regulatory Commission shall, as expeditiously as possible, but in no event later than 2 years after the date of enactment of this Act, complete a rulemaking establishing a process for the licensing by the Nuclear Regulatory Commission, under the Atomic Energy Act of 1954, of facilities for the recycling of spent nuclear fuel.

(b) FUNDING.—Amounts in the Nuclear Waste Fund established under section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222) shall be made available to the Nuclear Regulatory Commission to cover the costs of carrying out subsection (a) of this section.

SEC. 323. NUCLEAR WASTE FUND BUDGET STATUS.

Section 302(e) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(e)) is amended by adding at the end the following new paragraph:

''(7) The receipts and disbursements of the Waste Fund shall not be counted as new budget authority, outlays, receipts, or deficits or surplus for purposes of—

''(A) the budget of the United States Government as submitted by the President;

''(B) the congressional budget; or

''(C) the Balanced Budget and Emergency Deficit Control Act of 1985.''.

SEC. 324. WASTE CONFIDENCE.

The Nuclear Regulatory Commission may not deny an application for a license, permit, or other authorization under the Atomic Energy Act of 1954 on the grounds that sufficient capacity does not exist, or will not become available on a timely basis, for disposal of spent nuclear fuel or high-level radioactive waste from the facility for which the license, permit, or other authorization is sought.

SEC. 325. ASME NUCLEAR CERTIFICATION CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by adding at the end the following new section:

''SEC. 45O. ASME NUCLEAR CERTIFICATION CREDIT.

''(a) IN GENERAL.—For purposes of section 38, the ASME Nuclear Certification credit determined under this section for any taxable year is an amount equal to 15 percent of the qualified nuclear expenditures paid or incurred by the taxpayer.

''(b) QUALIFIED NUCLEAR EXPENDITURES.—For purposes of this section, the term 'qualified nuclear expenditures' means any expenditure related to—

''(1) obtaining a certification under the American Society of Mechanical Engineers Nuclear Component Certification program, or

''(2) increasing the taxpayer's capacity to construct, fabricate, assemble, or install components—

''(A) for any facility which uses nuclear energy to produce electricity, and

''(B) with respect to the construction, fabrication, assembly, or installation of which the taxpayer is certified under such program.

''(c) TIMING OF CREDIT.—The credit allowed under subsection (a) for any expenditures shall be allowed—

''(1) in the case of a qualified nuclear expenditure described in subsection (b)(1), for the taxable year of such certification, and

''(2) in the case of any other qualified nuclear expenditure, for the taxable year in which such expenditure is paid or incurred.

''(d) SPECIAL RULES.—

''(1) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section for an expenditure, the increase in basis which would result (but for this subsection) for such expenditure shall be reduced by the amount of the credit allowed under this section.

''(2) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under this chapter for any amount taken into account in determining the credit under this section.

''(e) TERMINATION.—This section shall not apply to any expenditures paid or incurred in taxable years beginning after December 31, 2019.''.

(b) CONFORMING AMENDMENTS.—(1) Subsection (b) of section 38 is amended by striking ''plus'' at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting '', plus'', and by adding at the end the following new paragraph:

''(32) the ASME Nuclear Certification credit determined under section 45O(a).''.

(2) Subsection (a) of section 1016 (relating to adjustments to basis) is amended by striking ''and'' at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting '', and'', and by adding at the end the following new paragraph:

''(38) to the extent provided in section 45O(e)(1).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2007.

Subtitle D—American Renewable and Alternative Energy Trust Fund

SEC. 331. AMERICAN RENEWABLE AND ALTERNATIVE ENERGY TRUST FUND.

(a) ESTABLISHMENT OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the ''American Renewable and Alternative Energy Trust Fund'', consisting of such amounts as may be transferred to the American Renewable and Alternative Energy Trust Fund as provided in section 149 and the amendments made by section 110 of this Act.

(b) EXPENDITURES FROM AMERICAN RENEWABLE AND ALTERNATIVE ENERGY TRUST FUND.—

(1) IN GENERAL.—Amounts in the American Renewable and Alternative Energy Trust Fund shall be available without further appropriation to carry out specified provisions of the Energy Policy Act of 2005 (Public Law 109–58; in this section referred to as ''EPAct2005'') and the Energy Independence and Security Act of 2007 (Public Law 110–140; in this section referred to as ''EISAct2007''), as follows:

(A) Grants to improve the commercial value of forest biomass for electric energy, useful heat, transportation fuels, and other commercial purposes, section 210 of EPAct2005, 3 percent

(B) Hydroelectric production incentives, section 242 of EPAct2005, 2 percent.

(C) Oil shale, tar sands, and other strategic unconventional fuels, section 369 of EPAct2005, 3 percent.

(D) Clean Coal Power Initiative, section 401 of EPAct2005, 7 percent.

(E) Solar and wind technologies, section 812 of EPAct2005, 7 percent.

(F) Renewable Energy, section 931of EPAct2005, 20 percent.

(G) Production incentives for cellulosic biofuels, section 942 of EPAct2005, 2.5 percent.

(H) Coal and related technologies program, section 962 of EPAct2005, 4 percent.

(I) Methane hydrate research, section 968 of EPAct2005, 2.5 percent.

(J) Incentives for Innovative Technologies, section 1704 of EPAct2005, 7 percent.

(K) Grants for production of advanced biofuels, section 207 of EISAct2007, 16 percent.

(L) Photovoltaic demonstration program, section 607 EISAct2007, 2.5 percent.

(M) Geothermal Energy, title VI, subtitle B of EISAct2007, 4 percent.

(N) Marine and Hydrokinetic Renewable Energy Technologies, title VI, subtitle C of EISAct2007, 2.5 percent.

(O) Energy storage competitiveness, section 641 of EISAct2007, 10 percent.

(P) Smart grid technology research, development, and demonstration, section 1304 of EISAct2007, 7 percent.

(2) APPORTIONMENT OF EXCESS AMOUNT.—Notwithstanding paragraph (1), any amounts allocated under paragraph (1) that are in excess of the amounts authorized in the applicable cited section or subtitle of EPAct2005 and EISAct2007 shall be reallocated to the remaining sections and subtitles cited in paragraph (1), up to the amounts otherwise authorized by law to carry out such sections and subtitles, in proportion to the amounts authorized by law to be appropriated for such other sections and subtitles.

H.R. 6599

OFFERED BY: MRS. CAPITO

AMENDMENT NO. 25: Page 34, line 21, after the dollar amount, insert ''(increased by $100,000,000)''.

Page 38, line 23, after the dollar amount, insert ''(reduced by $70,000,000)''.

Page 41, line 22, after the dollar amount, insert ''(reduced by $30,000,000)''.

H.R. 6599

OFFERED BY: MRS. CAPITO

AMENDMENT NO. 26: Page 33, line 18, insert before the period the following: '': *Provided further*, That the Secretary of Veterans Affairs shall increase the mileage reimbursement rate for veterans by an additional 6.5 cents, to 41.5 cents per mile''.

H.R. 6599

OFFERED BY: MR. STEARNS

AMENDMENT NO. 27: Page 36, line 22, insert before the period at the end the following: '': *Provided further*, that using funds made available under this heading, the Secretary of Veterans Affairs shall offer veterans an Internet website with a comprehensive list of employment opportunities throughout the United States so that veterans are better able to secure employment''.

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PROCEEDINGS AND DEBATES OF THE *110th* CONGRESS, SECOND SESSION

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Senate

(Legislative day of Monday, July 28, 2008)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, You have led us through our days and years. Show our lawmakers Your purpose for them and this land we love. As they devote themselves to the worthy task of freedom, supply them with undiminished strength and uncommon wisdom. May they contribute wisely to the security of our Nation and world, as they strive to do Your will on Earth as it is done in Heaven. Lord, encourage them as they encourage one another, and may they work together for the common good. Give them the wisdom to always do the right thing, to be faithful, kind, and humble.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER 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 29, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 12:30 p.m., with Senators permitted to speak for up to 10 minutes each, with the Republicans controlling the first 30 minutes and the majority controlling the next 30 minutes.

Who yields time?

The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that my colleagues and I be allowed to speak in a colloquy in the 30 minutes we have been allocated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. I thank the Presiding Officer.

HIGH GAS PRICES

Mr. ALEXANDER. Mr. President, $4 gasoline is the subject before the Senate. It has been the subject before the Senate since the week before last. I am very encouraged that yesterday the majority leader indicated we might be able to move from talking to acting; in other words, to begin to offer amendments, debate on those amendments, and come to a result which would help lower gasoline prices.

Each week, for the last several weeks, I have been reading to the Senate e-mails and letters I have received from Tennesseans who have been hurt by the high price of gasoline.

For example, Jason from Friendsville, TN, which is a Quaker town near where I live, is a firefighter with the Blount County Fire Department. He says that currently five of their stations have only one person in them. They rely on volunteers for the rest of their support, but since gasoline is so high, response from volunteers has been very small, and they have to allow other jurisdictions to respond. He is not sure how he is going to be able to keep driving across town to help other people when he can barely help himself.

Gina from Elizabethton is a single mother who is spending about $65 each week to drive to and from work. She can barely afford groceries because everything is so expensive. She says they have been living on noodles to get by. She is very concerned that Congress and the President are doing a lot of talking but not doing anything about the problem, and she says, ''This country is in such a mess.''

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

William of Riceville is on disability and his wife is unable to work due to health problems. Rising gas prices have made them choose between driving to the doctor or paying for their medicine.

Tina from Nashville is a single mother struggling to support her daughter. They can't even afford to go out to the movies on the weekend, she says, because gas and food prices have risen so much. She says that right now she is spending about $200 each month on gas and prices keep going up, but her paycheck isn't going up at all.

Judy from Joelton is a 61-year-old grandmother struggling to support her daughter and granddaughter who live with her. The gas to take her granddaughter to kindergarten is costing $115 each month, and they are struggling to keep her in school. Judy says she is scared for her family. She has never seen it this difficult to get by.

Mr. President, I ask unanimous consent that following my remarks, these letters and e-mails from constituents in Tennessee be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALEXANDER. Mr. President, as I mentioned earlier, the Senate could have, since the week before last, been bringing up amendments from the Democratic side and the Republican side with proposals for dealing with $4 gasoline. Hopefully, the majority leader and the Republican leader are coming to a conclusion today which will permit us to start doing that. We don't expect every amendment we offer to be adopted, but we do represent millions of people who want us to try to solve the problem.

We have before this Senate a very specific proposal for bringing down the price of gasoline. It is based upon the law of supply and demand: finding more and using less. Now, on this side of the aisle, we usually instinctively talk about finding more; that is, offshore drilling and oil shale, but it is also important to emphasize that part of our plan is using less.

The United States of America uses 25 percent of all the oil in the world. The fastest way for us to bring down the price of $4 gasoline, if it depends upon finding more—supply—and using less—demand—is to use less. What is the most promising way to reduce, by a large amount, the amount of oil we use? Give Big Oil some competition. We believe it is plug-in electric cars and trucks. There are a great many Democrats who believe the same thing. That is part of our plan. That is what we would like to have had on this floor for the last 10 days to discuss.

The bottom line is this: major auto companies—Ford, General Motors, Nissan, Toyota—have told us that in 2010, they will begin selling to us cars and trucks that can be plugged into our wall sockets at home and filled for 60 cents or so instead of filled with gasoline for $80 or so.

Now, most of these cars and trucks will be hybrids; in other words, they will have a gasoline engine and they will have an electric engine. Because there are new, more powerful batteries, these cars will be able to go, in effect, about 100 miles per gallon. These are not being produced by the Government; these are being produced by the car people, so they are coming.

In addition to that, we have plenty of electricity. We see a lot on television from Mr. Boone Pickens, who has a plan, and it would require building a lot of new, large wind turbines for electricity, which might be a good plan. Our plan doesn't require building anything for electricity because we already have it. About half our electricity at night is idle. We are not using it for anything. We are asleep. Our lights are off. Computers are down. We are not using a lot of our electricity, so we can plug in our cars at night—the electricity would be cheap—run our cars on electricity instead of oil, and here would be the result: We would be trading, car by car, foreign oil for unused electric capacity.

Ninety-eight percent of our transportation is oil. Two percent of our electricity is oil. Half our electricity at night is not being used. So we could begin, year by year, gradually converting cars and trucks to electricity, instead of gasoline made from oil. If we converted the whole fleet of cars and light trucks, that would take many years and probably we would never convert them all, but if we did, we would get rid of 10 million of the 13 million barrels of imported oil we have today. Or, if we converted half the fleet—which is a realistic assumption over a number of years—we would reduce by 40 percent our imported oil and cut by 25 percent our total oil consumption.

So plug-in cars, which the car companies are making and which we would like to create the environment to support, are coming, and we have the electricity. In other words, the cars are coming, we have the electricity; all we need is the cord, and that is the most promising way to reduce oil.

I see the Senator from Texas is here. The use less part is something that both sides of the aisle probably can agree on, although I don't know why we haven't been fashioning a program over the last 10 days to do that. We could have been debating whether to have tax credits, whether to have advanced battery research, but we haven't. Where we get stuck is over whether we need more supply.

Our formula is pretty simple: Offshore drilling, oil shale, and plug-in cars and trucks. I say to the Senator from Texas, it seems that whenever we get to the question of needing more American energy, that is where we have a difference of opinion with the other side of the aisle.

Mr. CORNYN. I agree, Mr. President, with the Senator from Tennessee. The way I have heard it expressed, it certainly explains my point of view, and I think the facts, as they are, are that we need all of the above. We need to use less, we need to conserve, and we need to find more energy.

I ask the Senator from Tennessee: To me, it seems as though the problem sort of boils down to how do we generate more electricity and then how do we come up with ways to power our vehicles and fly airplanes. As the Senator points out, 98 percent, I believe he said, of the energy used for transportation is oil-based at present. The Senator from Tennessee has come up with a very commonsense approach—forward-looking—to try to figure out a way, as the car industry has, to do more using of electricity and to reduce our dependency on oil.

It would be helpful to look back at how we got where we are today, not necessarily to point the finger of blame but to point to the fact that it is not likely to get better in the future.

I ask the Senator from Tennessee, isn't it true that growing economies, such as China and India, are demanding more and more access to energy which has fueled their economic growth and, in his view, is it likely that is going to reduce anytime soon or just get worse? In other words, is this something that is going to go away—a temporary problem—or is this something that is going to become more and more of a problem as time goes on?

Mr. ALEXANDER. I think the Senator is exactly right. In the newspapers today and yesterday was the story of how in India they are introducing a new car which will be sold for $2,500. Now, there are more than a billion people in India. They have a middle class that is bigger than the whole population of the United States of America. When suddenly tens of millions of people in India begin to drive cars that are powered by gasoline, what happens to the demand for oil in that country? The demand goes up, and if the supply doesn't go up, too, the price goes up.

We have the same thing in China. There is a story in the Washington Post today, which is part of a series, about how the Chinese, actually, for status purposes, like driving Hummers. They like big cars. Here we Americans are going to small cars and the Chinese are going to big cars and there are a lot of them as well. We know the demand for oil and gasoline is going up around the world, and we are in the world market. So for the foreseeable future, as we move to a different kind of economy—a different kind of energy picture—we are going to need at least as much oil as we have today.

I say to the Senator, I think the question is: Are we going to be sending $600 billion or $700 billion overseas to buy it, or are we going to be paying ourselves to use it during the next 10, 20, 30 years while we are moving to a different type of energy environment?

Mr. CORNYN. Mr. President, I know there are some who have suggested we ought to demand that Saudi Arabia

and OPEC actually open the spigot wider, but it seems to me the Senator from Tennessee is exactly right. The problem is our dependency on imported oil from the Middle East and other countries around the world, when we have oil reserves right here in America that can be developed but that Congress has, in fact, placed out of bounds. About 85 percent of the oil here at home could be produced, if Congress would simply allow it, by lifting the ban or the moratoria on development of that oil in the Outer Continental Shelf and the submerged lands along our coastline, and that could help us. I think Senator DOMENICI has talked about it as a bridge to a clean energy future, where we have more cars that run on battery electricity and we wean ourselves from our dependency—not only on foreign oil but on oil, period, because with the growing demand globally, the price pressure on that oil is going to get nothing but worse, rather than better.

I say to the Senator from Tennessee, I know there has been a lot of commotion on the floor over the last few weeks about whether we stay on this issue or whether we move off it to talk about other issues. I know this side of the aisle has insisted that high energy prices and high gasoline prices is the most pressing domestic issue facing our country today. We have been pretty clear that we are not going to leave, and we are not going to move off this issue to something else and leave this unresolved.

I ask the Senator from Tennessee: Is that an approach he agrees with, and does he agree that this is the single most pressing issue facing our country from a domestic standpoint in our economy today?

Mr. ALEXANDER. Not only do I agree with the Senator from Texas, but so does Jason from Friendsville, TN, and Gina from Elizabethton and William from Riceville and Tina from Nashville. Tennesseans want us focused on $4 gasoline. I think the Senator is being generous when he says our position is that the Senate should stay on $4 gasoline until we are finished.

Our position is we wish to get on it. We have been talking about it. We have a right to talk, but until the majority leader creates an environment so we can begin to offer amendments we can then vote on and come to a result on, we cannot act as a Senate. To his credit, yesterday he made such a proposal. I understand he is talking about it with the Republican leader. But we could have been doing this ever since a week ago Friday.

I say to the Senator from Texas, sometimes I hear people say, well, it won't do much good to drill offshore. The debate will probably be between some senators who will say let's do a little more drilling where we already allow ourselves to drill, in the 15 percent, and those of us who will say let's give States the option to drill 50 miles offshore in the 85 percent of the Outer Continental Shelf, where we can't drill today. By most conservative estimates, that will create over time about a million barrels of oil a day. Some say that is not very much in the whole world, but I think of it this way: Every million barrels of oil we produce here at $130 a barrel is 1 million times $130 we are not sending over there to somebody else. If the third largest producer, the United States, adds 1 million barrels a day to its supply, that is a significant addition on the supply side. So it seems to me that our contribution, in terms of offshore drilling, both would reduce our dependence upon foreign oil, keeping money in this country, and make a contribution to the supply side, which helps bring down the price in the world.

Mr. CORNYN. Mr. President, the Senator from Tennessee said earlier if we were all to make the decision in 2010 to move to hybrid plug-in vehicles, it would take some time to replace the internal combustion cars in this country. Some said if we were to open up ANWR, the 2000-acre plot of land in a 19 million-acre frozen tundra in Alaska, or if we were to open up the Outer Continental Shelf, it would take years before the oil would flow into the pipeline.

I ask the Senator, if Congress were to send a message today that we were going to allow the development of as much as 3 million additional barrels of American oil a day, whether it is from the oil shale out West, or from ANWR, or from the Outer Continental Shelf, what in your view would be the message to the commodities traders who trade oil as a global commodity, and who buy and sell futures contracts for the delivery of oil? In your opinion, would that have a rather immediate impact on the price of oil and, thus, the price of gasoline?

Mr. ALEXANDER. The answer is yes. I appreciate the Senator's question very much. His figure of about 3 million barrels a day is realistic. He mentioned ANWR, the area in Alaska, which is actually the most readily available to us. The history on that is going back to 1980, when President Carter agreed that 17 million or so acres would be put in the Arctic Refuge and off limits to any sort of drilling, but that 1½ million could be drilled. When they were finished drilling, they would go into the refuge. So that has been in place for a long time. There is a pipeline there. Also, one well is there. So that oil would be coming quickly. There is infrastructure around many of the areas where we would do offshore drilling in the United States. But the answer is yes to the Senator's question. If the United States added 3 million barrels to our production, that would be more than a third of an increase in the production capacity of the third largest producer in the world. What if we heard that Saudi Arabia was going to increase production by a third? The effect on buyers and sellers of oil would be immediate. Martin Feldstein, a former chairman of President Reagan's Council of Economic Advisers, pointed out that today's price of oil depends upon the expected supply and demand of oil. So if we elect, as the U.S. Government, to say we are going to significantly increase our supply by a third, and we are going to reduce our use of oil by about a third, over time, from the day we announced that new energy policy, I believe it begins to stabilize and drive down the price of oil.

I see the Senator from Arizona here. The issue often comes up about what role speculation has in all of this. Of course, that is what buyers and sellers of oil do. They are guessing: Will the price go up or go down?

My view always has been that the way you deal with speculation is increase the supply or reduce the demand, because the expected future price, supply, and future demand affects today's price.

The Senator from Arizona is an expert on taxation and financial matters. I wonder what his view is on the effect of speculation on today's oil prices.

Mr. KYL. Mr. President, I will answer that question, but I will decline to take the position as an expert on financial matters. I will turn to a paper with which I don't always agree and yet it is one of the leading newspapers in the country. The New York Times editorialized on this issue yesterday. Therefore, I will perhaps answer by quoting about four sentences from this July 28, New York Times editorial, called ''Gas Price Follies.'' The bottom line is they agree with the Senator from Tennessee:

> Yet all evidence suggests that speculation has little to do with the rising price of crude. From rice to iron, commodity prices are all rising, even without much financial speculation, due to a variety of factors, including a weak dollar and growing demand from China and India.

They go on:

> A report by government agencies—including the Commodity Futures Trading Commission, the Federal Reserve and the Treasury and Energy Departments—found that speculative trades in oil contracts had little to no effect on the rise in prices over the last five years.

They concluded with this:

> Oil futures are financial contracts for future delivery of oil. Their price has been responding to the same factors: growing world demand in the face of stagnant supply and the expectation that this dynamic will continue.

So it is precisely the point the Senator from Tennessee was making. These buyers, investors on the market, look to see whether demand is going to be greater or less than supply. If it is going to be greater, the price is obviously going to go up. That is the bet they place when they buy futures contracts.

The best single thing we can do to respond to this and drive the price down is found on the chart of the Senator from Tennessee: find more and use less. The Times makes that point, by the

way. If we can reduce consumption, that will reduce demand, but, far and away, the biggest answer is to find American energy sources to solve the American energy crisis. We have a huge volume of both natural gas and crude oil right here in the United States, primarily off our shores, which is why both the Senator from Texas, the Senator from Tennessee, and I, and most of my colleagues here support more offshore drilling to expand the production of American energy to meet this crisis.

Mr. ALEXANDER. Mr. President, how much time do we have remaining?

The ACTING PRESIDENT pro tempore. There is 6 minutes 45 seconds.

Mr. ALEXANDER. If supply and demand is the major way to deal with speculation, I believe the Republican legislation, the Gas Price Reduction Act, has in it a couple of legislative suggestions for how we might appropriately deal with speculation, without interfering with supply and demand. The Senator from Texas helped to author that piece of legislation.

Mr. CORNYN. The Senator knows we tried to find a consensus or common ground we could hopefully agree upon and asked some of our friends on the other side to join us and, rather than talking about the issue, actually try to solve the problem. So we did include, as part of the ''find more, use less'' formulation a title on speculation, where we say there needs to be certainly transparency so we can see what is going on; and to the extent the Commodity Futures Trading Commission needs more cops on the beat, more resources to do their job, then we need to supply those analysts, investigators, and resources to be able to make sure abuses don't occur.

I remember when the Senator from Arizona was talking about this. Warren Buffett has been quoted recently as saying that speculation is not the problem. He agrees with the New York Times. He says it is a matter of supply and demand. T. Boone Pickens, my constituent, who has made quite a splash with his energy plans, said if all you are going to do is focus on speculation, that is a waste of time.

So we tried to come up with a commonsense approach to this and one that could develop a critical mass of bipartisan support. Until now, the majority leader, who controls the floor in the Senate, has decided not to allow us that opportunity. Yesterday—I agree with the Senator from Tennessee—it looked as though there was a little speck of light in the darkness; a little hope was there that the majority leader would perhaps modify his position.

I hope we don't leave here this week without doing something meaningful to bring down the price of gasoline. We are certainly willing to listen to the ideas our colleagues on the other side of the aisle have. I suspect that if they have the opportunity to vote, a number of them would agree with us. Maybe they would have ideas we would agree with, in an effort to build a bipartisan solution. We have to do something and, frankly, Congress has been part of the problem. We need to be part of the solution.

Mr. KYL. Would the Senator yield for a question?

Mr. ALEXANDER. Yes.

Mr. KYL. Would it be fair to characterize the Republican approach to this as, in effect, all of the above, and that we recognize there is a role to beef up the agency that deals with speculation and make sure they can do their job, and to provide as much new production as possible offshore or oil shale—anywhere we believe we can find that production—and that we also appreciate the fact that there is another side to this, not just transportation, which is energy production, electricity production. We are going to see our electricity costs go up and, clearly, nuclear power is a key factor in that, as well as, potentially, coal liquification or gasification. As part of all of these—the ''use less'' part, which is to try to eventually convert at least our automobiles to battery-powered vehicles—obviously, it would be more difficult to do that with jet planes and our shipping right now. But we could begin that process.

So the Republican view is literally all of the above—to have a balanced approach that recognizes there is no one single thing but that offshore drilling would be the best, most immediate way to increase our production. Would that be a fair characterization?

Mr. ALEXANDER. I thank the Senator from Arizona. That is a fair characterization. Unless we include new American sources of energy, our electric prices are going up, gasoline prices are going up, and our jobs are going overseas. We need both—to find more and use less—and we need to do it now. The $4 gasoline price we are suffering from today is the first recognition that in addition to losing less we have to use more new American energy. For us, that includes offshore drilling, oil shale, as well as plug-in cars and trucks.

Mr. CORNYN. May I ask the Senator from Tennessee and the Senator from Arizona one question. We passed a massive housing bill, a $158 billion economic stimulus package, because we are all concerned about the economy. Let's assume we are successful in dealing with those problems. Do you see the rising costs of gasoline and oil and energy as a big—or maybe even a bigger—threat ultimately to the economy, and that it might have the very direct effect of putting us into a bona fide recession?

Mr. KYL. Mr. President, if I may respond briefly, there was an article in the Wall Street Journal, I believe, yesterday. In any event, the point of the article was that while we may not have technically been in a recession, the definition of which is two quarters of negative economic growth consecutively, the reality is that because of inflation, primarily fueled by high fuel costs, which reflects itself in everything from higher food prices to higher transportation costs, which find their way into the products we buy—because of that inflationary pressure, the reality is that for most Americans, we are feeling the same effects as if we were in a recession, and at the heart of this is the energy problem.

If we could solve the energy problem in a balanced way, from electricity production, through nuclear power, and offshore drilling, and reducing our demand, that would affect our future economic health and every American family in this country.

Mr. ALEXANDER. We should work across party lines to find more American energy, use less, and that would bring down prices.

I thank the Senators from Arizona and Texas who yielded.

EXHIBIT 1

To: Alexander, Senator (Alexander)
Subject: Gas Prices

Hello My Name is Jason from Friendsville, TN. I am a Firefighter with the Blount County Fire Department. If you dont know we only have 1 man at 5 of our stations we have 7 stations and the rest of the time we depend on volunteers to respond to our emergency and help us, and for the full timers that is a great chunk of our yearly income is running calls on our day off. Because of gas prices our response to some of the emergencies has been very small we have been calling on other departments for help and that ties up their resources should they have an emergency in their jurisdiction. I know they say supply and demand but it is almost like a monopoly they can charge whatever and we have to pay. Someone has to go help put the fire out how much profit do you need to make to live comfortably. I am not sure but just because you say oil is up is no reason for you to raise prices to keep your income the same while ours greatly decreases. I heard our president say we have to stop our dependency on oil and then ! he gets on a jet a jumbo jet with some guide planes and flies all over the place to accomplish nothing but say they have us over a barrel and it is our fault, and then gets on that same jet and flies home to Texas for a day or two to help relieve the stress. I am not saying he has done a horrible job I just think he is failing us greatly in this regard. The gas prices are killng a family of 5 who lives off of a fireman's income and a wife's who does medical billing I am not sure how long I can drive across town to help someone when I can't help myself. The emergency would have to be in my back yard if this keeps up.

Subject: How Gas Prices Are Affecting Me

Dear Mr. Alexander, I will be happy to share my story . . . I'm a single mother of 1 child. I don't have a car payment . . . it's paid off. I drive a Honda Passport . . . small SUV. I live in Elizabethton and drive to Johnson City (25 miles one way) Monday thru Friday to work. It takes $65 a week now for my gas and that is only to and from work. (That's $260 a month) I don't have any credit card debt, or outstanding debt. I pay for my home and utilities. I am taking from my grocery money, that I have budgeted, to make up for the gas. AND I am buying my groceries now at the General Dollar Store. I can't afford meat . . . so we are living on Ramen noodles and the bare necessities. I bet nobody in Congress/Senate is having to do that! I am so disgusted with the economy

right now. I have always voted Republican . . . I don't know if I can vote that way anymore. I can't vote for Obama . . . I would have voted for Hillary, because at least when she was in the White House with Bill the first time . . . the economy was great! But now there is no one to vote for. I wish the nation would make a clean sweep and put everybody out of office because it's the ones that are in there now that have gotten us into this mess.

And another thing . . . if we sell or trade anything to those nuts over across the sea that are selling oil for $128 a barrel . . . then anything that we sell them should be the same price! I don't care if it's just one paperclip . . . it should be the same price.

This is ridiculous! I also think that because this country is in such a mess, NOBODY should be able to spend more than 10–12 years in office as a senator or congressman. That needs to change.

GINA,
Elizabethton, TN.

Subject: Gas Prices

Senator Alexander my family lives on a fixed income i am on disability and my wife is unable to work due to her health yet she has been turned down for her disability she is practically bed riden. these high gas prices affect the way we live dramatically we have to decide wether we buy gas to go to the doctor and then not be able to buy the medicine or wether we get to buy something to eat. this not right people should not have to live this way. i have 2 children also so you can imagine the delema this causes when the kids need something and you have to either tell them no because we have to have gas to go to the doctor or the store or medicine, i dont know how you think people on social security are supposed to make ends meet when the ends keep moving further apart. it is not right maybe you senators and congressmen in washington should come down to reality in my world and try to live on less than 2000.00 dollars a month my truck has not been near half a tank in so long it would probably quit running. thank you for your time. my name is William.

i would be surprised to hear from you. I would like to speak with you on this matter. By the way if there is anything you could do to help my wife with her disability i would greatly appreciate it it would help us greatly thank you

WILLIAM.

Subject: My Story

Gas prices are affecting me as a single Mom in more ways than one. Because I have to work, I have had to give up things such as prescription medications that I need monthly (no insurance coverage as of June 30th) and grocery items. My daughter and I cannot afford the luxury of leaving the house on most weekends, and if we do, it is only for necessary items. We cannot afford a simple outing such as a movie or a day trip. My vehicle was repossessed in December 2007 because I had not worked since January 2007 and I simply cannot afford to buy the gas to get to work. It is cyclical. I have to work to pay the bills, but cannot afford to get to work.

I have noticed that items at the grocery store have risen as well due to gas prices, so there are many things I simply cannot buy anymore. My daughter has had to sacrifice time with her friends because I have to save every extra penny to make sure I can get to my new job that may not work out because it is costing, at this moment, more than $200 a month in gas. When gas prices increase lately, it is usually .10 a gallon. My income has not increased so every month I get further into a black hole that I may not get out of and could possibly lose my home.

If there is not some type of relief soon, there won't be anything left to provide for my daughter.

TINA,
Nashville, TN

Subject: Impact of Gas Prices

Dear Senator Alexander, I am a 61-year-old grandmother struggling to support my mildly disabled daughter and a five-year-old granddaughter who live with me in Joelton, TN. Anna, the five-year-old, has been attending a public magnet Montessori school; she has been there for two years. The gas costs $115 per month just to take Anna to school. With gas prices so high, we are trying to figure out how to be able to buy food and basics and still be able to buy gas to get Anna to kindergarten.

I have no health or life insurance, because there is just not enough money to go around. I also have no retirement and no more savings left, and because of my daughter's illness, have accumulated a sizable debt.

I was a self-employed professional woman and did OK for most years of my life. I never imagined it would come to this level of difficulty. I'm really scared.

Thanks for asking.

JUDY
Joelton, TN

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the time controlled by the majority be divided as follows: 10 minutes for myself, 15 minutes for Senator BINGAMAN, and 5 minutes for Senator SCHUMER.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ENERGY

Mr. NELSON of Florida. Mr. President, I came to speak about a personal tragedy in the lives of a Florida family. But I wish to say at the outset, here we go with all this talk about it is a certain way or the highway to solve this energy problem. As I said on the floor of the Senate a few days ago, if we had the political will where we could take a balanced approach of looking not only at now and drilling what is available, but look to the future for alternatives and renewables so that we wean ourselves from this dependence on specifically foreign oil, but also on our dependence for decades in the future on oil as the staple of our energy, realizing that if we continue to do that, we are just going to be digging a hole for ourselves maintaining dependence on oil as the No. 1 source of energy.

Don't we have enough evidence now that when you have to depend on upwards of 70 percent of foreign oil that is not a good economic posture as well as a defense posture for national security for this country?

Don't we have enough evidence now that the United States has only 3 percent of the world's oil reserves, and yet we consume 25 percent of the world's oil production? And is that not enough to get it through our skulls that the way of the future for this country is to cut that dependence on oil and go to alternative sources?

We are confronting on that side of the aisle, that is very cozy with big oil—they want to have it all their way and say, ''drill here, drill now,'' a simple slogan when, in fact, it is a lot more complicated today. Yet we cannot get agreement to do what all of us deep down understand is the commonsense thing to do, and that is bring a comprehensive measure in which we start doing a number of things at once, including pouring the money into research and development and financial incentives, such as tax incentives, to develop new sources, alternative fuels. That is the way to go. Yet we hear this high-blown rhetoric about ''drill here, drill now.''

It is with a heavy heart that I have to continue to say what I just said because all we are is wound around the axle in the Senate since we cannot get anything passed unless we have 60 votes. And if we cannot get the two sides to get along, we have what we have, which is gridlock.

TRIBUTE TO SAMUEL SNOW

Mr. NELSON of Florida. Mr. President, it is with a heavy heart that I come here to speak about an American, who was discriminated against and who lived a life of trying to overcome that discrimination and was not treated fairly by his Government, who unexpectedly died on Sunday. This is Samuel Snow from Leesburg, FL. I want to tell this story because I want people to be outraged, as this Senator is, at the way he was treated by the U.S. Government.

Mr. President, I ask unanimous consent to have printed in the RECORD two articles: one from the Seattle Post-Intelligencer from November of 2007, as well as the St. Petersburg Times from July 28, 2008, after my comments.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. NELSON of Florida. Mr. President, back in 1944, 27 African-American soldiers were convicted of rioting and lynching an Italian prisoner of war at Fort Walton, WA. Among those convicted was Sam Snow.

Following his conviction, he was imprisoned for almost a year, forced to forfeit his pay, and then when he was released from prison, he was discharged with a dishonorable discharge. Until recently, there was no hope of him receiving any kind of future health or retirement benefits from his admirable service during World War II.

Sunday, Sam Snow passed away, not in his home of Leesburg, FL, but in Seattle, WA, because he had gone there, traveling across the country, for a ceremony that the U.S. Army was doing to apologize and award Sam Snow with an honorable discharge because for more than 64 years, Sam Snow had endured this injustice—imprisoned, ordered to forfeit his pay, dishonorably discharged—and it was all

wrong. The U.S. Army never got around to changing things until an investigative reporter in Seattle suddenly uncovered this in a book he wrote a few years ago.

So the Army, last Saturday, was presenting Sam Snow with his honorable discharge. But he got to feeling bad. His son had to go and accept the honorable discharge for him. His son brought it back to him where he was feeling ill. He clutched it in his hands, and a few hours later he died.

After that dishonorable discharge 64 years ago, he returned to his hometown of Leesburg, FL, with a dishonorable discharge. He took a job as a janitor. He took on odd jobs. He even was a neighborhood handyman. Last year, when the Army overturned his and those other surviving veterans' convictions, they decided they were going to give him his backpay they had taken away from him when he was imprisoned for almost a year. Mr. President, do you know how much that was? It was $725, 1944 dollars.

When a bunch of us heard about it, we petitioned the Department of the Army.

I have come to this floor many times to quote President Lincoln, and I say it again for it is our obligation ''to care for him who shall have borne the battle—and for his widow, and his orphan.''

In May, the Armed Services Committee unanimously reported out the Fiscal Year 2009 National Defense Authorization Act which contains a provision to enable the service Secretaries to adjust forfeited pay for all servicemembers who suffer an injustice, such as Mr. Snow, which is later overturned and corrected.

It is with a heavy heart that I acknowledge Mr. Snow will not receive an interest-adjusted payment for his injustice. I am hopeful, however, that this body will soon take up the Defense authorization bill so Mr. Snow's family and others like them receive justice when there once was none.

Today I will ask the Secretary of the Army Pete Geren to use this authority to ensure that Mr. Snow's surviving wife Margaret and son Ray receive all benefits that are due to them.

The ACTING PRESIDENT pro tempore. The Senator has used 10 minutes.

Mr. NELSON of Florida. Mr. President, I wish I could tell the story. I will do it later on and complete the story.

EXHIBIT 1

[From the Seattle Post-Intelligencer, Nov. 3, 2007]

HE STOOD TALL AFTER ARMY DEALT A BLOW

(By Robert L. Jamieson)

He's 83 years old and has a slight frame, shy of 5-foot-5.

The weight he carried for 63 years, after being railroaded by the Army for a Seattle crime he always said he didn't commit, would have destroyed a lesser man. But that's not the way of Sam Snow, whose story offers a road map for how to move on after a crushing blow.

Snow was a footnote to last week's news—the Army paved the way to overturn convictions of 28 black soldiers linked to a race riot and hanging of an Italian war prisoner at Fort Lawton in August 1944.

Snow was brought up on rioting charges even though he wasn't involved in the fracas.

After several months in lock-up, he was dishonorably discharged, which disqualified him from the GI Bill—and a chance at college.

He was just 19 at the time, and Seattle was the only big city Snow, from a small, Southern town, had visited. After his ouster from the Army, Snow was hurt and ashamed, derailed from the path of his own father, who served during World War I.

He returned to his segregated hometown of Leesburg, Fla., poverty staring him in the face.

But this is what Snow did next:

He got work as a janitor, rising at 4 a.m. every day.

He took on odd jobs working in orange groves or with livestock under a fiery sun.

In his spare time he became the neighborhood handyman and never turned down a request.

He married his sweetheart, Margaret, and they had two sons and a daughter.

He buried that daughter, just 17, after she lost her fight with lupus. He buried his mother after an illness—and his brother as well.

He took in his sister's son, who was mentally challenged and nurtured his potential.

He put his own sons through college on a blue-collar salary, and they went on to become teachers.

He built a home in Leesburg—and built his brother one in the lot behind.

He became a pillar of his African Methodist Episcopalian church, rising to become a lay president for the local district and galvanizing people to get humanitarian aid to the Third World.

As Snow went from teenager to father to grandfather, there was one thing he never did: Bad-mouth the Army.

He did the opposite, actually, encouraging his grandchildren to sign up, Ray Snow Jr., a grandson, told me with a chuckle.

''Yes, I felt I had been served an injustice,'' Sam Snow said when we caught up this week. ''But I decided I wasn't going to hold a grievance against nobody.''

He followed a life map of his own: ''Stay patient. Stay humble. Don't be boastful. Take care of your family. And God will make a way.''

He always told people God would find a way to shed truth on what happened long ago during his brief time in Seattle, where he was on a stopover before heading to war.

During the court-martial, he and the other soldiers had defense lawyers who weren't given enough time to interview them.

The prosecution, meanwhile, botched the identification of some men and held key documents the defense should have seen.

These—and other injustices in the case—would have been lost to history had Jack Hamann, a Seattle journalist, not written a powerful book, ''On American Soil,'' that moved Uncle Sam to take another look.

''Wouldn't have made it without Jack,'' Snow told me. ''He believed.''

As did another man—Howard Noyd of Bellevue.

Noyd, now 92, was one of just two defense lawyers who represented the original pool of more than 40 soldiers.

''We weren't given enough time even to interview all of the black defendants and do justice on their behalf,'' Noyd told me this week.

''We were not able to get the inspector general's report. The government was out to get the black troops punished in order to satisfy the Italian government.''

Last week, the Army said that military prosecutors had used questionable tactics that undermined a fair trial.

In addition, Hamann says in his book, the Italian POW was likely lynched by a prejudiced white military police officer.

For Snow, whose life was shaped by two places—Seattle, where fate struck in a bad way, and Leesburg, where he found his way—a gross injustice has been made right.

He never planned to stop living even after being so wronged. He always believed a beautiful life was right there for the making. Amen.

[From the St. Petersburg Times, July 28, 2008]

BURDEN LIFTED, WWII VET DIES

(By John Barry)

Samuel Snow got his father to help burn his dishonorable discharge papers. Snow kept the secret from everyone in Leesburg—even his own children. For six decades no one knew that in 1944 he was convicted in the largest Army courts-martial of World War II. He worked anonymously as a church janitor. ''No one wants to be a failure,'' he said.

The Army formally apologized Saturday for the life of invisibility it had inflicted on Samuel Snow for 64 years.

It came just in time. The 83-year-old former buck private fell ill the night before Saturday's ceremony in Seattle. He died hours after his son placed his freshly issued honorable discharge in his hands.

Snow was 19 when he was convicted. He had been in a Seattle Army camp called Fort Walton, due to be shipped out to New Guinea. A riot had erupted in the camp between black soldiers and a group of Italian prisoners of war. The next morning an Italian POW was found lynched. Forty-three black soldiers were prosecuted. Three were convicted of first-degree murder. Twenty-five, including Snow, were convicted of rioting.

It turned out they had been railroaded. A confidential Army investigation called the case a sham, lacking any physical evidence. A general's report speculated that an MP could have done the lynching.

That report lay buried at the National Archives until 2002, when a Seattle TV reporter named Jack Hamann found it and used it to write a book, On American Soil. When Hamann's book was published in 2005, Samuel Snow's secret was out.

Snow's youngest son, Ray, said the book answered questions that had always nagged him. His father was the hardest-working man Ray had ever known. He worked ''can't-see to can't-see,'' Ray said, meaning Dad left for work in the dark and came home in the dark. But he worked only small, odd jobs.

Dad was living a lie. He had gone into the Army hoping to be a mechanic. He had hoped to go to school on the GI Bill of Rights. He had wanted more than janitorial work. But he couldn't risk an employer checking into his background. He couldn't even tell his wife or his kids.

Snow was one of only two known surviving soldiers from the 64-year-old courts-martial. The other soldier, Roy L. Montgomery, is in poor health in Chicago. He did not attend the ceremonies.

Snow fell ill and was hospitalized in Seattle after a Friday dinner with his family, said Hamann and others who had helped with the case. Son Ray accepted the honorable discharge papers for him the next day. ''My father never held any animosity,'' Ray told the audience. ''He said, 'Son, God has been good to me. If I hold this in my heart, then I can't walk in forgiveness.' ''

Snow's family was en route home on Monday. A funeral is tentatively planned for Saturday in Leesburg.

Arrangements are pending for the only thing Snow had wanted from the Army besides an apology: a military sendoff, including an honor guard with spit-shined shoes, a three-volley gun salute, taps on the bugle, folded Stars and Stripes solemnly presented to his wife, Margaret.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

ENERGY

Mr. BINGAMAN. Mr. President, I wish to talk about the two different energy packages we are debating in the Senate this week because there are two. There is not just the one that the Senator from Tennessee, the Senator from Texas, and the Senator from Arizona were talking about earlier. There are two, and I think we need to focus on both.

First, with regard to the effort to lift the moratorium on offshore drilling, let me make one correction on the record.

It is being repeatedly said by our Republican friends that 85 percent of the Outer Continental Shelf is off-limits to drilling or off-limits to any kind of leasing. That is not true. The reality is very different. The reality is what this chart demonstrates; that is, that 67 percent of the Outer Continental Shelf today is available for leasing.

The reason they say it is only 15 percent is because they do not count Alaska, but Alaska is part of the United States. The area around Alaska has an Outer Continental Shelf, just like the rest of the country has an Outer Continental Shelf.

It is clear when we look at it that there is a lot of potential in the Outer Continent Shelf around Alaska. In fact, the Department of the Interior has two lease sales scheduled for next year in the Outer Continental Shelf in Alaska. The Department of the Interior has 16 lease sales scheduled in the next 4 years in the Outer Continental Shelf. This month, in August, they have a lease sale in the Gulf of Mexico. There is a whole series of lease sales coming up, both in Alaska and in the Gulf of Mexico, in areas that are available for leasing.

So the constant refrain that we hear that 85 percent of the Outer Continental Shelf is not available for leasing is just not true, and I wanted to correct the record in that regard. If anybody wants to dispute that, I urge them to come to the floor and tell me I am wrong. But I am not wrong. These are figures from the Minerals Management Service. They are the ones in charge of the leasing, and they confirmed these figures.

Now let me talk about the other energy-related package which is before us today. Tomorrow the majority leader has announced that we are going to vote on a motion to invoke cloture on the motion to proceed to what is called the enhanced tax extenders package. I think the better title for this would be the energy production and conservation tax package. But let me describe what is in this legislation.

This is a very important piece of legislation, and I strongly believe we need to proceed to it, then pass it, and send it back to the House.

With regard to energy, the package includes tax incentives that are essential to this country if we are going to decrease our dependence on foreign oil.

It promotes renewable alternatives to foreign oil. Among these provisions is the production tax credit. The production tax credit is available for people who put in wind farms.

We have all seen T. Boone Pickens' advertisements on television. He is talking about the production tax credit. He was before our Energy Committee 3 weeks ago, and he has testified that he favors extending the production tax credit. That is what is in this legislation.

It also contains a key 8-year extension of the solar energy and fuel cell investment tax credit. This gives companies the certainty they need to make additional capital investments in U.S. solar facilities while enabling businesses to adopt technologies that can significantly benefit our environment.

It includes a long-term extension of the residential energy efficient property credit through 2016. It allows the cap for that to go from $2,000 up to $4,000.

It authorizes $2 billion in new clean renewable energy bonds to finance facilities that generate electricity from renewable sources.

In the more immediate term, it establishes a new credit for plug-in electric-drive vehicles. I have heard a lot of discussion by our Republican colleagues about how much they favor electric plug-in hybrid vehicles. This legislation actually will do something to promote the development of those vehicles. It is a new credit starting at $3,000 and increasing for each kilowatt hour of additional battery capacity.

It incentivizes commercial vehicle owners, particularly trucks, to invest in idling-reduction units, such as auxiliary-power units and advanced insulation so as to reduce their demand for more fuel.

It extends credits for energy-efficient improvements in existing homes and in commercial buildings.

In addition to all these energy-related tax provisions, which I think are extremely important for us to enact—and let me say, essentially all of the existing provisions I am talking about that we are trying to extend are scheduled to expire at the end of this year, at the end of December. We need to extend them so people can make investments this fall knowing there is still going to be that tax provision in law come next year.

But in addition to these energy production and conservation provisions, American businesses generally have a great deal at stake in this legislation. The legislation extends the research and development tax credit. This is extremely important to high-technology firms in our country. It accelerates appreciation for qualified leasehold restaurant and retail improvements. This is small business. Small businesses around this country need this provision extended.

It extends an important international tax provision for businesses that engage in active financing.

Individual families have a tremendous amount at stake in this legislation. First of all, this legislation contains the so-called patch for the alternative minimum tax. What that means is that there are literally millions of Americans who will be able to avoid having to calculate and pay taxes under the alternative minimum tax if we enact this legislation. If we do not, then they have to go ahead and do that. So this is very important.

It extends the child tax credit. I have heard candidates for President talk about how much they favor the child tax credit. Well, this extends the child tax credit and provides a tax credit of up to $1,000 per child to help working poor families.

It extends the qualified tuition deduction for higher education expenses—people who have children in university or college who want to have those tuition expenses deducted.

It enables retirees to continue making tax-free IRA rollovers to qualified charitable organizations.

Mr. President, there is another provision that has been inserted by the chairman of the Finance Committee that I think is very important, and that is the provision we call the Secure Rural Schools and Payments in Lieu of Taxes legislation. Three-quarters of the Senate voted for this legislation when it came up before.

We have schools around this country in rural areas that are laying off teachers today because we have not been able to reauthorize the Secure Rural Schools Program. This package will provide $3.8 billion to some 2,000 county governments in 49 States to increase support for schools and roads and other critical needs.

There is a lot in this legislation that is extremely important, so the obvious question is, Well, why can't we just pass it? Who is objecting? Well, when you try to analyze that question, you get to the issue of offsets. Everyone says they favor the provisions I just described, but they say—particularly on the Republican side—well, we don't agree with the offsets. Let me take a few minutes to describe the different—the variety and flavor of the objections we have heard with regard to offsets.

First of all, let me say that this is not a new piece of legislation before the Senate. This legislation came up in June of 2007. We were not able to pass it. It came up in December of 2007. We were not able to pass it. It came up again in 2008 and passed with a large margin because, frankly, there were no offsets in that legislation, which was the Republican preference. It came up

with offsets again in June, on June 10 of this year, and again June 17 of this year, and both times it failed. So let me talk about this offset issue. I think that is the core of the problem.

The rhetoric on the Republican side has been varied. Some Senators have said it is wrong to offset temporary extensions of current law with permanent tax increases. Now, obviously, the fact that all of this is adding to the deficit—if we don't offset, it all adds to the deficit—doesn't seem to concern people. But somehow or other, there is something about permanent and temporary that is out of sync and objectionable to some people.

As I understand it, the bill that Senator BAUCUS has now filed and that we are going to vote on tomorrow addresses this concern. It sunsets the extender offsets at the end of the budget window and thereby makes sure they are not permanent offsets.

A second argument on offsets we have heard from some Republican Members is that they will not accept paying for new tax provisions with offsets, but they will not agree to pay for extensions of current law with offsets. To me, this is something of a peculiar argument. Offsets of existing tax law would be acceptable provided that the offsets were in the nature of a nondefense discretionary spending cut. But if you are trying to offset with additional revenue, it is not acceptable.

I know this is getting obtuse, but frankly it is getting difficult to sort through all the rationale that has been put forward for opposing the legislation.

A third argument is that some Members say they are opposed to any and all offsets. To include offsets, they say, is tantamount to raising taxes on someone in exchange for cutting taxes on someone else, so that nothing should be offset.

I would hope Members paid attention to the news from yesterday. The news from yesterday was that we are, in fiscal year 2009, going to have a budget deficit, estimated by this administration—this is not a Democratic estimate, this is the Bush administration saying that the new administration will come into office with a deficit of $482 billion, the highest on record. Our debt will climb by over $800 billion this 1 year to more than $10 trillion when this President leaves office. I would think that information would concentrate people's minds on whether we ought to offset some of these tax provisions, and clearly, it seems to me, we should.

I think the truth is that the concern on the Republican side about offsets is really driven by a different factor, and let me just describe that because I don't think we have had enough discussion of it here on the floor as yet.

There are many on the Republican side who are concerned that if they agree to offsets for this package we are voting on tomorrow, this would set a dangerous precedent when the 2001 and 2003 tax cuts, the so-called Bush tax cuts, are scheduled to expire at the end of 2010. So they say: If we agree to offsets here, then someone is going to say we ought to have offsets there, and clearly that is not going to be a good position to be in. I would just say that offsetting the current package will cost up to $55 billion. In contrast, the Congressional Budget Office says that extending the 2001 and 2003 tax cuts—the Bush tax cuts—and adding an AMT patch is going to cost a little over $4 trillion. So we need to focus on the challenges before us, not think hypothetically about how a future tax cut may be handled.

Some of our Republican colleagues have pointed to other provisions in the legislation that they find objectionable. I know some of them have said there was a provision in here that allowed trial lawyers to deduct certain expenses. That has been stripped out. Some have said there is a provision to require the Davis-Bacon Act. But the last extenders bill, as well as the one before us today, includes no such provision.

I also wish to reiterate my sincere disappointment with the administration. President Bush has previously committed to the energy tax incentives in this bill, which were enacted by the Energy Policy Act of 2005. When he visited my home State of New Mexico to sign the act, the President praised that bill for recognizing ''that America is the world's leader in technology and that we've got to use technology to be the world's leader in energy conservation.'' But while some of us in Congress have been working to ensure that America maintains this leadership role, the administration has been absent. I must question the sincerity of the President's commitment to energy security when he sits by idly and allows these provisions to lapse.

It is time for Republicans to stop moving the goal posts. It is time to address America's pressing challenges and it is time to acknowledge the dire fiscal budgetary situation in which we find ourselves, and not to dig the hole even deeper. It is time to pass the extenders package before we leave this week.

The ACTING PRESIDENT pro tempore. The Senator has used his 15 minutes.

Mr. BINGAMAN. Mr. President, let me conclude by saying that I believe it is extremely important for us to go ahead and proceed to and pass this tax extender package, and I hope colleagues will support that.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. Mr. President I rise in support of the comments of my colleague from New Mexico, who has done an excellent job, along with the Senator from Montana, in putting this together.

We have heard a lot of talk on the floor about drilling. That has gotten a lot of the heat, but the light is right here with the extenders. I say to my colleagues, these tax extenders, which are focused on energy alternatives, are far more important to reducing gas prices than drilling. Whether you are for drilling or against it, we all know you cannot drill your way out of this problem; that just by drilling, by focusing on drilling, we are telling both Saudi Arabia and ExxonMobil that they are going to continue to control our destiny for decades to come. And look what that has brought us to now—$4-a-gallon gasoline.

The only solution is to wean ourselves from oil and, to a lesser extent, natural gas and to move to alternatives such as wind and solar for electricity, and battery-powered cars, electric cars, and gas-powered cars to deal with automobiles, and other kinds of efficiency-enhancing measures. If we ever want to be free of big oil, this is the place to go.

So for all the speeches we are hearing from the other side about drilling, which won't bring any more oil for 7 to 10 years—and, of course, we are for a plan of increasing our domestic production and drilling that is more efficient and quicker, but no amount of drilling is going to solve our problem.

We know why they want drilling. Big oil wants drilling. Well, I say that the American people don't want ExxonMobil or OPEC or Saudi Arabia controlling our destiny any longer because that brought us $4-a-gallon gasoline. We want alternatives. We want a car that can run by electricity—just as powerful, just as long a ride, just as smooth, if not a smoother ride, than gasoline-driven cars and a heck of a lot cheaper. We want our homes powered—heated and cooled—by wind power and solar power and biomass and so many of the other alternatives—cellulosic ethanol—and this bill takes the first large step to doing that. The tax extender bill will increase focus on solar.

Talk to the people who do these alternatives. They say that unless we extend the tax cuts, particularly for a longer period of time, they cannot make an investment. Germany is way ahead of us in this area, as is France, and China is leaping ahead of us in this area, and all because my colleagues don't want to close some tax loopholes primarily dealing with people who put their money overseas and defer their taxes, which no American should have the right to do.

So I say to my colleagues, you want to bring down gasoline prices? You want to bring down the cost of home heating oil? The best thing to do is move this extender package. It is far better than drilling—whatever your view on drilling. Let's see what happens when we vote on these proposals this afternoon and tomorrow. All the talk about $4-a-gallon gasoline—less important than defending those who hide their money overseas and won't pay taxes. That is what the votes are going to show here.

This bill is a vital bill. This bill has so many good provisions in it that will wean us from oil.

I say to my colleagues once again, we know we cannot drill our way out of the problem. We have twiddled our thumbs for 7 years. It is about time we started giving the tax incentives to alternative energy and freeing our country of OPEC, of Saudi Arabia, of ExxonMobil, and of $4 gasoline.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska is recognized.

Ms. MURKOWSKI. Mr. President, again, I express the concern that we as Republicans are labeled as the party that only chooses to drill, drill, drill our way out of high energy prices. Our colleagues on the other side of the aisle are viewed as the party that is saying no to any domestic production, no to providing for more energy independence when it comes to what we can do for ourselves, and whose answer is only: Stop the speculation; the answer is only renewables.

I come from a producing State. Alaska has been doing a fine job over the past 30 years, providing oil to the rest of the country and providing it in quantities that truly make a difference. We want to be able to continue to provide it. But we recognize that drilling is not the only answer. It is not the only thing that is going to get this country to a position where we are not going to be held hostage by the geopolitical events in Nigeria, in Venezuela, in Iran.

We have to be doing more. The answer is a little bit of everything. It is to find more and use less. When we are talking about finding more, we have to be realistic about where we can find more and it should not be in Saudi Arabia's backyard. It should not be in Venezuela. What we can do here we should be doing here.

When we say we need to have an energy policy in this country that encourages production and encourages investment for production and discourages consumption, that is what we need to be working toward, Republicans and Democrats alike, not just this finger pointing, saying all you want to do is drill and us, on this other side, saying all you want to do is nothing. We are not answering the problems our constituents are facing back home right now. We are not delivering to them what they need, which is answers.

I want to talk a little bit about the situation in my State. The chairman of the Energy Committee, for whom I have such respect, has indicated that in the proposal he is advancing he is looking to do more when it comes to offshore exploration and development in Alaska. As I said, we are a State that supports production. We support development in the northern country. But we also recognize that oftentimes things are out of our control when it comes to the ability to produce.

I requested from the Department of Interior, the Minerals Management Offices, MMS, the summary status of what is happening with the litigation that is blocking us from doing any meaningful production when it comes to offshore Alaska, Alaska OCS. There is a total of six litigation cases that are filed against MMS affecting the Alaska OCS. I can provide the details, certainly, but I think what I would like to highlight is—whether it is the 5-year leasing program lawsuit that has been filed by the Center for Biologic Diversity, the Chukchi Sea sale 193 lawsuit, the Beaufort Sea sale 202 lawsuit; the Shell exploration plan lawsuit—Shell's operations have been held up for two seasons now because the ninth circuit has not moved on a decision there—we have a Beaufort and Chukchi Sea seismic survey lawsuit. Other MMS litigation is an FOIA lawsuit related to the Chukchi Sea sale, the Fish and Wildlife Service incidental take regulations, Beaufort Sea as well as Chukchi Sea notices of intent to sue for violations of endangered species as they relate to polar bear, fin and humpback whales, and eiders—my point is we do have opportunities up north. We do have a resource that is incredible. We recognize it. Again, we would like the ability to be producers for the Nation. It is not just the challenges we face dealing with an Arctic environment. So much of what happens that causes delays so that we do not see increased production domestically in this country is due to the litigation.

I want to speak a little bit about not necessarily the challenges but the opportunities that we have in the northern environment specifically to produce, and the opportunities that are brought to us because of the technology. Some in this body have suggested that drilling is not the way out and drilling indicates we are guilty of an old way of thinking about energy issues. I think it is probably more accurate to say those who oppose the production of conventional oil and gas in this country as part of a balanced energy policy that includes renewables and includes conservation are the ones who are guilty of old, outdated thinking. It is clear that those who oppose increased domestic production are utterly resistant to the technological changes that have occurred both onshore and offshore in gas production in the past 40 years in this country.

Some people say we are mired in the past. I think that is because they refuse to either learn about or to accept the changes in technology that allow for oil and gas to be produced without harm to the environment, wildlife, or to the land. We recognize there can be accidents. We know that firsthand in Alaska. We live daily with that. In fact, I spoke with a fisherman in Cordova—that whole community is still living daily with a terrible accident that happened in our State some 20 years ago. We know an oil barge can hit an oil tanker, as we have seen in Mississippi. But so can pollutants be accidentally released while companies make photovoltaic cells; or chemicals used to make batteries for hybrid and electric cars can accidentally spill and harm the environment. An offshore wind turbine foundation might harm fisheries habitats. A windmill on shore might kill birds. Methane gas might explode. An accident can happen. But why not look at the real impacts of modern technology and the real risks that modern technology involve?

I will use my example of what is happening up north with oil exploration. During the past 31 years, the Prudhoe Bay oil field has produced 15 billion barrels of oil. This is about one-fifth of all the oil that this country has produced over the last three decades. During that 31-year time period I can tell you the technology has vastly improved. When Prudhoe opened, wells were drilled over the top of the oil deposits themselves. The wells were about every several hundred yards. Today, hundreds of wells can be drilled from a single well pad and they do this through the technique of directional drilling. That allows the companies to drive wells from one tiny gravel pad that can reach oil deposits under the surface up to an area 8 miles in diameter. That leaves more than a 100-square-mile area of habitat undisturbed between these well pads. These well pads have decreased in size by 88 percent during the life of the Prudhoe Bay field.

In addition to directional drilling, we have the 3–D and even 4–D seismic testing. This pinpoints the location of the wells, technology that doesn't harm any animals in the process.

Once the companies find the areas they want to explore, they build ice roads to move drilling equipment to the site, roads that melt in the spring leaving no trace, no sign of human activities come summer. I stood on this floor. I told you how it works. It is like a Zamboni going across the tundra. In addition, we place mats—they call them duramats—on the ground to protect the fragile tundra to make sure the wheel tracks are nowhere to be seen when the spring arrives in the Arctic.

The new technology goes on. New detection systems on pipelines can sniff out the hydrocarbon molecules and actually shut down a pipeline before drops of oil can reach the environment. It includes requirements that all equipment when they are stopped—up north in Prudhoe, all those areas there—all equipment, whether it is the truck or the rig, when they are stopped they actually place what are called diapers, absorbent pads, under the engine to catch any drops of oil before they touch the ground. More oil probably leaks on the driveways here in Washington, DC than ever reaches the environment of Alaska's North Slope.

The ACTING PRESIDENT pro tempore. The Senator has used 10 minutes.

Ms. MURKOWSKI. I want to sum up very briefly. I am talking about onshore, but I can tell you, as it relates

to OCS development, we are seeing those same levels of technology. Well valves are dependable. We have not had a well blow out since the Santa Barbara accident in 1969. We recognize that our technology allows us to do more than 30 years we could ever have dreamed about. Let's allow us to use our ingenuity to produce so we have the resource we need as a country. Let us use our ingenuity to take this resource and to develop the renewables and the alternatives that are the future of this country. Let's use our ingenuity to be more creative when it comes to conservation and efficiencies. The ingenuity we use with our production of oil and gas is something that should not be disputed but should be encouraged.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

ORDER OF PROCEDURE

Mr. DORGAN. Mr. President, I ask unanimous consent the time in morning business until 12:30 be divided equally between the two leaders or their designees and the time consumed by Senator MURKOWSKI count toward the time in this agreement. I ask the following Senators on the Democratic side be recognized: DORGAN, 15 minutes; DURBIN, 10 minutes; BAUCUS, 12 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ENERGY

Mr. DORGAN. Mr. President, this has been an interesting morning to watch the Senate debate. It reminds me a bit that the strongest muscle in the body is the tongue. Debate that I have heard this morning is quite extraordinary. We have people come to the floor of the Senate, and they say that something like 85 percent of the Outer Continental Shelf is not open and available for leasing and drilling. That is not true. Two-thirds is open and available for the Minerals Management Service to lease.

I want to talk a little about where we are with respect to this issue of production. I have seen the big old sign that my Republican colleagues have been using. It says: Produce more and use less.

We will have a chance again today to decide whether members actually want to produce more. Some people believe the only way you produce energy is drill a hole someplace and search for oil and gas. I support that. But another way to produce energy is to produce homegrown energy from solar, wind, biomass or geothermal sources—another homegrown energy plan.

We have had a chance for at least six separate times to vote to extend the tax credits to support renewable forms of energy to produce more energy. Six times we have been stymied. I will talk about that a bit in a moment.

The first car I got as a very young man was a 1924 Model-T Ford I bought for $25 and lovingly restored it for 2 years. I have described this often.

I discovered as a young boy that you couldn't date very well in a 1924 Ford. So I sold my model T. But it was interesting restoring an old Model T Ford. I understood that you put gasoline in a 1924 vehicle the same way you put gasoline in a 2008 vehicle. Nothing has fundamentally changed. You to go a gas pump someplace, stick a nozzle in your tank, start pumping and then pay the price. It is drive and drill approach. It has been that strategy forever. Some of my colleagues come to the floor of the Senate dragging a wagon of the same old drive-and-drill policies. Keep driving and drilling, and things will be fine. The problem is the hole gets deeper every single year. They come here once a decade and say: Our strategy is to drill more.

I support drilling for oil, but I also think we ought to do a lot more than that. We ought to have a game-changing plan, some sort of a moonshot plan that says: Ten years from now we need to have a different approach to energy. John F. Kennedy didn't say: I think we will try to go to the Moon. I would like to send a person to the Moon. I hope we can go to the Moon. He said: By the end of this decade, we will send a person to the Moon. We will have a person walking on the Moon.

That is what this debate ought to be about. In the next 10 years, here is the way we are going to change America's energy plan. That ought to be the debate.

There are a lot of things we can and should do together. There are far too few things we are engaging in together on the floor of the Senate. We had a energy future speculation bill defeated, or at least the minority that puts up the sign that says produce more and use less voted in unison to stop movement of it. We had a bill on the floor that said: Let's get rid of excessive speculation in the futures market that is driving up prices. We had people who testified before our various committees who said as much as 30 to 40 percent of the current price of gas and oil is due to excess speculation. In 2000, 37 percent of the oil market was speculators. Now it is 71 percent. It is unbelievable how rampant speculation has become in the oil futures market. But the oil speculators have a lot of friends here, enough friends so they could stop that kind of legislation that would put the brakes on some of this speculation and put some downward pressure on prices. The oil speculators have a lot of friends here.

Big oil companies have a lot of friends here. With record profits, the largest oil company, ExxonMobil, spent twice as much money last year buying back their stock as they did in investing in infrastructure for producing more oil. Let me say that again. The biggest oil company in the world spent twice as much money buying back its stock as it did exploring for more oil. We are paying at the pump enormous prices so one would hope at least a substantial portion of that money would go back into the ground to find more energy resources. But sadly it is not.

Again, these Big Oil companies have plenty of friends in this Chamber. They view their role as a set of human brake pads to stop whatever is going on. They don't support anything. Just make sure you stop things.

Let me describe one of the things that makes so much sense to me that has been stopped dead in its tracks. It was stopped last year on June 21, 2007. It was stopped December 7, 2007. It was stopped December 13, 2007. They stopped it on February 7, 2008. What is it? It is our ability, as a country, to change the game and say: We want to encourage production by taking energy from the wind, solar, wave, and other forms of renewable energy. We had a vote on all those occasions to provide tax credits and stimulus to say: Here is the kind of energy we want to produce in the future. This is a new energy future. On each and every occasion, the minority that comes to parade with a big, old sign calling for producing more, on each occasion those who hold up that sign today voted against producing more. Isn't that interesting? They voted against producing more.

Let me tell you what we did in this country with respect to energy. In 1916, we put in place long-term, permanent, robust tax incentives to say to people: If you want to explore for oil and gas, God bless you because we need it. We want to provide big incentives for you to do it. Almost a century ago we put in place those tax incentives. That is how much we wanted to encourage people to find oil and gas. Contrast that with what we did to encourage people to wean ourselves off the need for fossil fuels. At least 60 to 65 percent of that oil comes from off our shores.

In 1992, we put in place a tax credit for renewable energy, a production tax credit which was short term and not particularly robust. We extended it five times. We let it expire three times. We have had a stop-and-start, stutter step approach.

Look at this chart. Here is what has happened. This shows you what has happened to wind energy. When the credit expires, the investment goes to zero. Put the credit is extended, the investment goes up. When the credit expires, the investment drops off. It is unbelievable, what a pathetic, anemic response by a country. So we have a piece of legislation that says: Let's extend the wind energy tax credit. Let's extend the tax credit that takes energy from the Sun. Let's produce energy from the wind and the Sun and geothermal and so many other forms of renewable energy. The minority side says no. They don't want to do that. On June 21, 2007, we failed to get cloture by one vote. A large portion of the minority side said no. The same ones who

are holding the sign that says produce more said: We don't want to produce more. On December 7, the same folks who hold the sign said: No, we don't want to produce more. December 13, they still said: No, we are not interested in producing more. February 7 of this year: We still are not interested in producing more.

But during the last week or so, they show a big, old, oily chart on the Senate floor that says produce more, use less. Well, perhaps we will have a chance to vote once again. Then the question is, Is their policy just drill a hole, which is a yesterday forever strategy, or is their policy a game-changing policy to join us and say: Let's do something different for a change.

Given the circumstances we have, those who decide it is in their interest to block everything, should rethink that plan. I have said often, Mark Twain was once asked to engage a debate. He said: Yes, as long as I can have the negative side. They said: But, Mr. Twain, we haven't even told you the subject. He said: It doesn't matter. The subject doesn't matter. The negative side will take no preparation. So it is on the floor of the Senate. Coming out here simply to block everything and then hold a sign that says: We support producing more. That takes no preparation. It takes a little bit of gall, I might say, but it certainly takes no preparation.

The question is this: Should we do everything? You bet your life. We should drill more, in my judgment, and there is two-thirds of the Outer Continental Shelf that is open for leasing and drilling. I support that. We ought to conserve more too. We are prodigious wasters of energy. We ought to have much more energy efficiency for every single thing we do. Everything that is turned on from a switch that we flick on or off should be examined. So produce and conserve, and most importantly have a game-changing plan to say: We want renewables in this country.

T. Boone Pickens was in town last week. He was like a big old boat coming through, leaving a big wake in the background of the boat. He said: You can't drill your way out of this problem. What we need to do is wind from Texas to North Dakota, in the area where we have all this wind energy potential. We need to develop more solar in the Southwest, where we have a tremendous capability. We need to produce that way and develop an interstate grid system for transmitting energy all around the country, just as we did with the interstate highway system.

That makes a lot of sense to me. But we can't do that with the pathetic approach that exists on providing incentives to renewables. As I indicated, we put in place permanent, robust incentives for looking for oil and gas in 1916. We have these short-term incentives, and we can't get them passed. Because on occasion after occasion, time after time, the folks who now come and hold a sign that says produce more said: No, I will not vote to produce more. When it comes to renewable energy, I am going to vote to stop it.

We can get oil from the ground. I understand that, but we can also produce biofuels from a whole series of feedstocks. We are using a lot of corn. But the bill we have tried to get passed has a significant tax incentive for the cost of facilities that produce cellulosic biofuels. Does that make sense? You bet your life it does. That is production for America. If you say you are for production, don't hold up a sign. Just vote for this legislation. Then you will really be for production. The new credits for qualified plug-in electric drive vehicles, how important is that? It is unbelievably important for us to convert from the internal combustion engine to an electric drive vehicle and then, eventually, to hydrogen fuel cell vehicles. That is game changing. But the legislation in which this occurred, that is legislation the minority that has been holding the signs all morning opposed.

All I say is this: You want to do a lot of everything. Let's do a lot of everything. Let's advance America's energy future. We go to Saudi Arabia, Iraq, Venezuela, or Kuwait and say: In order for America's economy to run, we need a large portion of our oil and gas from you, you need to provide that to us. It impacts so many other parts of our country that we can't possibly control.

Should we continue down this road? I don't think so. It is a disappointment to me that it is toward the end of July, and we still have this kind of discussion on the floor of the Senate. We should have had 100 Senators in support of legislation to shut down this unbelievable speculation that is going on. I understand oil speculators have a lot of friends here now. They have a lot of friends in this Chamber, enough to have stopped this oil speculation legislation last week. We ought to have 100 votes for people who say we are going to support homegrown energy. We are going to support big, aggressive tax incentives to produce energy here at home, and that includes wind, solar, geothermal and biomass, and we are going to change the game. Ten years from now, America is going to have a different energy future. Instead, we got the ''yesterday forever'' crowd who comes to the Chamber and slouches around with their hands in their pockets and says: We always liked what we did, and we want to do it some more. Then, 10 or 15 years from now, the same crowd will be back saying the same thing. They will say no to anything that will change the ground, and yes to anything that continues this unbelievable dependence.

My hope is we can find a way, perhaps, to join together and decide we ought to produce more in a smart way. We ought to be much less reliant on foreign energy, on the need for oil from overseas. We ought to be much more vigilant on aggressive conservation and energy efficiency measures. This Congress in particular ought to decide that it is finally, at long last, going to vote to produce energy in a good way. That is, to produce homegrown energy from wind, solar and so many other sources of renewable energy.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator the assistant minority leader.

Mr. DURBIN. Mr. President, I thank my colleague from North Dakota, who has come to the floor almost every day to talk about the energy crisis. But if the American people had their choice, all of us would be talking about it every day of the week. It takes anywhere from an hour to 2 hours to go from downtown Chicago out to O'Hare. I have made the trip a lot. But recently, the fellow who was driving me said: I have noticed something strange. Even during rush hour, there are fewer cars out here. I know a lot of people are on vacation, but something is changing.

I have noticed it all over my State, and I think people are noticing it all over the country. What is changing is people are looking at gasoline that costs $4.50 or $4.30 a gallon and saying: I will drive less. I am going to look for a car or truck that is more fuel efficient. People are understanding in their daily lives that things are changing, not always for the better, because as the price of oil goes up and the price of gasoline goes up, we may make energy-conserving decisions, but some of those are forced on us. Some of those are painful, painful when we pay for the gasoline each week and painful when people find their family budgets wrecked by the cost of gasoline.

They are not alone. The major airline companies have now announced dramatic cutbacks in scheduling and in employees. They can't keep up. The price of jet fuel has gone through the roof. I have met with the CEOs of these companies. The stories they tell are very sad. They can't afford to fly people anymore. They can't charge enough. They can't make enough. They are charging us now for everything in sight, $15, $20, $50 for a second bag they check, trying to keep the airlines afloat. And some of them will fail, I am afraid, unless something dramatic happens.

So it is no surprise that on the floor of this Senate we have talked a lot about this energy issue. There are two distinct points of view, and I think they tell the difference between outlook. Senator DORGAN of North Dakota talked about ''yesterday forever.'' On the Republican side, their idea is to drill more oil, keep drilling, keep finding more oil. Sadly, they have ignored the reality.

The reality is this: If you take a look at all the oil reserves in the world, the United States has 2 percent of the world's oil reserves. Ninety-eight percent, of course, is in countries such as

Saudi Arabia, Iraq, and Canada. We have 2 percent of the oil reserves.

The oil consumption by the United States? We consume 24 percent of the oil. In other words, we cannot drill our way out of this. We cannot find enough oil here to sustain the American economy. If you are going to be honest—and you should be with the American people—if we made a decision tomorrow to start drilling in any specific spot, for instance, off the coast of the United States, it takes literally years for that to happen, for it to go into production, and to deliver the oil to the United States. Estimates are 8 to 14 years.

So coming to the floor and saying: Drill more, drill now—well, the reality is, ''drill now'' means drill in 8 to 14 years. That is going to have little impact on current gasoline prices, no matter what we think. That is the reality. The question, obviously, is: Are there places we should go to drill? Well, of course there are. The United States is in control of its sovereign territory as a nation, and its offshore territory as well. The Federal Government owns many public lands, and some of those are used for ski resorts and national parks and mining.

Some are used for oil and gas exploration. We say to the companies: If you would like to drill more oil and gas on our land, the Federal land, pay us a lease, pay us a rental, and we will allow you to do so. The oil and gas companies gobble up this territory. In fact, 68 million acres of Federal land are currently under lease to oil and gas companies for that purpose: to drill for oil.

What are they doing with those 68 million acres? Well, it turns out a lot of them are not being utilized. This is a little map of the Western part of the United States I have in the Chamber. The land you see in red is Federal land leased to oil and gas companies not in production. When the Republicans say we have to put more acres out there for them to drill, the fact is, they are paying us to lease acres they are not touching. I do not know what the explanation might be, but of those onshore, 34.5 million acres have been leased from the Federal Government and go untouched.

It is just not onshore. If we think the mother lode is offshore, as shown on this other map, these are acres we have leased in the Gulf of Mexico, and all those in red are currently untouched—leased, so the oil and gas companies believe there is oil or gas there but untouched.

So to argue there is not enough acreage for us to go searching for oil, there is some 68 million acres of leased Federal land to oil companies, and zero of those acres in production onshore and offshore.

We recently had a lease to offer 115 million more acres of Federal land available to these companies for lease for oil and gas purposes. This was in the last year—since January, I should say, of 2007. Mr. President, 115 million acres were offered.

What does 115 million acres of land that the Federal Government owns and will lease to oil and gas companies represent? This is the path, as shown on this map, of Interstate 80, which most of us know. It goes from New Jersey all the way to California. This represents a 67-mile-wide swath along I–80. That is the size of the acreage we have offered to the oil and gas companies to drill on for oil and gas. Of that, they have accepted 12 million acres they bid on. Another 103 million acres have gone unclaimed by these oil and gas companies. So it is not as if there is not land available. There is—a lot of it—millions and millions of acres made available to these companies. Some they are paying for, some they could lease. There is plenty of land for them to drill.

So why, then, is the Republican approach that we need to drill more, when the opportunity is there? There are plenty of acres, and we know that even with drilling, we are going to wait 8 to 14 years to see the first drop of oil. Well, here is what it is all about.

For the last 8 years, the White House has been under the control of a President and a Vice President with a deep background in the oil industry—both President Bush and Vice President CHENEY. And not coincidentally, the oil companies have done very well. The policies of this administration have been very friendly to these oil and gas companies. They are reporting record profits, which I will get to in a moment.

So the last gasp before this crew leaves town is for the Republican side of the aisle to give to the big oil groups more leased land, give them more land to stockpile inventory for future purposes. That is what this is all about. It is not about solving the current energy crisis. It is not about bringing down gasoline prices. That is 8 to 14 years away, if ever. It is about, frankly, giving big oil exactly what it wants.

If you think I am making this up, take a look at the full-page ads in your hometown newspapers by the American Petroleum Institute supporting the Republican position. What is the American Petroleum Institute? The largest and smallest oil companies in America. They understand this is their last grab under this administration and the Republicans want to give them that grab and take that land and try to convince the American people it will make a difference when it comes to our energy policy. Quite honestly, we know better.

Now, in a short time—maybe a matter of days, maybe this week—the oil companies are going to be reporting their latest profits. This chart will show you what is happening to big oil profits since this administration took office. Starting in 2002 to 2007, you can see a dramatic increase in billions of dollars for oil and gas companies in America. These just are not large increases for this industry, these are the largest reported profits of any business in the history of the United States of America.

The oil companies have done extraordinarily well. Notwithstanding all the other arguments, the fact that the Republicans want to give these oil and gas companies one last grab at this land is an indication they want the profit margins to continue.

But is that what we are all about? Is that why we are here, to make sure wealthy, profitable companies make record profits unseen in the history of the United States, at the expense of families who pay for the gasoline, at the expense of businesses that cannot survive, at the expense of our airlines that are shutting down their planes and schedules, at the expense of farmers in my State of Illinois and across the United States? I do not think so.

Our responsibility has to go further. Our responsibility has to go to the point——

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. DURBIN. Mr. President, I ask unanimous consent for 2 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. The point I want to make is this: We have to look ahead. If President Bush was right when he said America is addicted to oil, how can we break the addiction? We will never be oil free. That is ludicrous. We will have a dependence on fossil fuels, on oil, for my lifetime and well beyond.

But if we want to be fair to the next generation, we have to be pushing for an energy agenda which sees a source of energy homegrown in America, so we are independent and do not have to rely on OPEC and foreign countries, a source of energy that is kind to the environment, so we do not make global warming worse for kids in the future, and a source of energy that is affordable.

In order to reach that goal—and America can reach it—you cannot look backward, as the Republicans have by saying: Let's keep doing what we have always done. Let's keep drilling for oil.

You need responsible exploration and production of oil, and you need another future agenda: a next-year agenda that says we are going to look to a way to produce energy to keep this economy moving that is affordable.

We have the bill to do it. It is a bill that has lost on the floor of the Senate. It is the energy tax production credit. It is one that will produce energy. We cannot get enough Republican votes to support it. We are going to try again. We are going to keep trying because with this bill we are going to expand tax credits for biomass and hydropower, for solar energy, for biodiesel production. We are going to have tax credits for local governments in renewable projects, advanced coal electricity demonstration projects, plug-in electric cars, heavy vehicle excise tax for

truck idling reduction. It goes on and on—a list of ways to conserve energy and look to future uses of energy that are consistent with an American economy that will grow and not be too expensive for the American people.

That is what we have to move to. This afternoon we will give our Republican colleagues a chance to take their signs that say ''produce more'' and turn them into a vote for this tax program that will produce more. I hope they will join us in this effort.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

HIGHER EDUCATION AMENDMENTS OF 2007

Mr. DURBIN. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of H.R. 4137, and the Senate proceed to its immediate consideration.

Mr. ALLARD. Mr. President, there is no objection on this side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4137) to amend and extend the Higher Education Act of 1965, and for other purposes.

Mr. DURBIN. Mr. President, I ask unanimous consent that all after the enacting clause be stricken, the amendment No. 5250 at the desk, which is the text of S. 1642 as passed by the Senate, be agreed to; that the bill, as amended, be read a third time and passed, the motion to reconsider be considered made and laid on the table, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees.

Mr. ALLARD. No objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 5250) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 4137), as amended, was read the third time, and passed.

Thereupon, the Acting President pro tempore appointed Mr. KENNEDY, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, Mrs. CLINTON, Mr. OBAMA, Mr. SANDERS, Mr. BROWN, Mr. ENZI, Mr. GREGG, Mr. ALEXANDER, Mr. BURR, Mr. ISAKSON, Ms. MURKOWSKI, Mr. HATCH, Mr. ROBERTS, Mr. ALLARD, and Mr. COBURN conferees on the part of the Senate.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

ENERGY

Mr. ALLARD. Mr. President, it is time this Senate begin to act on what it is going to do to increase the supply of energy. It is time to lay aside politics. It is time to begin to look for real solutions to solve this country's energy problems.

What we have heard so far from the other side has nothing to do with increasing the supply of energy. We heard speeches on the Senate floor attacking speculation. Speculation works as a normal way of doing business on the futures market. What is against the law, which creates problems, is if you have manipulation of the markets. That is where somebody goes in and takes some kind of action on the market that somehow is going to artificially drive up the cost of fuel. It is manipulation. The administration has discovered a company or two that is doing that. They have been working on it for some time.

This shows the regulation process is working. We heard testimony in one of the committees on which I serve and we had a discussion on the supply of energy and the manipulation of the markets, and the regulators agreed they need to do more. I agree with that. We need to make sure they have the manpower they need to adequately enforce what we already have on the books.

I am looking for real solutions and my Republican colleagues, I believe, are looking for real solutions because we realize how important it is we become less dependent on foreign oil and not more. It is important for the security of this country, now and 20 to 30 years down the road, that we increase our supply of energy. So we need more energy, and we need to consume less.

Increasing taxes, which has been talked about on this floor, is not the answer. We are going to have a tax proposal that will be brought up, perhaps, on the floor of the Senate that will temporarily cut taxes for renewable energy—and, by the way, I am a strong supporter of renewable energy—and put in place a permanent tax increase on business. That is not the way we should be doing business on the floor of the Senate. That does not increase the production of oil.

Now, making it more difficult to produce more energy through more regulations is certainly not the answer. But we have heard proposal after proposal on the Senate floor claiming they are going to increase the supply of energy by increasing the regulatory environment, making it more difficult to go out and produce energy.

One of the things, in my view, that would produce more energy is utilizing capped wells, we have a lot of capped wells out there. These are existing wells that do not have to be drilled. They were shut down because at one point the economics were such that they could not make a profit with these wells. So they capped them and said: We are going to quit wasting our money on that one and go on to new areas where we can provide more oil for this country—oil and gas.

Well, the cost of the market is such that now it is feasible to begin to open these capped mines. We need to make sure we do not pass a regulation in this body that is going to make it more difficult for them to uncap those wells. That is a ready resource of energy.

We also heard comment on this floor about the fact that we have all this leased land out here. Leasing land does not equal more oil and gas. Many times, when you go onto a parcel of land and lease it, you have no idea whether there is oil or gas underneath there until you begin to put in some test wells and test the area. Just because you talk about all of this land that is available for leasing doesn't mean there is oil and gas on it. Leasing land doesn't mean there is oil and gas on there.

What happens with many of those leases is they may have found they are not productive. The leases are let out for 5 years or they may be let out for 8 years or 10 years. Then, if they are not producing, they put them back on the market and see if anybody else is interested in using the technology they have to try to discover if there is a source of energy under the surface of that land.

The important point to make is that just because you have land available doesn't mean there is oil and gas underneath it.

So my view is—and I think the view of many Republicans—we need to increase the production of energy, whether it is natural gas or whether it is oil shale, in order to bridge the gap to develop technology that is going to produce more energy in the future. I happen to feel that nuclear power is something we have ignored, and we need to do more in the way of nuclear power to meet the needs of providing adequate energy supply to our businesses and to our homes.

Let's talk about the pain at the pump. Throughout this great Nation, people are struggling with high gas prices. I am looking for some renewables to deal with cars. A lot of the renewables happen to deal with wind, solar, happen to deal with geothermal, biofuels. Now, there is something that might be able to be used with cars, but most of these renewables we are talking about can't be used in the car world.

People are feeling the pain. It is when you pull up to the gas tank and put your credit card in there and you fill up the tank, and when you look at the total at the end is when you really begin to hurt. High gas prices not only affect our ability to get around but increasingly are affecting each facet of our everyday life.

Americans are feeling pain at the pump due to high gas prices, and increasingly they feel pain at the kitchen table too. As gas prices go up, so do food prices. Food prices go up because it costs a lot to produce those food products that will end up on the table. America's farmers and ranchers

produce the safest, most affordable food in the world, but rising energy prices have affected almost every level of agriculture. It has caused everything from fertilizer costs to processing costs to increase. The high cost of diesel and other types of energy are forcing food prices up.

My home State of Colorado produces some of the best tasting produce in the world, including potatoes. In Colorado's San Luis Valley last year, it cost a farmer about $90 an acre for starter fertilizer. This year, the cost is up to almost $300. Imagine that. In 1 year, it has gone from $90 an acre to $300 an acre. Suppose you have a farm of 100 acres. That is a huge cost, a huge impact on the bottom line. That is right, in 1 year those costs have more than tripled.

Weld County, another agriculture-producing county in Colorado, is one of the Nation's top-producing ag counties. Even in an area that produces as much food as Weld County, people are fighting high food costs.

Higher food costs are affecting all Americans, but they are especially damaging to people dealing with food insecurity. Food banks are struggling to stretch dollars so they can keep food on their shelves. This is food that goes to our most vulnerable populations—impoverished individuals and their families. In Weld County, 32 percent of the individuals served by our local food bank are children.

Recently, oil hit $145 per barrel, and from the beltway to Middle America, $4-a-gallon gas is the frightening norm.

In the face of these challenges to the American economy and consumers, we have failed to take the steps necessary to address this problem either in the short term or in the long term.

This Congress has been ignoring one of the fundamental rules of economics; that is, supply and demand. Currently, worldwide supply of energy is being outpaced by growing demand. That is not only worldwide but here in this country. I saw on the TV a report which said that it is everything we can do to keep up with current demand. So if we were to implement any of the policies we are talking about here to increase supply, we would barely be able to keep up with current demand at the current levels. This is a huge challenge for Americans, and we shouldn't be backing away from that challenge here on the Senate floor.

If we take steps to increase supply, prices will go down. The day after President Bush lifted the Presidential moratorium on drilling in the Outer Continental Shelf, oil prices fell nearly $7 a barrel. Let me say that again: a drop of almost $7 per barrel in 24 hours because action was taken that got us closer to putting additional supply on the market. This translates eventually into cheaper gas.

One of the best ways to drive down fuel prices is by finding more and using less. Embracing renewable energy is an excellent way to increase supply.

As a founder and cochair of the Renewable Energy Caucus, I know the importance of using renewable energy, but we are not at a point yet where renewable energy can meet all of our energy needs. We still need fossil fuels.

One of the most promising sources of domestic energy is found in the West, much of it in my home State of Colorado. We have lots of natural gas available on the western side of our State. We also have oil shale which is found not only in Colorado but in Utah and Wyoming that will yield somewhere between 800 billion to 1.8 trillion barrels of oil. This is more than the proven reserves of Saudi Arabia and certainly enough to help drive down gas prices and bring us closer to energy independence.

However, we cannot delay. Some people say it is going to take 10 years to develop this resource. Well, are we going to wait another 10 years before we start developing a resource that is going to take 10 years to develop? We can't continue to delay these kinds of policies; we need to act now so we can begin to give the American people some relief.

We aren't taking the steps necessary to utilize the resources we have and to cut back on the $700-plus billion we send overseas annually for fuel because the Democrats in the Senate and in the House of Representatives have prevented the Department of the Interior from even issuing proposed regulations under which oil shale, for example, could be moved forward.

My position is that we need to put the regulations in place so that then the leases can be let. If you expect oil companies to go and begin to lease all of the land that is apparently available and that they thought was available for lease, if you want them to do that, they have to know the rules of the game. They have to know what is going to be their return on their investment. They have to know what the lease rates are going to be. They have to understand the market forces. They need to understand what the remediation is that might be required. They need to understand what environmental laws they have to deal with if they go ahead and happen to put in place a project to extract oil shale.

By the way, the technology in oil shale has changed significantly. We have moved that basically from a mining operation in Colorado to an in situ process where you leave the rock in the ground, you heat the ground and extract basically a high-quality jet fuel that needs further refinement with nitrogen sulfur. So that is how far the technology has come. It has gone from a mining operation to where you have in situ technology where you leave all the heavy, tarry stuff in the ground, you extract a good-quality fuel, and it has a lot of environmental advantages when you use that process.

So it is time for us to move forward. It is time for us to quit bickering about profits that are made by oil companies. It is time for us to stop blaming the President. It is time for us to recognize that it is a supply-and-demand issue. We need to supply more, we need to encourage less consumption through conservation, and we need to begin to move forward on this Senate floor and pass some meaningful legislation.

Mr. President, I now yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, I also come to the Senate floor to join so many of my colleagues in urging the distinguished majority leader to allow a full and open debate and an open amendment process so we can address the single top issue in the hearts and minds of the American people; that is, gasoline prices—energy. We all know it is beyond discussion, it is beyond debate that this is the concern, this is the top challenge the American people face.

In my home State of Louisiana, I hold townhall meetings all around the State on a very regular basis. For months, this issue hasn't been the first question at each and every one of those townhall meetings, it has been the first 10 questions. That is no different from any other State in the country. Gasoline prices, energy prices are hitting all of our neighbors' pocketbooks. It affects every Louisiana family, every American family. So they ask a simple question: Why isn't Congress acting? Enough talking, enough political maneuvering. Why don't you come together and act?

That is what we should do. That is what we should do right here and right now on the floor of the Senate. So I urge the majority leader to lift his block of all amendments on the pending energy bill so that we can have that full and open debate, that full and open amendment process.

The last two times this body considered the issue of energy in a significant way, we had that sort of open debate.

In 2007, we were on an energy bill for 3 whole weeks. We took 16 rollcall votes on amendments, 22 rollcall votes on the entire bill. The total number of amendments proposed was 331, and actually 49 of those were agreed to, some by unanimous consent, others through those 16 votes I alluded to. That was when the price at the pump was about $3 a gallon, not $4 a gallon as it is now.

Before that, we also debated energy in 2005. We had 19 rollcall votes on amendments over a period of 2 whole weeks. We had 23 rollcall votes on the bill overall, 235 amendments were proposed, and actually a total of 57 were adopted. That is when the price at the pump was $2.26 a gallon, not at four bucks as it is now.

So now that the price is about $4 a gallon, now that it is the top concern of the American people bar none, why can't we have that open process and open amendment process as we have in the past? The American people want action.

I have filed seven amendments specifically, and I wish to outline them briefly.

My first amendment, which has been so far barred from coming to the floor, would develop alternative energy offshore in the gulf and other places where there is the ability offshore to develop new alternative energy, including wind farms.

My second amendment would increase domestic production offshore. It is a version of my ENOUGH Act and would also have that alternative energy offshore component of it tied into the second amendment.

My third amendment would repeal the moratorium on Outer Continental Shelf production outright and would also have the alternative energy offshore piece as a part of that amendment.

My fourth amendment would repeal outright the moratorium Congress passed several years ago that blocks shale activity in the Western States—exactly the activity my distinguished colleague from Colorado was talking about—as well as the alternative energy offshore piece attached to it.

My fifth amendment would streamline the permitting process for refinery expansion. Refinery capacity is just as important an issue as exploration and production, and we need to do a lot better to increase refinery capacity in this country domestically.

My fifth amendment to do that is by streamlining the permitting process for existing refineries to expand, which is a good place to start.

My sixth amendment would also streamline a regulatory process, the permitting process for offshore leases, because every person in the business I talk to says even when they get access—of course, blocking access is the biggest issue—the Federal permitting process is way too long and cumbersome and uncertain. We need to streamline that in a reasonable way.

My seventh and final amendment would expand the seaward boundary for Louisiana, Mississippi, and Alabama to match the seaward boundary of Texas to the west and Florida to the east. Right now, those two States, Texas and Florida, enjoy a seaward boundary of 9 miles from the coast, meaning the first 9 miles of the gulf off of the coast is State waters. But for Louisiana, Mississippi, and Alabama, that is only 3 miles. That is unfair. We should expand that to 9 miles to match Texas and Florida, which will have the impact of spurring production in those waters because the State regulatory process is far less onerous, unreasonable, and cumbersome than the Federal process.

Mr. President, other Senators have good ideas. I strongly support, obviously, my seven amendments. I have worked hard on them. I have cosponsors and I have introduced them. There are other good ideas as well.

The main point is we need an open process. We need the ability to call up amendments, to debate amendments, and to have votes on these good ideas because the American people want us to act like grown-ups and act on this single most important issue they face in their everyday lives.

Mr. President, what I find frustrates citizens back home more than anything is this impression they so often have that what we do here is in a different universe from the real world and is divorced from their everyday struggles and everyday lives. I am afraid the distinguished majority leader is reinforcing that notion by not allowing these amendments, these votes, not allowing an open process on the single top issue Louisiana families and all American families face.

I urge the majority leader to reconsider so we can truly come together and do the people's business on what is the single top issue.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak for the next 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE JOBS, ENERGY, FAMILIES AND DISASTER RELIEF ACT OF 2008

Mr. BAUCUS. Mr. President, in the book, ''The Ethics of the Fathers,'' the sage Rabbi Tarfon taught:

> It is not up to us to finish the work, but neither are we free to avoid it.

Later this week, the Senate will vote on the Jobs, Energy, Families and Disaster Relief Act of 2008. This bill may not finish all the work that we need to do. But this bill does do work that we are not free to avoid. I urge my colleagues to vote to invoke cloture on the motion to proceed.

This legislation is important to our economy, to our energy security, and to the wellbeing of America's working families. And it is also vital to helping people harmed by natural disasters to get back on their feet.

Some call this an ''extenders'' package. It extends tax incentives that are important to American businesses and families.

It includes the deduction for college tuition and the R&D credit. It includes the deduction for State and local income taxes. And it includes the new markets tax credit which helps spur investment in low-income communities.

But S. 3335 is more than just an extenders bill. It also contains vital new provisions.

It includes tax credits for plug-in vehicles. It includes a long-term extension of tax credits for solar power. And it includes a badly needed fix to the highway trust fund, which finances a large portion of our Nation's transportation infrastructure. That has to be extended; otherwise, a lot of jobs will go wanting. A lot of construction jobs will not be there, unless we maintain and continue financing for the highway program.

I urge my colleagues to take up this bill and pass it.

The vote this week will not be the first time this year that the Senate has sought to extend this important tax legislation.

In May, the House passed H.R. 6049, the Renewable Energy and Job Creation Act of 2008. That bill included a roughly $17 billion energy tax package. And it included $37 billion in other tax extenders. The bill was offset with responsible tax policies that would have changed the timing of tax on offshore hedge fund managers and multinational corporations.

The majority leader tried to take up that bill in June. In fact, he tried twice. But some of our colleagues on the other side of the aisle would not allow us to proceed to the bill.

The first attempt to proceed failed, 50 to 44, on June 10. The second attempt failed a week later, with a vote of 52 to 44.

Some argued that the House bill lacked key items. For example, some said that it should have included relief from the alternative minimum tax.

And some objected to provisions that were in the bill. For example, some said that it should not have included Davis-Bacon protections on prevailing wages.

In response to those and other concerns, I introduced S. 3125, a revised version of the bill that passed the House.

S. 3125 included a one-year patch for the alternative minimum tax. It would prevent more than 20 million families from paying a tax that Congress never intended them to pay.

And in an effort to reach bipartisan compromise, that bill omitted the Davis-Bacon provision.

But my friends on the other side still objected to that package. They expressed concern over other items, such as a provision that allows attorney contingency fees to be deducted in the year that they are incurred, rather than upon disposition of the case.

I worked to address the concerns of my friends on the other side of the aisle. And last Friday, I introduced another bill S. 3335, the Jobs, Energy, Families and Disaster Relief Act of 2008. That is the bill that I hope the Senate will turn to this week.

This legislation includes the core of the previous bill I introduced. It includes a strong energy package. It includes an AMT patch. And it includes the House-passed individual and business tax extenders.

S. 3335 also contains several new items. In response to growing concerns over our Nation's crumbling infrastructure, this bill would shore up the highway trust fund. Last Wednesday, the House passed a stand-alone version of this highway fix by an overwhelming vote of 387 to 37.

And S. 3335 contains billions in relief for those affected by devastating natural disasters.

And in response to the other key criticism of S. 3125, the one related to attorneys' fees, S. 3335 dropped that provision altogether.

In short, the bill that we will have a chance to vote on this week is aimed at helping create jobs, advancing our energy independence, helping working families, and offering relief to those areas that have experienced natural disasters.

And by making major modifications to past versions of the bill, it is aimed at getting broad support.

Now, some Senators really want to vote for this because it is the right thing to do. But they are told by the leadership: Don't do it. They want to vote for it; they are chafing at the bit to vote for it, but they are told not to do it. Why, I don't know.

Now some on the other side have also objected that we should not consider a revenue bill that originated in the Senate.

While it is true that the House must originate revenue bills, there is precedent for the Senate's acting in advance of the House.

For example, the other side did just that in moving the Tax Increase Prevention and Reconciliation Act in 2005. The Senate took up its bill, S. 2020, on November 16, 2005, nearly a month before the Senate received the House companion measure.

And in the case of the bill before us this week, I think that it is important for Senators to be able to vote for the improved version of the bill, the bill that includes all the changes that I have been discussing.

And after we get a good vote on this bill, we can move to amend a House-passed bill with our Senate measure.

Congress needs to do more than just extend legislation. Congress should work on new policy, new legislation, and new ideas.

We need to take a hard look at our Tax Code. We need to make it fairer and simpler. I have begun that process, through a series of hearings in the Finance Committee.

We need to address the unsustainable growth in health care costs. I have also begun an effort to that end, through a series of hearings on health care, which accounts for one-sixth of America's economy.

And we need to address the vital need for a new energy policy, one that accounts for the changing realities of our environment, our national security, and our economy.

For more than a year, I have been working to pass a meaningful package of energy-tax incentives. It is a package with the goal of moving this country toward greater energy independence. And it is a package that would help to prepare our economy for a system that also addresses global warming.

These are big challenges. And they will not be solved through one bill, or one congressional session. But even though we cannot finish the work, we still have an obligation to do what we can.

This bill may not finish all the work that we need to do. But this bill does do work that we are obligated to do.

Let us do that work. Let us invoke cloture on the motion to proceed. And let us provide this help to America's economy, to America's energy security, and to the wellbeing of America's working families.

CROW WATER SETTLEMENT

Mr. BAUCUS. President Lyndon Johnson once wrote:

> A nation that fails to plan intelligently for the development and protection of its precious waters will be condemned to wither because of its shortsightedness. The hard lessons of history are clear, written on the deserted sands and ruins of once proud civilizations.

I rise today to talk about a proud Nation from my home State of Montana that is planning for the development and protection of its priceless water.

The nation I am referring to is the Crow Nation, and today, along with Senator TESTER, I introduced a bill to ratify the Crow Tribe's water compact.

This compact will protect the Crow Tribe's water rights, provide for the development of municipal and agricultural water systems, and create good paying jobs. Everyone has a right to have access to clean, reliable water, and Senator TESTER and I are here today to help make sure that right is upheld.

In 1908, the Supreme Court established that when Congress set aside land for Native American tribes, it also reserved water rights for the tribes to develop their lands for agriculture. The Crow Tribe has waited nearly 100 years to secure the rights to its water. The bill I am introducing today will ensure that the Crow people can finally access the water that is rightly theirs while protecting the water rights of non-tribal water users.

This bill that Senator TESTER and I are introducing also ensures that the Crow Tribe has the infrastructure it needs to develop its water resources. To this end, the bill authorizes funding for a drinking water system that will bring clean water to families across the reservation. This project will help protect public health and help create good paying jobs.

The bill also authorizes the rehabilitation of the Crow Tribe's irrigation system. The Crows' land is important to their identity, their history, and their economy. Rehabilitating the Crow Tribe's irrigation system will ensure that Crow farmers and ranchers can work their land for generations to come.

Mr. President, the Crow Nation is a proud nation with abundant water resources. The bill I have developed with the Crow tribal leadership is a reflection of the Crow people's good foresight. This legislation will protect the Crow Tribe's water, create good paying jobs, and ensure that the Crow continue to be a proud and prosperous people.

RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

Mr. LEAHY. Mr. President, 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. MURRAY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mrs. MURRAY. Mr. President, I ask unanimous consent that morning business be closed.

The PRESIDING OFFICER. Morning business is closed.

JOBS, ENERGY, FAMILIES, AND DISASTER RELIEF ACT OF 2008—MOTION TO PROCEED

Mrs. MURRAY. Mr. President, what is the pending business?

The PRESIDING OFFICER. The motion to proceed to S. 3335.

Mrs. MURRAY. Mr. President, I ask unanimous consent to withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

RENEWABLE ENERGY AND JOB CREATION ACT OF 2008—MOTION TO PROCEED

Mrs. MURRAY. Mr. President, I ask unanimous consent that 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. 6049 be agreed to, the motion to reconsider be agreed to, and the cloture vote on the motion to proceed to H.R. 6049 occur at 3 p.m., with the time until then equally divided and controlled by the leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the quorum

call time be equally divided between the majority and minority between now and 3.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. 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. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

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. 767, H.R. 6049, the Renewable Energy and Job Creation Act of 2008.

Harry Reid, Max Baucus, Barbara Boxer, Amy Klobuchar, Benjamin L. Cardin, E. Benjamin Nelson, Maria Cantwell, Patty Murray, Bernard Sanders, Daniel K. Akaka, Robert Menendez, Ron Wyden, Debbie Stabenow, Blanche L. Lincoln, Patrick J. Leahy, Richard Durbin, Sheldon Whitehouse.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 6049, the Renewable Energy and Job Creation 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 bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Alaska (Mr. STEVENS).

The PRESIDING OFFICER (Mr. SANDERS). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 43, as follows:

[Rollcall Vote No. 190 Leg.]

YEAS—53

Akaka	Conrad	Levin
Baucus	Dodd	Lieberman
Bayh	Dorgan	Lincoln
Biden	Durbin	McCaskill
Bingaman	Feingold	Menendez
Boxer	Feinstein	Mikulski
Brown	Harkin	Murray
Byrd	Inouye	Nelson (FL)
Cantwell	Johnson	Nelson (NE)
Cardin	Kerry	Pryor
Carper	Klobuchar	Reed
Casey	Kohl	Reid
Clinton	Landrieu	Rockefeller
Coleman	Lautenberg	Salazar
Collins	Leahy	Sanders
Schumer	Stabenow	Whitehouse
Smith	Tester	Wyden
Snowe	Webb	

NAYS—43

Alexander	DeMint	Martinez
Allard	Dole	McConnell
Barrasso	Domenici	Murkowski
Bennett	Ensign	Roberts
Bond	Enzi	Sessions
Brownback	Graham	Shelby
Bunning	Grassley	Specter
Burr	Gregg	Sununu
Chambliss	Hagel	Thune
Coburn	Hatch	Vitter
Cochran	Hutchison	Voinovich
Corker	Inhofe	Warner
Cornyn	Isakson	Wicker
Craig	Kyl	
Crapo	Lugar	

NOT VOTING—4

Kennedy	Obama
McCain	Stevens

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 43. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader is recognized.

FREE FLOW OF INFORMATION ACT OF 2007—MOTION TO PROCEED—Resumed

Mr. REID. Mr. President, I now move to proceed to S. 2035, which is the media shield bill.

The PRESIDING OFFICER. The motion is now pending.

Mr. REID. 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. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I thank the distinguished Presiding Officer. I want the distinguished Presiding Officer to know the weather in our home State is much nicer today than it is here.

I support the Free Flow of Information Act, S. 2035, which the distinguished majority leader has moved to. I hope the minority will allow us to consider this important legislation.

I thank the majority leader for his willingness to bring this legislation before the Senate. I have worked with him on this matter to find an opportunity for Senate action since the Judiciary Committee reported this bill last October. I appreciate the support of the majority leader. He has offered a generous response to the bipartisan request Senator SPECTER and I made to him and the Republican leader earlier this year to proceed to this bill. In a bipartisan letter, we asked if he would proceed to the bill. He has done that. I applaud him for it.

Our bill has 20 Senate cosponsors, Members of both parties. I hope the Republican cosponsors will join us in moving to the bill and will bring along the seven or eight Republicans we will need to overcome yet another filibuster and make progress.

I have also supported and urged the Senate to proceed to the strong House-passed version of the Free Flow of Information Act, H.R. 2102. That bill passed the House of Representatives by a vote of 398 to 21—so it obviously has overwhelming bipartisan support. The House bill has more than 70 cosponsors—both Republicans and Democrats alike.

Years ago, my mother and father owned a small daily newspaper in Waterbury, VT, the Waterbury Record. As a child, I grew up hearing, at the kitchen table, that a free and vibrant press is essential to a free society. That has been demonstrated again and again over the last eight years. That is why I cosponsored the Senate version of this bill and I have worked hard to enact a meaningful reporters' shield law this year.

That is why I made sure that for the first time ever—for the first time ever—the Senate Judiciary Committee reported a media shield law to protect the public's right to know. The Judiciary Committee reported a bill sponsored by Senators LUGAR, DODD, SPECTER, SCHUMER, GRAHAM, and myself with a strong bipartisan 15-to-4 vote.

I wish to commend the leadership of Senator LUGAR and Senator DODD in connection with this matter. They began this quest for fairness when it seemed an impossibility several years ago. They have worked diligently to bring us to where we are today—at the cusp of achieving a Federal shield law—if only the Senate gets the support of a handful of Republican Senators to proceed to the bill.

All of us—whether Republican, Democratic or Independent—have an interest in enacting a balanced and meaningful shield bill to ensure a free flow of information to the American people. Forty-nine States and the District of Columbia currently have codified or common law protections for confidential source information. But even with these State law protections, the press remains the first stop, rather than the stop of last resort, for our Government and private litigants when it comes to seeking information. Time and time again—especially during the years when this Congress refused to do real oversight of the current administration—when there was waste in Government, when there were serious mistakes in Government, even when Government was breaking the law, we found out about it first and foremost because of the press in America.

Earlier this year, Toni Locy, a professor of journalism at West Virginia University, also a former USA TODAY reporter, was held in contempt of court for refusing to divulge her confidential sources. There are scores of other reporters who have been questioned by Federal prosecutors about their sources, notes, and reports in recent years. This is a dangerous trend that can have a chilling effect on the press, but even more so, on the public's right to know. If you don't have a free press,

then you don't have a free society. If you don't have a way for Americans to know what their Government is doing, then we will all hurt. To paraphrase Mark Twain, you should support your country all the time but question your government when it deserves it. We need a press willing and able to do that.

Enacting the Free Flow of Information Act—which carefully balances the need to protect confidential source information with the need to protect law enforcement and national security interests—would help to reverse this troubling trend and benefit all Americans. The bill creates a qualified privilege to protect journalists from being forced to reveal their confidential sources. The bill contains exceptions to the privilege for criminal conduct or national security. The legislation also requires that Federal courts weigh the need for the information with the public's interest in the free flow of information, before compelling reporters to disclose their confidential sources.

Although I strongly support the enactment of a Federal shield law, I have some reservations about possible revisions to the bill we passed out of Committee. I am pleased that language has been drafted to address my concerns about making sure that legitimate bloggers and freelance journalists are included in the definition of the persons covered by this bill.

However, I hope that any amendments to this legislation will include stronger protections for journalists and their sources with regard to matters of national security and classified information. No one would quibble with the notion that there are circumstances when the Government can and should have the right to compel information in order to keep us safe. But many newsworthy stories concerning national security, such as the exceptional reporting on the CIA's secret prisons and the warrantless—and many feel illegal—wiretapping by the National Security Agency were published with the help of confidential sources, to the great benefit of the general public and the accountability that ordinary Americans deserve from their Government.

I fear that proposals from some in this body do not go far enough to protect against Government abuse in this area or to protect the public's interest in the dissemination of newsworthy information.

Not all reporters will be as lucky as Bill Gertz of the Washington Times was when a judge recently upheld his claim in a case in a California Federal court. Even with this victory, however, the Government has responded by broadening its inquiries. To prevent further intrusions on our fundamental first amendment rights, we need some uniform standards. We need procedures to evaluate claims of privilege and protect the public's right to know. To do that, of course, the Congress must act.

In a much touted speech to the American Enterprise Institute last week, current Attorney General Mukasey, who still opposes a Federal shield law, articulated principles that argue for enacting one. Attorney General Mukasey endorsed congressional legislative action when there exists a ''serious risk of inconsistent rulings and considerable uncertainty.'' He noted that congressional action to provide procedures in national security cases is ''well within the historic role and competence of Congress.'' Although he was proposing action in another setting, the Attorney General's remarks likewise support congressional action to standardize and clarify the procedures governing a Federal statutory press shield law. In view of the disparate rulings and outcomes that have developed in the courts since the Supreme Court's Branzburg decision 36 years ago, it is now time for Congress to establish a framework for the courts to resolve press privilege assertions fairly and consistently, and we can do this while preserving our national security.

When he testified before the Senate Judiciary Committee in favor of the Federal shield law in 2005, William Safire told us that the essence of news gathering is this: If you do not have sources you trust and who trust you, then you don't have a solid story—and the public suffers for it. Well, Bill Safire is exactly right. We simply have no idea how many newsworthy stories have gone unwritten and unreported out of fear that a reporter would be forced to reveal a source or face jail time. We also do not know how many potential whistleblowers, or other confidential sources, have chosen to remain silent out of fear that journalists could be compelled to disclose their identity.

Just recently, investigative journalism and confidential sources have helped to uncover significant Government failures in Iraq, in New Orleans, as well as Government neglect at the Walter Reed Medical Center. We wouldn't have found out how poorly the returning soldiers were being treated—people who have lost limbs or have been paralyzed or blinded in the war in Iraq—by the Veterans' Administration and the problems and events at our Government facilities. We would not have found out about that if a confidential source hadn't told a reporter.

We have seen just in the past few days news articles about politicization at the Department of Justice. A lot of the spotlight on how politicized this administration's Justice Department has become came out of hearings we held in the Judiciary Committee. But much of what we found out about what was going on at the Justice Department came out of press reports based on confidential sources.

We learned from the press that the White House, afraid that they might find out the truth, avoided implementing the Environmental Protection Agency's recommendations on global warming by not opening the agency's e-mails. Again, we find out about that from confidential sources.

As a former prosecutor, I understand the importance of making sure that the Government can effectively investigate criminal wrongdoing, combat terrorism, and preserve national security. The Federal shield legislation we are seeking to bring before the Senate strikes a balance among these important objectives. The bill addresses the legitimate need for law enforcement to obtain information from reporters to prevent a crime or a national security threat.

In addition, by providing a qualified and not an absolute privilege to withhold the identity of confidential sources, the bill also advances other important law enforcement objectives, such as encouraging whistleblowers to disclose fraud, waste, and abuse that might otherwise go unreported.

The opposition to this carefully crafted bill by the Department of Justice and Office of the Director of National Intelligence, ODNI, is simply misplaced. Although 49 States, the District of Columbia, and several Federal courts have recognized a reporter's privilege either by statute or common law for years, the Department of Justice and ODNI have not cited a single circumstance where the privilege caused any harm to national security or to law enforcement. In fact, the legitimate concerns about the need to effectively combat crime and protect national security have been satisfied by the bill and by amendments to this bill offered in a bipartisan fashion by Senators FEINSTEIN, BROWNBACK, and KYL.

A free press in our country is what sets us apart from so many other nations in the world. The distinguished Presiding Officer, in his years in the House and in the Senate, can certainly point to examples where we have found out things that have been kept hidden from the Congress only because the press uncovered them. Certainly, that has been my experience in my years here in the Senate.

I also know that there is a temptation—when any administration has made a serious mistake or is trying to hide wrongdoing by their administration, the first thing they want to do is to make sure nobody in the press or the Congress or the public finds out what they have done. For every administration, it is easy to have all of their press people go out and tout the things they want us to know, the things they consider a success. None want us to hear about the embarrassments or the mistakes or, more recently, out-and-out wrongdoing. That is where you need a press willing to go in and uncover Government wrongdoing and protect the sources who help them to do so.

Do you think even with all of the hearings I and others have held we would have found out how law enforcement was manipulated and thwarted by this administration in the selection and manipulation of U.S. attorneys?

We found out about it first and foremost by the press, and then through witness testimony in hearings, and now by the Justice Department's Inspector General who had the willingness to stand up and point to the wrongdoing of this administration. And then there was Abu Ghraib—how did we find out about that? We learned about it in the press, not because the administration was willing to say: Look at this terrible thing we have done.

So after months and months of delaying tactics and opposition by the Bush administration, the time has come to pass a Federal shield law. I thank and commend the more than 60 news media and journalism organizations including ABC News, the Associated Press, CNN, the National Newspaper Association, the Society of Professional Journalists, and the Vermont Press Association, that worked so hard to get us to this point.

I ask unanimous consent to have a copy of a support letter from the Media Coalition Supporting the Free Flow of Information Act printed in the RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. Mr. President, I will just leave with this: Let's make sure the Congress—especially this Senate—takes steps, as the other body did, to make it easier for the public to know not all the things the Government wants them to know but the times when our Government has made mistakes, the times when our Government has not followed the law, the times when our Government has tried to give disinformation. We are a stronger nation if we know the truth. We are a weaker nation if our laws allow the truth to be shielded from the American people. I trust the American people. I trust the American people to question our Government. I trust the American people to be able to handle the information. I do not trust those who would try to use every barrier to keep that information from the American people.

Mr. President, I yield the floor.

MEDIA COALITION SUPPORTING THE FREE FLOW OF INFORMATION ACT

JULY 21, 2008.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, Russell Bldg., U.S. Senate, Washington, DC.

Re: S. 2035—The Free Flow of Information Act.

DEAR CHAIRMAN LEAHY: On behalf of the men and women across the country who work to bring the American people vital news and information, we, the undersigned media companies and organizations, thank you for your support and co-sponsorship of S. 2035, the Free Flow of Information Act. Your leadership in support of this bill has been invaluable in fighting to ensure that the American public has access to news and information about their government and the institutions that affect their daily lives. Protecting confidential sources through federal legislation has broad support on both sides of the aisle, in both chambers of Congress, and from state attorneys general across the nation.

The legislation is vitally important to the national interest, an informed citizenry, and a free and vibrant press. As you know last October, S. 2035 was favorably reported out of the Senate Judiciary Committee on a strong 15–4 bipartisan vote and is supported by the presumptive Republican and Democrat presidential nominees, Sens. John McCain and Barack Obama. A similar shield bill (H.R. 2102) passed by an overwhelming 398–21 vote.

Chairman Leahy, we appreciate your leadership and respectfully request that you do whatever you can to make sure that S. 2035 is approved by the Senate, without any further amendments that would weaken the well-reasoned protections in the bill.

Very truly yours,

ABC News, ABC Owned Television Stations, Advance Publications, Inc., A. H. Belo Corporation, Allbritton Communications Company, American Business Media, American Society of Magazine Editors, American Society of Newspaper Editors, The Associated Press, The Associated Press Managing Editors Association.

Association of Alternative Newsweeklies, Association of American Publishers, Association of Capitol Reporters and Editors, Belo Corp., Bloomberg News, CBS Corporation, Clear Channel, CNN, Coalition of Journalists for Open Government, The Copley Press, Inc.

Cox Television, Cox Newspapers, Cox Enterprises, Inc., Daily News, L.P., First Amendment Coalition of Arizona, Inc., Freedom Communications, Inc., Gannett Co., Inc., Gray Television, Hachette Filipacchi Media U.S., Inc., Hearst Corporation.

Lee Enterprises, Inc., Magazine Publishers of America, The McClatchy Company, The McGraw-Hili Companies, Media Law Resource Center, National Association of Broadcasters, National Conference of Editorial Writers, National Federation of Press Women, The National Geographic Society, National Newspaper Association.

National Press Photographers Association, National Public Radio, NBC Universal, News Corporation, Newspaper Association of America, The Newspaper Guild-CWA, Newsweek, The New York Times Company, North Jersey Media Group Inc., Online News Association.

Pennsylvania Newspaper Association, Radio-Television News Directors Association, Raycom Media, Inc., The Reporters Committee for Freedom of the Press, Reuters America LLC, E. W. Scripps, Society of Professional Journalists, Stephens Media LLC, Time Inc.

Time Warner, Tribune Company, truTV, The Walt Disney Company, The Washington Post, U.S. News & World Report, White House News Photographers Associations.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

ENERGY

Mr. DOMENICI. Thank you, Mr. President. I rise to talk about the subject that has to do with the energy legislation that has been pending before the Senate for I think 9½ days. I wish we would have had votes before this time because it is one of the most important, if not the most important, issues confronting the American people. I am going to speak about one of the amendments the majority has to offer with reference to the Energy bill.

First, I wish to say I have no doubt that both sides of the aisle—because we do know what the public is thinking, so I would think both sides do know the public has changed its mind dramatically about drilling for American oil. It wasn't too long ago that you were afraid to use the word ''drill.'' You had to use the word ''explore'' because drilling had a bad connotation. But when the American people got around to thinking about this idea that if we had more oil available and the world knew it and it was American and we could develop it, they knew that would require drilling. No matter how sophisticated the drilling has become with these giant offshore drilling pads which, if anybody had a chance to see one, such as I have, you would see what we can do hundreds of miles underwater, without any degradation of the environment, and how men can go to work with that equipment and build these giant facilities, where people can sleep while they maintain them.

Underground, they can drill 10, 12, even 14 wells, and they all get piped into 1 pipe, and there isn't any seepage. When we had the great hurricane, they showed pictures of the pipes underground moving with the current but not breaking. That is what is going to happen under the ground off the coast—producing billions of barrels of oil and trillions of cubic feet of natural gas. It belongs to us. Eighty-five percent of our coast is now closed.

We can speak about the fact we are already producing and already leasing, but 85 percent is not leased. Whatever is being talked about, saying that leases are there and not producing—I don't have enough time today, but I am going to explain why one of the amendments the majority has that talks about producing doesn't produce anything because it is supposedly one of these amendments that talks about drilling—drill it or lose it. That is already governed by a ''drill it or lose it'' condition in every lease. So nobody is out there operating with leases they are not using, because if they do, they lose them. They paid big money to get them so they can go down there and produce energy for us.

I rise to speak on the status of the debate on this bill and on an amendment the majority has put forth under the pretext of increasing our energy supply. That is what we have been talking about—increasing our energy supply. For the most part, all the amendments we have talked about wanting to offer are increasing our energy supply. The current energy crisis is derived from many factors, but the bill the majority leader has called up attempts to deal with only one of them: speculation. There is no question that speculation is not the whole problem. In fact, four of the most prominent leaders we have in matters economic and matters that pertain to securities and matters that pertain to such things as speculation have indicated the oil and gas prices are not driven by that but, rather, by supply and demand.

As I have said before, never in my 36 years in the Senate have I seen a problem so big met with a proposed solution by the majority leader that is so

small. Speculation is adding to the severity of our energy crisis, but without question, an imbalance between supply and demand is at the root of the problems we face.

The Republican caucus has proposed a number of solutions that measure up to the present challenge. Despite this, as we begin the eighth day of debate on this bill, we have not had a single substantive vote on it. The American people certainly deserve better, and we ought to be able to come up with something better. But that is the way the process is—7 or 8 days without voting on an amendment. For most of that time, the contention was that we could offer amendments. The truth is we could not because we would have had to withdraw some amendments the majority leader had offered, and certainly he would not have relished that.

For the past week, the other side of the aisle has told the American people to believe that Republicans are up to no good, and we are obstructing progress. The truth is we merely want to complete the work our constituents sent us here to do.

We know what Republican amendments seek to do. My legislation was introduced more than 12 weeks ago, and the Republican leader's bill was filed nearly 5 weeks ago. The Republican proposals clearly answer the question of how to produce more energy here at home while, at the same time, reducing the amount we consume. Our motto has been abundantly clear: find more and use less. We will, perhaps, be voting and giving everybody in this body an approach to do that. I hope when we make such agreement, we will have a clear opportunity to have votes on that kind of proposition.

What has been less clear, outside of the speculation-only bill now pending, is what exactly the Democrats are willing to do to reduce the energy prices. Despite stalling progress on a real energy bill, the other side has realized they must at least appear to support greater domestic production of energy. So late last week, 14 Democratic Senators introduced their own version of the Republican plan to find more and use less.

Now, finally, the text of that amendment is public. However, we know it falls short of its own goals. Gone from it are the windfall profits tax, price-gouging, and NOPEC provisions that were soundly discredited by energy experts and editorial pages of all ideological stripes. They were part of what was being tendered by the majority. They are gone from the proposal that 14 Senators from the other side of the aisle have offered.

In their place is a bill that would still bring no new energy to market. It does not open any new areas to exploration—or shall I say drilling? By increasing the fees applied to leases and preproduction requirements, it could actually drive up the cost of energy and lengthen the time it takes to get that energy to market. It would delay the development of one of America's most abundant energy reserves and increase our vulnerability to an interruption in oil supply.

In short, the majority party's new ''production'' proposal contains far more problems than it does solutions. It will not lower prices at the pump, it will not reduce our dependence on foreign oil, and it will not help resolve our energy crisis. That is the amendment that has been touted by Senator BINGAMAN and about 12 or 13 other Senators. Our dependence upon foreign oil will in no way be ameliorated, and it will not help resolve our energy crisis.

It is worth taking time on the floor to examine the substance of the proposal. The amendment is No. 5135, and it claims to address a number of so-called supply side issues, including lease duration, lease rentals, lease sales, resource estimates, the Roan Plateau, and the Strategic Petroleum Reserve.

I would like to take a few moments to address these issues.

On the duration of leases, the amendment shortens the amount of available time to complete all the activity leading up to and including drilling for oil and natural gas. This approach would fail to increase supply for several different reasons. It ignores the reason why it takes so much time to get a lease into production in the first place. Oil companies are not just wasting time, they are mandated to use up that time. It actually adds to the central cause of those delays by creating new bureaucratic requirements for writing ''diligent development plans.'' In other words, all they are doing and all they plan to do and all this wonderful work offshore that is out there, no thanks to the Congress and the President, because we kept most of it closed—85 percent is still closed—but within that 15 percent you see terrific development and tremendous facilities. They are following rules. If you had them in a witness room and asked them what rules they are following, they would explain to you it takes a long time to go from the bid day—the day you get that lease—until you can actually drill. They do everything possible to expedite, but some of the reasons for delay they can do nothing about; they follow the rules. There are environmental rules—sometimes duplicated, but they are there. This amendment I am speaking of, in an effort to say we are going to get more and squeeze more out of what is there, I imagine these people who own it at $1.35 are not interested in squeezing out the oil for America. They are interested in lollygagging. They paid money for the lease and they have money invested, but they are not in a hurry. So we have to pass a new diligent development plan requirement.

There are already as many as 39 permits, documents, and analyses that have to be done in the development of a lease. It is unclear how adding the 40th step will move the process any faster.

Next, the amendment seeks to increase rental fees that leaseholders pay to occupy Federal land. The increased fees that have been proposed would discourage companies from bidding on and subsequently exploring leases that contain marginally attractive lands. Increasing the cost of doing business is not the answer. Once you think about it, most Senators overwhelmingly will agree that we don't need to add to the fees. We don't need to add to the regulatory requirements. We need the opposite if we want more production.

The leader on the other side has an amendment that also attempts to alter the frequency of lease sales. This is appealing in principle, but as drafted the amendment merely pretends to speed up a process for areas where lease sales are already scheduled to take place or where lease sales have already been held without any interest from industry. In effect, this bill is attempting to take credit for something that was going to happen anyway or, worse, has already occurred without success.

What the amendment does not do is open any new areas to leasing, which is the fundamental change that is so desperately needed in our management of Federal lands. Energy companies should not be forced to drill when and where it is politically convenient; they should be allowed to drill where resources are most concentrated and when conditions most warrant their development.

Something of a pattern is becoming evidence here. And not surprisingly, it carries over to the so-called resource estimate—more new words and new bureaucracy—called for by this amendment. Predictably, the inventory contemplated by this amendment is only for areas that are already leased or are already open for lease sale.

Instead of conducting an estimate of the resources within already open areas and already existing leases, we should authorize a full inventory of the Nation's entire resource potential, including areas that have historically been kept off-limits. Only then can Congress make an informed decision. We must fully understand what our past energy policies have kept off-limits and how those resources could be used to meet our future needs. Again, the Democratic amendment avoids this very pressing task.

Another troublesome provision is the amendment's proposed swap of oil in the Strategic Petroleum Reserve. The sponsors would have 70 million barrels of light sweet crude—that is a specific type of oil that is very expensive and very versatile—they would have that released within 180 days and not replace it with fuel until as many as 5 years have gone. So had the Energy Committee not cancelled a hearing on this very topic last week, we might know if this proposal makes any sense at all. I suspect it does not.

Having watched the price of oil climb by $20 a barrel from around $127 to a

high of $147—and we are all grateful it has come down a little bit after deliveries of the SPR were suspended—it is highly unlikely that a short-term release of oil will reduce oil prices over any sort of time horizon.

I urge my colleagues to remember the purpose of SPR is to provide oil in the event of a supply disruption, not in the event of a price increase. In the event of an emergency, enactment of this provision would reduce our ability to cover import losses from 58 days to 52. Just imagine, the American people should know with all the troubles in the Middle East and the straits, with boats loaded with crude oil, many soon to be laden with natural gas, where they can pass—look at the danger that is there. Look at America's future in terms of what might happen there. Look at what might happen accidentally, much less intentionally.

We only have 58 days of Strategic Petroleum Reserve oil in the repository underground that we could use. The American people ought to be grateful—and I think they are—that we did this. We have 58 days to pump out that oil and use it if we are in one of these problems that could come about from an oil shortage on the world market because of accidents, war, conflagration, or the like.

The other side would take that and say: Let's take 6 days of that reserve and put that oil out for sale and that might lower the price of oil on the market and thus lower the price of gasoline. Anybody who sees that—we will show them the numbers later what that means—will know that is not producing a new source of oil, drilling for it or exploring it. It is nothing but a short-term use of our petroleum reserves for price reasons when it should never be used for that, and it won't work anyway.

The amendment has many other shortcomings. The most damaging provision to our energy security deals with the Roan Plateau in Colorado.

The way the language is drafted speaks for itself.

On page 26:

The Secretary shall include in any mineral lease . . . a stipulation prohibiting surface occupancy or surface disturbance for purposes of exploration for or development of oil and natural gas.

On page 29:

The Secretary may not permit through a lease or other means any exploration for or development of oil shale resources.

And then on page 30:

The Secretary may not at any time issue mineral leases on public land within more than one of the phased development areas.

These restrictions are somehow fit for inclusion, even after a finding on page 20 which asserts that ''the Roan Plateau Planning Area likely contains significant energy resources.''

Why were these provisions included in a title called ''Oil Supply and Management''? A plain reading of this language clearly demonstrates that it is the sponsors' desire to manage that plateau in such a way that its abundant energy resources will never be produced. In short, this is a production amendment which prohibits production.

What my colleagues across the aisle don't want you to know is that a lease sale including parcels on the Roan Plateau is scheduled for August 14, a little over 2 weeks from now. If this section were enacted into law, it would likely require the land use plan or the entire area to be redone, generally taking 2 to 3 years or more.

Let us not forget that the current plan for the Roan Plateau took 9 years to develop and that this provision could require that the process begin again from scratch and will eliminate any revenue from the coming August 14 lease sale which is already assumed in the budget at $100 million.

For all the shortcomings in this amendment, most revealing are the measures not included in it. There is no repeal of the restriction on regulations for commercial oil shale leasing. The other side has decided to stand by a ban that they imposed last year on that resource. There is no lifting of the congressional moratorium on the development of deep sea energy resources, despite the President already taking action to do so.

There is no mention of our Nation's vast domestic coal reserves which could be used to provide secure, affordable energy for decades to come.

And there is no repeal of section 526 which impairs the Defense Department's efforts to develop resources of alternative domestic fuel.

Taken altogether, this amendment and the underlying speculation-only bill that is before the Senate suggests that the majority is content to move on without having done anything to address the energy crisis. Nothing. We were faced with an effort to proceed to another matter this past weekend, and the Senate rightly voted to reject it.

Yesterday afternoon, we were again faced with another attempt by the majority to change the topic from what we were on to another topic. Again, the Senate rightly defeated that effort. I hope we continue to defeat efforts to move away from the No. 1 domestic issue facing the American people.

This issue deserves our undivided attention. There is nothing to be afraid of. We have ample time to write a good bill that makes real progress and provides real relief at the pump for the American people.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from New York.

Mr. SCHUMER. Madam President, I will be brief. I know Senator GRASSLEY has been waiting as well. I will not speak for very long.

I rise to speak about S. 2035, the Free Flow of Information Act, a bill that Senator SPECTER and I have spent a lot of time on, worked on, and is cosponsored by many in the House and notably Senators DODD and LUGAR who had a previous bill, as well as, of course, Senator LEAHY who led the charge on so many different issues and has been very helpful in us moving this legislation forward.

I am going to speak tomorrow when we address the bill, but I wanted to let my colleagues know of a substitute amendment that Senator SPECTER, I, and others will offer because it will modify the bill and meet some of the objections.

First let me say the bill is very much needed. We have to find the right balance between the free flow of information and the ability of reporters to get that information from those in Government and, at the same time, not be so far in that direction that we allow people to either break the law or harm the security of the United States.

This has been much more difficult than it appears to achieve, but we are very close. The bill codifies and standardizes existing tests used by Federal courts so that journalists, say, in Illinois are not subject to different treatment than journalists in California.

It certainly allows whistleblowers to be protected when they tell somebody about something untoward. We certainly don't want, if a test is being fixed in the FDA because a drug company wants it, to prevent some public servant in the Government from letting a reporter know to prevent harm. But at the same time, there is no absolute privilege and there are exceptions in terms of harming national security, acts of terrorism, and other matters, such as kidnaping or murder.

Again, I will talk about this bill at some length tomorrow. But I do want to go over some of the changes we have made so my colleagues are aware of them before we vote.

As I said, Senator SPECTER and I have put together a substitute which if we adopt the motion to proceed—and I hope we will—we will immediately offer, and that will be the base bill we will discuss. Let me talk about the changes made.

First, the intelligence community had concern that it would be too difficult to prosecute leaks of classified information. The new bill moves consideration of leaks of classified information from section 2 of the bill to section 5, and that removes two major hurdles for Federal prosecutors.

Under the new law, prosecutors will not have to prove any longer that they have exhausted all options for finding the information or that the information is essential to their investigation. These hurdles still remain in the Department of Justice internal guidelines, but the bill is not as strict in that regard.

The bill also no longer requires that the person who leaked the information was authorized to have it.

This substitute clarifies that the act will have zero impact on intelligence gathering under the Foreign Intelligence Surveillance Act. This bill does not affect FISA.

Third, the substitute explicitly provides that sensitive Government information will not be disclosed in open court. There was worry that under a whistleblower law, that might happen. We make it clear that security has to come first, but there also has to be balance in the test.

Four, the definition of a covered person—and this has been one of two areas of some controversy—has been narrowed to ensure that it protects only legitimate journalists, first used in the Second Circuit case of von Bulow v. von Bulow to determine who qualifies as a covered person. Someone who blogs occasionally is not going to get the protection here. Of course, someone on a blog who is a regular journalist but happens to use the blog as a medium will be protected. And that is how it ought to be.

Five, the substitute creates an expedited appeals process ensuring that litigation regarding whether the protection applies will be resolved as quickly as possible. In section 8, we expedite the appeals process.

These are the changes made. They make the bill better. The bill has the support of the journalistic community. It has the support of 41 sitting States attorneys general, both Democrats and Republicans. It is one of those rare bipartisan moments. It has the support of Senator OBAMA and Senator MCCAIN and, of course, passed out of the Judiciary Committee 15 to 4. A similar bill passed out of the House by 398 to 21 and, obviously, it has been endorsed by 100 newspapers. That is easy to say, but in this town both the Washington Post, a more liberal paper, and the Washington Times, a more conservative paper, have endorsed it.

This bill has taken lots of time and lots of work to achieve a careful balance. This is a rare moment, praise God, a broad consensus, and I hope we can move this bill forward tomorrow.

Madam President, I will speak at greater length tomorrow when we are on the bill, but I wanted to let my colleagues know the substitute changes which we will publish in the RECORD this evening so people will have a chance to look at it.

I yield the floor so that my colleague from Iowa can speak.

The PRESIDING OFFICER. The Senator from Iowa.

TAX POLICY

Mr. GRASSLEY. Madam President, 2 days ago, I came to the floor to talk about tax policy and the history of tax policy. I have come to follow up on that speech of 2 days ago to talk about the recent history of speeches that were made in past Presidential elections and the tax policy that was associated with those speeches and in another day or two, come to the floor to speak about the different tax policies between Senator OBAMA on the one hand and Senator MCCAIN on the other hand.

History is very important. Elections have consequences. Policy coming out of an election has consequences and eventually affects real people. The impact upon the voter of past elections, what people said in those elections, what happened after the election in policy, ought to be things people are taking into consideration for the upcoming Presidential election. As to that speech I gave 2 days ago, I want to go back and remind my colleagues of a couple of comments I made at that particular time.

At various times during the past 25 years, we have had times when Democrats have controlled both the Presidency and the Congress. There have been times when the Democrats have controlled Congress and we had a Republican President. And there have been times when we have had both a Republican President and a Republican Congress. Tax cuts or tax increases have resulted from that. And you find a pretty good pattern of when you have both a Democratic Congress and a Democratic President that you have big tax increases, as is the case in 1993—if you remember the big tax increase of 1993.

Then there are periods of time when we have had a Republican President and a Republican Congress and you can see tax decreases—very deep decreases in taxes. Then you have a period of time in here where there was a little flurry—some tax cuts, some tax increases—when we had a Republican President and a Democratic Congress.

So elections do have consequences. Another chart that would show it a little better and more specifically would be this thermometer chart, where we have it very clear that when you have times when you have a Democratic President and a Democratic Congress, you have some of the biggest tax increases in history. And that would be this figure. There are times we have had a Republican President and a Democratic Congress with some tax increases but a little bit less. There are times we have had a Democratic President and a Republican Congress with slight tax decreases.

When you have a Republican President, a Republican Senate, and a Democratic House, you have some tax decreases but not very much. Then you have times when you have a Republican President, a Democratic Senate, and a Republican House, and you have tax decreases but not by very much. Then you have times when you have a Republican President and a Republican Congress and you have deep tax cuts.

So what this chart shows—this thermometer—over the last 25 years, is that if you have Republican Presidents and Republican Congresses you have deep tax cuts. When you have Democrats controlling both the Presidency and the Congress, you have very rapid tax increases. So elections do have consequences.

I want to go now to a period of time of a specific election and the tax consequences that came as a result of that election. But I think you have to realize that the relationship is clear from the past 25 years: the more relative power Democrats have, the higher the probability of a tax increase. So Americans will need to think long and hard about campaign promises of tax relief as they consider their choices in this Presidential election. The reason is that history shows very clearly, if Democrats obtain the White House and control of Congress, taxes are certain to go up. And not just go up on the wealthy but across the board.

Today, I would like to follow up last week's discussion. This week, I want to focus on a campaign season most like this one and take a look at how the victors in that campaign used their taxing power once sworn in. The period I am thinking about is 16 years ago. Well, in 16 years you can learn a lot from history, and I think people ought to be reminded of it.

But before I get into details, I would like to say that I hope this election doesn't go the same way that it did 16 years ago because President Bill Clinton was elected. I want people to be clear that I am pulling for a Republican colleague, Senator MCCAIN, to defeat another one of our Senate colleagues, Senator OBAMA.

So let's turn the clock back to this time 16 years ago, and I have another chart. This chart considers the story of Rip Van Winkle, which I think is very appropriate during this period of time. You know the story about Rip Van Winkle. He was a person who slept for 20 years. Here is the chart showing Rip Van Winkle.

If you round up just a little bit, it is almost 20 years since that 1992 campaign, and you will see from this chart those events from a while ago might have led to a form of tax hike amnesia.

If we go back to the 1992 campaign—and I will show you eventually how this is pretty appropriate to the campaign coming up—in 1992, you find a very charismatic, a very likable, a very articulate young Governor from Arkansas barnstorming across the country. Bill Clinton was 46 years old, facing a 47th birthday in mid-August. He was widely acknowledged as the most talented public speaker on the Presidential scene since Ronald Reagan.

America had been in a recession at that time. Although it was not reported until after the election, which is something you might expect from our liberal media, the American economy had recovered in the latter half of 1992, but it was not officially announced until the day after the 1992 election, when all of a sudden the recession was over, just because of the election. But all during that election, reading the media, you would always be reminded about the recession we were in. But magically, election day 1992, 1 day later, and the recession was over.

The charismatic Democratic Presidential candidate promised to focus, in his words, ''like a laser beam'' on the economic ills that Americans worried about. In a key speech on June 21, 1992,

this ''different kind of a Democrat'' laid out his economic plan. He called the plan ''Putting People First.'' I am going to focus in a laser-like way on then-Governor Clinton's tax agenda that he announced for that 1992 campaign.

In that speech, candidate Clinton was very critical of the marginal tax rate relief that President Reagan had put into effect. To quote candidate Clinton:

For more than a decade, this country has been rigged in favor of the rich and the special interests.

And we still hear that today.

While the very wealthiest Americans get richer, middle-class Americans pay more to their government and get less in return. For 12 years, the driving idea behind American economic policy has been cutting taxes on the richest individuals and corporations and hoping their new wealth would ''trickle down'' to the rest of us.

That is a quote from his speech of June 21, 1992.

As a relief from this version of the middle-class squeeze, candidate Clinton proposed middle-income tax relief, and here is what he said:

Middle class tax fairness. Virtually every industrialized nation recognizes the importance of strong families in its Tax Code. We should too. We will lower the tax burden on middle class Americans by forcing the rich to pay their fair share. Middle class taxpayers will have a choice between a children's tax credit and a significant reduction in income tax rate.

Now, doesn't all of this sound very familiar to speeches that are going on this year? I have quoted from a June 21, 1992, speech given by candidate Clinton, but you would think that you are hearing exactly the same thing this year.

Now, let's get down to basic facts. The definitions of rich and middle class are always open. They probably vary from candidate to candidate and everything with intellectual honesty and where you might set rich and where you might set middle class. A person who is rich in Mason City, IA, might be middle class in New York City.

An irony I continue to notice around here relates to this point. It seems as if the politicians from the highest income, highest cost of living, highest taxed States seem to be the most obsessed with raising taxes on their Presidential candidate's definition of the rich. In this case, I am referring to a single person who makes $125,000, or double it for a married couple to $250,000. That seems to be the dividing line between the rich and other people, according to the 2008 Democratic Presidential candidate.

Now, is $250,000 a rich family in Manhattan? Is $250,000 a rich family in San Francisco? Is $250,000 a rich family in Chicago? Is $250,000 a rich family in Boston? By the definition of Senators from those areas, I guess I would have to say it is. Do those families in those cities know they are rich and that their Senators think they pay too little tax?

But I digress. In candidate Clinton's economic plan that was announced on June 21, 1992, the rich were—put another way—the top 2 percent income earners in the United States. On September 8, 1992, candidate Bill Clinton said:

The only people who will pay more income taxes are the wealthiest 2 percent, those living in households making more than $200,000 per year.

By definition, you would think under candidate Clinton's plan that everybody below that level of 2 percent, or $200,000, is either middle class or low income. Now, remember what I said that he said—the only people who will pay more income taxes are the wealthiest 2 percent—because I am going to show you, after being sworn in, how that turned out to be a heck of a lot more people than the wealthiest 2 percent.

On January 20, 1993, President Clinton was inaugurated. Democrats retained their solid majority, 56 to 44, in this body. Although losing 9 seats in the U.S. House, the Democrats retained a heavy majority of 258 to 176. Once elected, the Democratic White House and the Democratic Congress converted the campaign economic plan, as you would expect them to, into a legislative blueprint. A key feature of the program, the middle-class tax cut, was thrown to the side.

On January 14, 2003, at a press conference, President-elect Clinton stated:

From New Hampshire forward, for reasons that absolutely mystify me, the press thought the most important issue in the race was a middle-class tax cut. I never did meet any voter who thought that.

Now, how do you reconcile the contents of the economic plan and the shift in position after the election? Pulitzer Prize winning author Bob Woodward—who I think has a great deal of respect among most people of the Senate—wrote a comprehensive book about the first part of the Clinton administration. It was titled ''The Agenda.'' Mr. Woodward, of the Washington Post, described it this way:

While Clinton continued to defend his middle-class tax cut publicly, he privately expressed the view to his advisers that it was intellectually dishonest.

That is Woodward saying that, not CHUCK GRASSLEY. The late journalist, Michael Kelly, in an article in the New York Times, explained how the newly elected President planned to ''escape'' from his middle-class tax cut campaign promise. Here is what Mr. Kelly wrote, in part:

[T]he President built himself an escape hatch a little less than a month before Election Day. Every time Clinton said ''I'm not going to raise taxes on the middle class,'' he always added the phrase ''to pay for my programs,'' said a chief political adviser to the President, who spoke on condition of anonymity. He never, never, said just, ''I will not raise taxes on the middle class.'' He always said ''I will not raise middle-class taxes to pay for my programs.''

Madam President, I want to have Mr. Kelly's article printed in the RECORD. I ask unanimous consent to do that.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 26, 1993]

POLITICAL MEMO; RE-EXAMINING THE FINE PRINT ON CLINTON'S TAX PROMISES

(By Michael Kelly)

At a time when the public has repeatedly shown its distaste for the maneuvers and machinations of politics, President Clinton's White House is banking on a five-word loophole to save it from voter outrage should Mr. Clinton propose a broad-based energy tax.

During the campaign, Mr. Clinton promised tax cuts for the middle class. Now Mr. Clinton and his chief economic advisers are backing away from the tax cut and strongly hinting that an energy tax will hit the middle class the hardest.

''They campaigned on a middle-class tax cut and then four days into a new Administration the chief economic spokesman is talking about a middle-class tax increase,'' said Robert S. McIntyre, director of Citizens for Tax Justice, a liberal research group. ''That's a flip-flop.''

Although Vice President Al Gore and Treasury Secretary Lloyd Bentsen have mentioned the possibility of an energy tax in recent interviews, the President and his advisers insisted today that their economic plan was still under discussion and that no decision had been made.

Still some Clinton advisers say they are not worried about public outrage. They say the President built himself an escape hatch a little less than a month before Election Day.

''Every time Clinton said 'I'm not going to raise taxes on the middle class,' he always added the phrase ''to pay for my programs,'' said a chief political adviser to the President, who spoke on the condition of anonymity. ''He never, never, said just, 'I will not raise taxes on the middle class.' He always said 'I will not raise middle-class taxes to pay for my programs.' ''

By this logic, the adviser said, Mr. Clinton's legalistic construct was a ''distinction with a difference'' that allows him ''the opportunity he now has'' to raise taxes without incurring voter wrath.

But of late that sort of politics-by-loophole has not been playing well.

In 1990, President George Bush signed an agreement with Congress that obliged him to break his ''read my lips'' campaign promise of 1988 not to raise taxes. Mr. Bush and his advisers reasoned that voters had never taken his promise seriously in the first place and would forgive its being breached. The voters reacted with far more anger than understanding, and Mr. Bush never regained their trust when the economy turned sour.

In recent weeks, the gulf between Washington's view of what constituted acceptable behavior and that of many voters was again demonstrated in the matter of Zoe Baird. Mr. Clinton pressed forward with his choice of Ms. Baird as Attorney General despite the disclosure that she had once hired illegal aliens. Mr. Clinton and his advisers figured voters would forgive Ms. Baird what they considered a small transgression in an otherwise impressive career.

The voters, recalling Mr. Clinton's emotional promises to run a Government for the ''people who pay their taxes and play by the rules,'' saw him as trying to give a break to a rich woman who had done neither and forced Ms. Baird's withdrawal. Some See a Liability.

Mr. Clinton's aides know full well that Mr. Bush's mistake helped cost him his job. But they still contend that Mr. Clinton is protected by his escape clause. ''People won't get away with saying Clinton promised that

he was not going to raise taxes and then did,'' the adviser said. ''He had many opportunities to make a 'read my lips' statement, and he did not.''

Some outside the Clinton camp disagree strongly with that logic, however.

Kevin Phillips, a Republican political analyst who charted the rise of middle-class anger in the late 1980's and spared no criticism of Mr. Bush's broken promises, said: ''At the most recent count, only 800,000 Americans were lawyers, and I don't think the 248 million or so who are not lawyers are going to buy a caveat stuck on in the middle of a passionate plea to the middle-class voters that they should vote for him because he was going to save them. Talk about reading his lips.''

Mr. Clinton introduced the escape clause on taxes for the middle class before a national audience in an Oct. 19 Presidential debate in Richmond. ''I will not raise taxes on the middle class to pay for these programs,'' he said. 'Very Conscious Decision'

Listeners without the benefit of law-school training might have taken that as a pledge to not raise taxes on the middle class. But the President's adviser said Mr. Clinton had purposefully used, and reiterated, the phrase ''for these programs'' to allow himself a way out of what careless voters might have thought they had been promised.

''It was a very conscious decision on his part,'' the adviser said. ''I can tell you this from strategy sessions and debate prep sessions. The idea of a flat-out promise of 'I will not raise taxes on the middle class, period,' was rejected by the President. He refused to allow himself to be boxed in that way.''

The matter of the escape clause illustrates a larger point about Mr. Clinton that has become increasingly Obvious: It is always wise to read the fine print. The fine print of Mr. Clinton's promise on the tax cut for the middle class was quite different from the broad thrust of his oratory on the subject.

For a year, the Democrat campaigned on a platform of economic renewal in which the Federal deficit could be halved in four years rather painlessly by raising taxes on rich people and foreign corporations and by improving the way Government programs are managed.

In ''Putting People First,'' Mr. Clinton's often-touted plan for American renewal, the candidate promised: ''We will lower the tax burden on middle-class Americans by asking the very wealthy to pay their fair share. Middle-class taxpayers will have a choice between a children's tax credit or a significant reduction in their income-tax rate.''

On July 13, speaking to reporters in New York, Mr. Clinton said flatly, ''I'm not going to raise taxes on the middle class,'' according to reports by The Chicago Tribune and the Reuters news service. On the same day, in an interview shown by Cable News Network, he said, ''I don't think we should raise middle-class individuals' taxes, because their income went down and their tax rates were raised'' in the 1980's.

But in the fall campaign, when his words were scrupulously followed by a larger audience, Mr. Clinton took more care. After the Richmond debate, he regularly re-stated the position that his promise to the middle class was only that he would not raise their taxes ''to pay for these programs.''

Mr. GRASSLEY. While the middle-class tax cut was discarded, the definition of the group subject to a tax increase, ''the rich,'' expanded. According to a distribution analysis by the nonpartisan Joint Committee on Taxation, the taxpayers above $20,000 in income received a tax increase. So no longer was it just taxing the top 2 percent richest people in America. That was when you were campaigning for President. When you get to be President, it is $20,000.

It was true that taxpayers above $200,000 go up far more than other groups. But generally taxpayers above $20,000 saw their taxes rise.

Madam President, I ask unanimous consent to have printed in the RECORD a copy of the joint tax distribution analysis of the 1993 tax bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DISTRIBUTIONAL EFFECTS OF THE REVENUE PROVISIONS CONTAINED IN THE OMNIBUS BUDGET RECONCILIATION ACT OF 1993 AS AGREED TO BY THE CONFEREES

[103 income Levels]

Expanded income class [1]	Present-law Federal taxes [2] Billions	Present-law average tax rate [3] Percent	Proposed change in tax burden [4] Millions	Burden change as a share of income Percent
Less than $10,000	$9	10.4	−$1,152	−1.28
10,000 to 20,000	39	11.9	−993	−0.30
20,000 to 30,000	72	17.0	94	0.02
30,000 to 40,000	86	19.1	949	0.21
40,000 to 50,000	93	20.9	1,271	0.29
50,000 to 75,000	201	22.3	3,517	0.39
75,000 to 100,000	120	24.6	2,653	0.54
100,000 to 200,000	142	26.6	4,598	.85
200.000 and over.	168	30.2	29,663	5.39
Total, all taxpayers	$930	22.1	S40,800	0.97

[1] The Income concept used to place tax returns into income categories is adjusted gross income (AGI) plus: [1] tax-exempt interest, [2] employer contributions for health plans and life insurance, . [3] employer share of FICA tax, [4] workers' compensation, [5] nontaxable Social Security benefits, [6] insurance value of Medicare benefits, [7] corporate income tax liability attributed to stockholder, [8] alternative minimum tax preference items, and [9] excluded income of U.S. citizens living abroad.

[2] Includes individual income tax, FICA and SECA tax, excise taxes, estate and gift taxes, and corporate income tax.

[3] Present-law Federal taxes as a share of expanded income.

[4] includes all revenue invasions except individual and corporate estimated tax changes, Information reporting for discharge of Indebtedness, targeted jobs credit, capital gains incentives, provisions affecting qualified pension plans, mortgage revenue bonds, low-income housing credit, luxury tax provisions, excise tax on diesel fuel used in noncommercial motorboats, empowerment zones and enterprise communities, vaccine excise tax, GSP and FUTA extensions, transfer of Federal Reserve funds, deduction disallowance for certain health plans, orphan drug credit, and diesel fuel compliance.

Mr. GRASSLEY. That comprehensive tax increase went into effect on the strength of Democratic votes only. I was here and I remember that. You could look at it as the consequences of the confidence in the large Democratic majorities in Congress, and a newly elected Democratic President. Basically, however, there was no check on one political party's agenda. If that agenda is to raise taxes and increase spending, then it is not a surprise.

Mr. Kelly's article notes the adverse reaction of a prominent player of the leftwing in this town. This is a Mr. Robert S. McIntyre, who was very active in causes that you consider liberal. Quoting from Mr. Kelly's article, this is what Robert S. McIntyre, director of Citizens for Tax Justice, a liberal research group, had to say.

They campaigned on a middle-class tax cut and then four days into a new Administration the chief economic spokesman is talking about a middle-class tax increase. That's a flip-flop.

That is the end of the quote of Mr. McIntyre, quoting from Mr. Kelly's article.

Most folks are unhappy about flip-flopping politicians. Fishermen may like a flip-flopping fish that they brought into the boat. This photo is the best fish I could find to demonstrate that. That is about the only kind of flip-flopper that would be received positively. If a politician flips from a tax cut promise to a tax hike, you can bet most folks will consider that move a flop in more ways than one.

All of this happened almost 16 years ago, but it is relevant for this year as we go into a debate on taxes for this campaign. During almost 14 years since Republicans have held either the White House or the Congress or both—and this chart shows, as I pointed out once before, Congress and the President have generally reduced the tax burden. That is during this period of time, when Republicans controlled both the House and the Senate.

It has been a long time, almost 15 years since the American people have seen a large tax increase, going back to the period of time when the Democrats controlled both the Presidency and the Congress.

Then I remember right here on the floor, because I was here when he said it, the then-Finance Committee chairman Pat Moynihan termed the 1993 tax bill:

. . . the largest tax increase in the history of public finance in the United States or anywhere else in the world.

Philosopher George Santayana said words to the effect that history repeats itself, and if you do not learn from history, you are bound to repeat the mistakes of the past. A risk Americans face, if we hand over all the reins of power to the Democratic Party, is to repeat the history of 15 years ago.

I am a Republican. I know what polls show. They show right now that the

electorate trusts Democrats more than Republicans on tax policy. But the 1992 campaign shows that if you listen too much to what is said in the campaign, it doesn't necessarily come out that way in the election. So I raise the question, during the debate of 2008, in the Presidential campaign, are we headed in the same direction? Are we going to hear all the talk about taxing nobody but the rich but end up doing as we did in 1993, taxing the middle class?

Our tax increase amnesia may lead us in that direction. We could find ourselves then being like Rip van Winkle. We will hear dreamy rhetoric about hope and about change. It will be clothed in a slumber of middle-class tax relief and tax increases on only the rich, as it was in the campaign of 1992. We could awaken from that slumber, our tax increase amnesia would probably fade, we could wake up to another world record tax increase.

I know what the folks who put in place that world record tax increase will say. They will defend it by arguing that it cut the deficit. They will argue that by cutting the deficit and moving to a surplus, that interest rates dropped. While it is true the fiscal situation went from deficit in 1992 to surplus in 1999, there were many other factors involved and a tax increase was not the biggest reason for it.

First, supporters of the 1993 bill touted it as a dollar of spending cuts matched by a dollar of tax increase. If you were a taxpayer, wouldn't you buy that? Pay one more dollar and get a dollar decrease in expenditures? But, you know, it doesn't work out that way. A close look at the numbers shows the bill contained $4 of tax increase to every $1 of spending cuts.

I ask unanimous consent to have a summary of the Senate Finance Committee Republican staff analysis dated June 28, 1993, printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMPARISON OF TAXES/FEES, SPENDING CUTS AND RATIOS IN FINAL BUDGET RECONCILIATION BILL

[In billions of dollars over five years]

	Democrats	Republicans	In this bill
Taxes and User Fees:			
1. Net Tax Increases	$240	$240	$240
2. User Fees	0 (with mandatory spend. cuts)	15	15
3. Total-Taxes & Fees	240	255	255
Net Spending Cuts:			
1. Mandatory programs	88	65	55
2. Cap on discretionary programs	102	66	0
3. Spending outside of caps not in this bill	0	−11	0
4. Interest savings	65	*0	0
5. Total-Spending cuts	255	120	65
Ratio of taxes/fees to spending cuts	.94 to 1	2.13 to 1	3.92 to 1

Preliminary estimates as of August 4, 1993.

*Note: Republicans believe the interest savings are about $53 billion, not $65 billion as claimed by the Democrats. Zero is shown in the chart because interest savings are not counted as a spending cut in figuring the ratio.

Mr. GRASSLEY. I have another chart to back up what I say, that the tax increase was not responsible for the deficit going down. The chart shows the source of deficit reduction from 1990 through the year 2000. The tax increase represented only 13 percent, just 13 percent of the deficit reduction during that period. Other revenue, mainly from economic growth and defense spending cuts, made the deficit decline.

Even with the 1993 bill in effect, 2 years later the Congressional Budget Office projected President Clinton's budget as producing significant deficits as far as the eye could see.

But several events not related at all to the 1993 tax increase pushed the budget toward surplus until 1999. First, Republicans attained control of Congress in 1994 and made a deficit reduction a priority. Year after year, Republican Congresses resisted Democratic efforts to spend over tight budget caps placed in the Republican budget. Most often, President Clinton would extract additional spending in the end deal. Republican resistance, however, to popular Democratic spending proposals often had political consequences for Republican Members.

Second, revenues, especially capital gains revenues, grew after the bipartisan Tax Relief Act of 1997. The centerpiece of that bill was, ironically, a middle-class tax cut in the form of a $500-per-child tax credit. The child tax credit was a fundamental part of the Republican Contract With America.

Another key component of that bill was a reduction in the top capital gains rate from 28 percent down to 20 percent. It is down to 15 percent now, as a result of the 2003 tax bill, but then it went from 28 down to 20 in 1997.

As I said, there was a widely documented significant growth in capital gains revenue after that rate reduction in 1997, as there was with the rate reduction in 2003. Indeed, even the Clinton Treasury scored the reduction as a revenue raiser and was more than vindicated.

Finally, external factors aside from tax policy led to revenue growth. Free trade opened more markets to American goods and services. The Internet bubble started to form. It was burst in 2000 with the collapse of the NASDAQ and the business cycle yielded an economic expansion after the 1991 recession ended.

Economist J.D. Foster has documented this data. I commend to my colleagues WebMemo dated March 5, 2008, available on the Internet at www.heritage.org/Research/Taxes/wm1835.cfm.

At the end of the day, the justification for the tax flip-flop in 1993 mattered not one whit. Supporters of the 1993 tax hike can offer whatever reason they want for the record tax increase. A flip-flop of that size is, in fact, a flip-flop.

What they cannot dispute is their Presidential candidate promised a middle-class tax cut. Once they had the White House and congressional control, the other side abandoned the tax cut promise, raised taxes on Americans—not just above $200,000 a year but from $20,000 up.

That is not a tax cut. That is a middle-class tax increase. So, once again, like Rip Van Winkle, taxpayers do not want to wake up to that tax increase.

As a minimum, as the Presidential campaign unfolds, Americans need to keep this very clear history in mind. We need to probe the candidates in 2008 on where they want to go on tax policy so what they say in 2008 is done in 2009, not a repeat of what was said in 1992 and what was done in 1993. We need to be careful not to leave escape hatches on favorable sounding tax cut campaign promises.

In that vein, I will follow up on this discussion and the prior discussion with a later speech that concentrates on where each Presidential candidate stands this year on tax issues. I will examine these positions in the light of this history I have discussed—of the likelihood of each side, whether they will deliver on campaign tax policy positions.

To sum up, we are hearing from a very articulate and attractive Democratic Presidential candidate. On tax issues, as we heard 16 years ago from the soon-to-be President at that time, Bill Clinton, we are hearing a proposal to tax the rich this year to provide tax cuts for the middle class. We are hearing that this year.

The Presidential candidate on the Republican side has a different message. We need to explore that as well. His message, consistent with a Republican position for almost 30 years, has

been to continue progrowth, low levels of taxation. In light of history I look forward to discussing the two competing visions of tax policy in the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, I ask unanimous consent to speak for up to 10 minutes, to be followed by Senator WHITEHOUSE from Rhode Island for 30 minutes, to be followed by Senator BROWNBACK for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY

Mr. CRAIG. First and foremost, let me thank the Senator from Rhode Island for his courtesy. We have been moving back and forth throughout the last number of days of debate. My presence on the floor allowed him to offer the courtesy—and I greatly appreciate it—to speak for 10 minutes ahead of him. He would be entitled to be next. I thank him for that.

Let me speak to what Senator GRASSLEY has spoken to briefly in saying that the ranking Republican on the Finance Committee has spoken very clearly on the critical nature of tax policy to the economy. While that is valid, there is a tax at this moment in time that is being charged every consumer in America who buys gasoline at the gas pump. It is the tax of nonproduction. It is the tax of public policy that has denied our great country its continued ability to produce the necessary supply of energy to the phenomenal economy we have.

As a result of our failure to continue public policy that allowed production over the last 20 years, Americans are paying a higher price, a higher energy tax today at the pump than ever in our history; $4.10, $4.15, $4.20 gas is at this moment the No. 1 issue in America, not only taxing the pocketbooks of the average consumer but taxing the average family in a way that they not only feel less secure today because their energy bill has gone up over 20 percent this year but because we have a Congress stalled out at this moment. We have a Senate that is denying its responsibility to the American people to pass public policy that will allow us to continue to produce and, hopefully, drive down the price of oil.

In the absence of that kind of policy, what has happened in the last 6 months as energy prices have gone through the roof? American consumers have driven 40 billion less miles. They are voting with their feet at this moment and voting to stay away from the gas pump. As they stay away from the gas pump, as they drive less, as they conserve, not only are they changing the economy of our country, they are changing their lifestyles. I don't think they are very happy about it. In fact, those I talk to back home in Idaho are very angry about it. But they are having to do something to avoid the phenomenal tax energy has placed on the American family.

What happened in the last 2 weeks? Oil prices, world oil prices have begun to drop. They are dropping not because of increased supply, not because the Senate has done anything, but because the American consumer has said: We can no longer afford this. They are backing away from the pump and changing their lifestyle. It is truly an issue of supply and demand. Supply hasn't gone up in the last several months but demand is dropping.

Not only is demand dropping in our economy, it is dropping in Western Europe. It is dropping in Spain and Denmark, where there are significant recessions or downturns in the economy underway. In China and India, which have become the new large consumers of oil, our economy's slowdown is going to situate a slowdown in the Chinese economy, which has become a major supplier of goods to the American economy. That is just around the corner.

So are we going to be lulled into a sense of false security if energy prices over the course of the next several months drop below $4 a gallon and into $3 a gallon? Will the American consumer heave a sigh of relief and say: Crisis over?

I hope they don't. Here is why I hope they don't. It is very clear from this graph. This is a graph from 1890 to 2030 about the overall supply of oil in this country. Starting in about 1950, a very interesting pattern emerged that grew rapidly until today, when we buy our oil, 70 percent of it, from some other country; in other words, we don't supply it. We could supply it. We have the oil reserve under the ground. But for political purposes, we have denied ourselves, our market, our producers the right to go there and get it. Here is what has happened. The dependency has grown so that we are now nearly 70 percent dependent on foreign sources of oil. We are less secure today. We get whipsawed in the world market because oil is priced as a world commodity and now, in the last decade, China and India have entered the market in ever greater demand.

What I want to show next is a bit of a complication but it is true in the oil markets of today. Why do I know about it? I have been in Congress 28 years. I have spent a fair amount of time dealing with energy. All during that time, I have argued that if you don't produce, someday something would happen—it is called a breakpoint—that breakpoint would occur, and American consumers would all of a sudden find a phenomenal ramp-up in the price of energy at the pump, that tax I am talking about, that 20 percent hike in the cost of energy that American public policy produced for the American consumer in the last year.

Here is the chart. The dark area is U.S. production from 1970 to 2005. That is what we were producing. I shouldn't say just U.S. production; it was overall world demand production. What is interesting about it, this little green margin at the top was surplus supply. In other words, it was available. The market wasn't demanding it, but if the market demanded it, you could turn on a pump, turn a valve on a well somewhere in Saudi Arabia, probably, or maybe Venezuela, and you had spare capacity in the market. But as you will notice, this green margin, this spare capacity margin in world supply began to rapidly narrow starting in about 2000 through 2005. That is when China and India were entering the market at ever greater capacity because their economies were growing. They were becoming more wealthy, and they were using oil as a part of the energy supply to produce the goods and services they were selling to the world market. During that time, we were not expanding world capacity. So the margin, if you will, the bumper wasn't there anymore. Come 2005, we were nearly at a breakpoint. Beyond that, here is the rest of the story, and we know it today. There is no spare capacity out there. There is no way we can offset increased demand. So consumers in America and all over the world are starting to compete for the substance of oil by higher prices.

That is why for the last 2 weeks we have been on the floor talking about the ability to increase supply against ever-growing demand. But the market forces are at work. That demand has slipped off a little bit. Why? Because of that high tax at the gas pump. That doesn't mean it will go away, not at all. China and India are still consuming at ever-higher rates. They are simply going to grab that which we are not using today in the world market. So when our consumers want to come back to the market, when prices drop a little bit, will there be more oil in the market? There is a strong possibility there may not be, unless this Congress recognizes the error of its ways and allows us to get into the business of production again.

We have put off limits all around the United States vast quantities of oil that I and the world believe we ought to be producing. Guess what the American consumer is saying. In the State of Florida, where maybe a year ago or 2 years ago, 70 percent of Floridians would have said: Don't drill off our shore, I am being told by legitimate polling today that 70-plus percent of them are saying: Drill, produce. In fact, we believe that by the end of the week or early next week, the American people will see credible polling data that says nearly 80 percent of the American people are saying: You go produce that oil. Why are you asking foreign nations to supply it? We have the oil. Why aren't we drilling it?

You hear the argument here on the floor: My goodness, it would take 4, 5, 6 years to bring that oil online. I suggest that it wouldn't take 4 or 5 or 6 years. We know the oil is there, maybe 2 billion barrels of oil and literally hundreds of trillions of cubic feet of

gas. Here are the pipelines. Here are refineries. Here is the infrastructure that could take this oil immediately out of what we call the eastern Gulf of Mexico, off the coast of Florida, and bring it into production within 2 to 3 years.

What does the marketplace say? What does that buffer out there, that green line on that other chart say, if, in fact, we were to do that? It would say: My goodness, there is now potentially spare capacity in the market, and prices begin to drop. No, we can't produce our way out of a crisis, but we can lessen the crisis while the American economy and technology are taking us to new forms of energy and to new ways to supply transportation.

I hope the Senate faces the reality that we have to get this country producing again. If we do, we can say to the American consumer: We will lower your tax burden at the gas pump, and we are going to create once again the kind of flexibility the American consumer has in their family budget. You lower the gas price, you lower the tax at the pump. That is the reality of what we are doing. It is a very real tax today. It has frightened the American consumer, and it has put our Nation in a state of insecurity.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

EPA ADMINISTRATOR STEPHEN L. JOHNSON

Mr. WHITEHOUSE. Madam President, I rise to speak about a matter that I very much regret being here to discuss, but events have driven me to this point and, with me, the chairman of the Environment and Public Works Committee, Mrs. BOXER, Senator KLOBUCHAR, and others as well.

For most of its nearly four-decade history, Americans could look to the Environmental Protection Agency for independent leadership, grounded in science and the rule of law. It was an agency whose clear mission was to protect our environment and health.

At its very founding, EPA's first Administrator, William Ruckelshaus, stated unequivocally:

> EPA is an independent agency. It has no obligation to promote agriculture or commerce; only the critical obligation to protect and enhance the environment.

During the tenure of Administrator Stephen Johnson, we have seen that clear mission darkened by the shadowy handiwork of the Bush White House, trampling on science, ignoring the facts, flouting the law, defying Congress and the courts, while kneeling before industry polluters, and all for rank and venal purposes. Under Administrator Johnson, EPA is an agency in distress, in dishonor, and in bad hands.

Events last week have shed new light on the extent of the damage done to this great agency, but the evidence of Mr. Johnson's dismal record has been growing for many months. The charges are serious and fall in three separate categories: his repeated decisions putting the interests of corporate polluters before science and the law, even when it puts at risk our environment and the health of American people; his deliberate actions to degrade the procedures and institutional safeguards that sustain the agency; and his apparent dishonesty to us in testimony before Congress.

The particulars are these. Count 1: On pollution from ozone, the EPA, under Administrator Johnson, departed from the consistent recommendations of agency scientists, public health officials, and the agency's own scientific advisory committees and instead set an ozone standard that favored polluters. The standard he set was inadequate to protect the public, especially children and the elderly, from the harmful effects of ozone pollution, from asthma and lung disease.

Indeed, it was so inadequate that EPA's own Clean Air Scientific Advisory Committee took the unique step of writing to the Administrator to state that they ''do not endorse the new primary ozone standard as being sufficiently protective of the public health'' and that the EPA's decision ''fail[ed] to satisfy the explicit stipulations of the Clean Air Act that you ensure an adequate margin of safety for all individuals, including sensitive populations.''

Setting this inadequate ozone standard against the evidence was a dereliction of Administrator Johnson's duty to the Agency he leads and of EPA's duty to protect the health of the American people.

Count 2: On pollution from lead, Administrator Johnson has proposed a standard that fails to sufficiently strengthen the regulation aimed at limiting exposure to lead pollution.

Lead has poisoned tens of thousands of children in Rhode Island and many more all over the country. Both an independent scientific review panel and EPA's own scientific staff recommended a lead standard of no greater than 0.2 micrograms per cubic meter. Yet Administrator Johnson proposed a range of 0.1 up to .05 micrograms—2½ times.

Mr. Johnson further diluted even that lax standard by using what public health advocates have labeled ''statistical trickery''—statistical trickery—allowing polluters a longer period of time over which to average the amount of lead they discharge into the air.

Again, by not adequately protecting children from lead, Administrator Johnson was derelict in his duty to his Agency.

Count 3: On pollution from soot, technically called ''particulate matter,'' Administrator Johnson bowed to pressure from industry and failed to strengthen a decade-old standard limiting particulate matter pollution from smokestacks.

Again, the Agency's own scientific advisory committees had called for a tougher standard to protect public health. Again, Administrator Johnson yielded to polluters. Again, Administrator Johnson failed in his duty to the Agency he leads.

Count 4: On vehicle tailpipe emissions, Administrator Johnson denied a waiver that would have allowed the State of California, my State of Rhode Island, and many other States to enact strict restrictions on global warming pollution from automobiles.

EPA staff indicated in briefing materials that ''we don't believe there are any good arguments against granting the waiver.'' EPA lawyers cautioned the Administrator that all of the arguments against granting the waiver were ''likely to lose in court.'' Yet Administrator Johnson issued an unprecedented denial of that waiver.

I will separately discuss my grave concerns about the Administrator's testimony on this matter. I believe he has lied to us. But for this purpose now, looking only at the substantive outcome, in ignoring the law, the dictates of science, the recommendations of his regulatory and legal staff, the role of Congress, the wishes of the States, and the welfare of the American people, Administrator Johnson failed again in his duty to the Agency he leads.

Count 5: On global warming pollution, in defiance of the Supreme Court's decision in Massachusetts v. EPA, Administrator Johnson has failed to take action after the Court's ruling that EPA has the authority, under the Clean Air Act, to regulate greenhouse gas emissions that pollute our air and warm our planet.

It is now nearly 18 months since the Court's decision, and the EPA has shown no indication it will act before President Bush leaves office. In ignoring a ruling of this Nation's highest Court empowering him to act on a matter important to the public health of Americans, Administrator Johnson again failed in his duty to the Agency he leads.

But it was not enough for Administrator Johnson to rule for the polluters on pollutant after pollutant.

Administrator Johnson has also systematically dismantled institutional safeguards and processes that protect his Agency's integrity and guide its mission.

Jonathan Cannon served at EPA during the Reagan, George H.W. Bush, and Clinton administrations. He warns of ''extreme friction within the agency and institutional damage . . . demoralizing the legal staff, and . . . further separating staff from the political leadership at the agency.'' We saw similar sabotage of institutional safeguards in the Gonzales Department of Justice, and this institutional damage raises four further charges, taking us to count six.

On the question of the Agency's legal integrity, under Administrator Johnson, the EPA offered legal arguments for its insufficient pollutant standards so shallow they provoked ridicule by the courts that heard them. When EPA tried to defend its weak mercury cap-and-trade system, the DC Circuit Court of Appeals—which, as we know, is hardly a liberal bench—accused the Agency

of employing the ''logic of the Queen of Hearts'' in attempting to evade the intent of Congress and the clear meaning of the Clean Air Act.

The same court said EPA's argument under the Clean Air Act allowing power companies to avoid upgrading their pollution control technologies made sense only in ''a Humpty Dumpty world.'' In adopting ''Wonderland'' legal analysis that contravenes the clear will of Congress and embarrasses his Agency before the courts, Administrator Johnson failed again in his duty to uphold the mission of the Agency he leads.

Count 7: On the integrity of EPA's scientific advisory boards, Administrator Johnson did not just ignore these boards' recommendations, he willingly allowed those panels to be infiltrated by the very industries they are meant to regulate and control.

For example, an employee of ExxonMobil served on the panel to assess the carcinogenicity of ethyl oxide—a chemical manufactured by ExxonMobil.

Another scientist received research support from Dow Agro and served on that panel, even though ethyl oxide is also manufactured by Dow Agro.

A scientist whose research was funded by American Cyanamid and CYTEC sits on the EPA panel on acrylamide, which is manufactured by American Cyanamid and marketed by CYTEC. EPA did not see any conflict of interest.

But at the beck and call of the American Chemistry Council, an industry lobby group, Administrator Johnson removed Dr. Deborah Rice, a prominent toxicologist, from a scientific review board investigating chemicals used in common plastic goods.

The industry argued that she had a conflict of interest. Incredibly, the conflict of interest was that, at a public hearing in the State of Maine, as a representative of the State's Government, Dr. Rice had stated her professional opinion regarding the dangers associated with these chemicals. The industry did not like her professional opinion. Not only was Dr. Rice removed from the panel, but in a particularly Orwellian maneuver, the fact that she had ever been on the panel was stricken from the advisory committee's records.

In packing EPA's scientific panels to please industry polluters, Administrator Johnson is guilty of a particularly chilling dereliction of his duty to the Agency he leads.

Count 8: A report issued on April 23 by the Union of Concerned Scientists, entitled ''Interference at the EPA,'' uncovered widespread political influence in EPA decisions. The report found that 60 percent of EPA career scientists surveyed had personally experienced at least one incident of political interference during the past 5 years—60 percent of the career scientists. It is a plague over there.

The report documented, among other things, that many EPA scientists have been directed to inappropriately exclude or alter information from EPA science documents, or have had their work edited in a manner that resulted in changes to their scientific findings.

The survey also revealed that EPA scientists have often objected to or resigned or removed themselves from EPA projects because of that pressure to change scientific findings.

Allowing this corrosive political influence to persist among the career scientists at EPA is yet another dereliction of Administrator Johnson's duty to the Agency he leads.

Count 9: Administrator Johnson has twisted the very administrative procedures of the Environmental Protection Agency to allow the White House Office of Management and Budget secret influence over Agency decisionmaking.

For example, the IRIS process for determining the toxicity of chemicals that all of us are exposed to allows OMB three separate chances to exert its dark influence: at the beginning, in the middle, and again at the end of the Agency's process. In the words of the GAO, this process is ''inconsistent with the principle of sound science that relies on, among other things, transparency.''

This is not just a potential concern. The current chair of EPA's Clean Air Scientific Advisory Panel has testified that the ozone standard was ''[set] . . . by fiat behind closed doors,'' has testified that the entire Agency's scientific process was ''for naught,'' and testified that ''the OMB and the White House set the standard, even though theoretically it was set by the EPA Administrator.'' She testified that as a result, ''willful ignorance triumphed over sound science.'' That is her testimony.

In manipulating his Agency's processes to let willful ignorance triumph over sound science, Administrator Johnson has again been derelict in his duties to this once proud Agency.

The third and final category of charges relates to Johnson's relationship to Congress. In defiance of his charge under the Constitution of the United States, Administrator Johnson has personally repeatedly refused to cooperate with Congress in our efforts to conduct proper oversight over the executive branch.

The Senate Environment and Public Works Committee has repeatedly requested documents in connection with EPA's denial of the California waiver and its failure to adequately regulate ozone pollution in our efforts to determine whether the White House improperly influenced these decisions.

Administrator Johnson has rebuffed these proper requests. He has repeatedly declined to appear before the EPW Committee to explain his Agency's policies. And when he has appeared, he has resorted to canned, stock, evasive answers in response to legitimate questions about political influence infiltrating his Agency.

Just last week, he refused to appear before the Judiciary Committee on which I also serve for a hearing to look further into his failure to cooperate with Congress and provide documents and other information we have sought.

In what is perhaps the gravest matter of all, I believe the Administrator deliberately and repeatedly lied to Congress, creating a false picture of the process that led to EPA's denial of the California waiver, in order to obscure the role of the White House in influencing his decision.

Today, Senator BOXER and I have sent a letter to Attorney General Mukasey—along with Senator KLOBUCHAR—asking him to investigate whether Administrator Johnson gave false and misleading statements, whether he committed perjury, and whether he obstructed Congress's investigation into the process that led to the denial of the California waiver request.

I ask unanimous consent that the letter and its attached recitations be printed in the RECORD as an exhibit to these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. WHITEHOUSE. There is more. These are not isolated counts but signs of an agency corrupted in every place the shadowy influence of the Bush White House can reach.

Administrator Johnson forced the resignation of EPA's Regional Administrator for the Midwest, Mary Gade, who was locked in a struggle with corporate polluter Dow Chemical Company. The circumstances are highly suspicious. Administrator Johnson has replaced Ms. Gade with a former attorney for the automobile industry, whose record on behalf of the environment has been described as ''horrible.''

The EPA, under Administrator Johnson, has reduced the reporting burdens on industries that release toxic chemicals into our land, sea, and air. It has weakened enforcement and monitoring by opening fewer criminal investigations, filing fewer lawsuits, and levying fewer fines against corporate polluters.

It has failed to protect agency employees who pointed out problems or reported legal violations or attempted to correct factual misrepresentations made by their superiors and created an atmosphere where employees fear reprisals.

In the face of widespread criticism that his agency is in crisis and that he is a pawn of the White House and its allies in polluting industries, Administrator Johnson's response was to label all those concerned, many of whom are dedicated career employees of his agency, as ''yammering critics,'' clearly a man after Spiro Agnew's own heart.

The EPA has a vital mission. When this great agency is weakened and its work subverted by political interference, there is a great cost to this country. When EPA scientists and career employees become discouraged as their voices go unheard, there is a great cost to this country. When the

people of America lose faith that the Environmental Protection Agency actually lives up to its name, there is a great cost to this country. When those who were chosen to serve this country instead serve themselves, their political allies, and their patrons, there is a great and lasting cost to this country. It is a failure of integrity, and that is a failure we can no longer afford.

We demand integrity—democracy demands integrity—of our public officials, not just because integrity is an abstract moral good but because democracy fails without it.

Integrity sustains our democracy in such important ways. The first is integrity to the truth. In Government, when the facts are clear enough for responsible people to act, it is a failure of integrity to fail to confront those facts. As the late Senator from New York, Daniel Patrick Moynihan, famously said: ''You are entitled to your own opinion; you are not entitled to your own facts.''

America has traditionally been characterized by candid and practical assessment of the facts, a can-do attitude about responding to those facts, and bold decisionmaking to find our way through those facts. Practical, can-do, optimistic, realistic—that is the American way. When Government doesn't face the truth about the facts, it will almost certainly fail to meet the demands of the moment and fail to serve the interests of our people. That is what is happening at EPA. They simply will not face facts plain to any responsible person.

However, facts are stubborn things. They do not yield to ideology or influence. They do not care about your politics. Unanswered they stand, getting worse, and eventually the piper must be paid. If facts aren't candidly, realistically, and responsibly faced, not only will the problem get worse but the very capacity of the Government to address problems candidly, realistically, and responsibly, that capacity will itself degrade when not put to use. So there are ugly, lasting consequences when Government officials fail at their obligation to meet the truth head on.

Another integrity is to honesty. As failures of truth have a harsh cost in Government, so do failures in honesty. I have sworn in new assistant U.S. attorneys. I have sworn in new State assistant attorneys general. I have presided at nomination hearings. Every time I have seen the same thing: a little spark of fire, a moral fire sparked when someone makes a choice to earn less money than they would otherwise, to work a lot harder than they would otherwise, to dare greater challenges than they might otherwise, all in order to serve the larger purpose, to serve an ideal, to serve America.

This spark of fire inspires young men and women to tackle problems that may seem unmanageable. This spark of fire keeps people at their desks late into the night when others have gone home to their families. This spark of fire brings idealism and principle to decisions and illuminates a moral path through the complexities of Government.

The value in Government of that spark of fire burning in the hearts of a thousand men and women—our real thousand points of light—is immeasurable. EPA is sustained by that spark of fire.

But this spark of fire is quenched in the toxic atmosphere of dishonesty whose guiding principles are help your friends, please your patron, dodge your responsibilities, and fudge the truth. Dishonesty and idealisms do not cohabit.

The third integrity is competence, a vital integrity. If we are to address the present and looming problems a new administration will have to face—a war without end in Iraq, an economy on a sickening slide, a broken health care system, a country divided into two increasingly separate Americas, a public education system that is failing, the dangerous weight of an alarming national debt, foreign policies that have unhinged us from responsible world opinion, bickering and irresolution on problems such as immigration and global warming—we must see competence as a core integrity. We must demand competence of Government officials as a bare minimum, a core necessity.

Unfortunately, as one discouraged official has complained: ''In the Bush administration, loyalty is the new competence.''

Administrator Stephen Johnson is a failure in all these dimensions. From everything we have seen, Administrator Johnson has done the bidding of the Bush administration and its political allies without hesitation or question and in violation of his clear duty. He has tried to cover up his dereliction of duty with evasive and discreditable testimony. He has acted without regard for the law or the determinations of the courts. He has damaged the mission, the morale, and the integrity of his great institution—the Environmental Protection Agency—and he has betrayed his solemn duty to Americans who depend on him to protect their health, particularly our very youngest and our very oldest whose vulnerability is greatest.

Administrator Johnson suggests a man who has every intention of driving his agency onto the rocks, of undermining and despoiling it, of leaving America's environment and America's people without an honest advocate in their Federal Government. This behavior not only degrades his once great agency, it drives the dagger of dishonesty deep into the very vitals of American democracy. The American people cannot accept such a person in a position of great responsibility.

I am truly sorry it has come to this, but that is why this afternoon I called on Administrator Johnson to resign his position. I encourage my colleagues to look closely at these concerns. Look at the reasons. Look at what I have prepared. Whatever decision colleagues may come to, I hope all understand I come to this decision sincerely and after much review and reflection and with no pleasure.

I thank the President, and I yield the floor.

EXHIBIT 1

U.S. SENATE, COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC, July 29, 2008.

Hon. MICHAEL MUKASEY,
Attorney General, U.S. Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL MUKASEY: As members of the Senate Committee on Environment and Public Works (EPW), we are writing to ask that you open an investigation into whether the Administrator of the U.S. Environmental Protection Agency (EPA), Stephen L. Johnson, has made false or misleading statements before the EPW Committee.

We do not make this request lightly. However, we believe that there is significant evidence to suggest that Mr. Johnson has provided statements that are inconsistent with sworn testimony and documents provided in connection with an investigation conducted by this Committee. These false, misleading, or intentionally incomplete statements relate to the decision announced by EPA on December 19, 2007, to deny the request by California for a waiver under Section 209 of the Clean Air Act. After Mr. Johnson's testimony, a former senior aide to Mr. Johnson at EPA, Jason Burnett, provided sworn testimony before the EPW Committee on July 22, 2008, that appears to contradict Mr. Johnson's testimony on key factual matters.

For example, Mr. Johnson stated under oath before the EPW Committee on January 24, 2008 that he based his denial of the California waiver request on California's failure to meet the ''compelling and extraordinary'' circumstances criterion under Section 209, and that he reached this decision independently. However, Mr. Burnett testified that Mr. Johnson had in fact determined that California met this criterion and the other Clean Air Act criteria necessary for approval of the waiver, and that the Administration's decision to deny the waiver was based on the President's policy preferences, rather than the lack of compelling and extraordinary circumstances.

In addition, Mr. Johnson testified before the EPW Committee that the decision to deny that waiver was solely his decision. However, Mr. Burnett testified that Mr. Johnson had a plan to grant the waiver and had concluded that the statutory criteria for granting it were met, until it was ''clearly articulated'' by the White House that the President's ''policy preference'' was to deny the waiver.

We also are concerned about Mr. Johnson's testimony that the energy legislation enacted by Congress and signed by the President on December 19, 2007, was not substantively related to his decision announced on the same day to deny the California waiver, which he asserted was based upon his finding that the waiver did not meet the Clean Air Act statutory criteria. Mr. Burnett testified, however, that Mr. Johnson had required extensive analysis of the impact of this energy bill in evaluating whether to grant the waiver, and that it was the President's policy preference that led to the denial of California's waiver request, because granting the waiver or a partial grant of the waiver would have led to two standards, not one, as the President desired. The energy bill established a single standard for vehicle fuel efficiency, as the President desired.

It appears that Mr. Johnson's account of the California waiver decision is factually inaccurate or misleading. We take the inconsistency between Mr. Johnson's testimony and other evidence very seriously. False testimony by any witness is serious and undermines our ability to fulfill our constitutional duties on behalf of the American people. Our concern is heightened because this decision by the EPA Administrator affects the health and wellbeing of the American people. For these reasons, we have no choice but to refer the matter to you for appropriate investigation and prosecutorial action.

We look forward to your prompt response on this matter.

Sincerely,

BARBARA BOXER,
Chairman.
SHELDON WHITEHOUSE,
U.S. Senator.
AMY KLOBUCHAR,
U.S. Senator.
FRANK R. LAUTENBERG,
U.S. Senator.

EPA ADMINISTRATOR JOHNSON'S TESTIMONY BEFORE CONGRESS ON THE CALIFORNIA WAIVER DECISION

Specifically, the concerns we have regarding Administrator Johnson's testimony arise out of conflicts between his testimony before the EPW Committee, and that of Jason Burnett, a former EPA official who worked closely with Administrator Johnson on the California waiver issue.

It appears from Mr. Burnett's testimony that Administrator Johnson's testimony was at best misleading and at worst untruthful in many specific ways.

Administrator Johnson repeatedly claimed that the decision to deny the California waiver was ''mine and mine alone.'' He said this repeatedly, over and over:

I was not directed by anyone, I was not directed by anyone to make the decision. This was solely my decision based upon the law, based upon the facts that were presented to me. It was my decision. (1/24/08 EPW Committee Oversight hearing (''1/24/08 hearing''), unofficial transcript at p. 29).

I made the decision. It was my decision and my decision alone. (2/27/08 EPW Committee hearing on EPA FY2009 Budget (''2/27/08 hearing''), unofficial transcript at p. 58)

The decision was mine and mine alone. I made the decision. (2/27/08 hearing, unofficial transcript at p. 59).

Certainly the California waiver was my decision under the Clean Air Act and mine alone. I made the decision, I made it independently, I carefully considered all the comments and I made that decision. (Id. at p. 30)

Mr. Burnett's testimony, however, indicates that these statements were not true in any meaningful sense. First, in point of fact, the decision Administrator Johnson made was to grant a partial waiver:

There was an effort that we were engaged in and that I was engaged in to make the case that it would be appropriate to issue at least a partial grant of the waiver. (Testimony of Jason Burnett at EPW Committee hearing, 7/22/08, unofficial transcript at p.31)

The Administrator had a plan to partially grant the waiver provided that the Clean Air Act was not enacted [sic] by Congress. (Id. at p. 42).

Second, Mr. Burnett's testimony makes clear that this decision to grant the partial waiver was vetted thoroughly within EPA and reflected the Agency's consensus view that at least a partial waiver was appropriate:

We did our best to ensure that all policy officials involved in this decision were apprised and informed of the law and EPA's assessment that all three criteria were, that the, clearly the most supportable case under the law is that all three criteria had been met. (Id. at p.43)

My advice, my recommendation, as well as the advice and recommendation of all other advisors within EPA that I am aware of was for Administrator Johnson to grant the waiver or at least grant the first few years of the waiver. (Id. at p. 21)

Third, Mr. Burnett testified that Administrator Johnson's decision to partially grant the waiver was then taken to the White House:

But we went forward with our plan, told the White House about our plan to have a partial grant of the waiver. . . . (Id. at p. 32)

Fourth, Mr. Burnett was clear that when the White House was informed of the plan, the Administrator was told of the President's ''policy preference'' and reversed his decision to support the partial waiver.

But we went forward with our plan, told the White House about our plan to have a partial grant of the waiver, and in response, we were reminded of the President's policy preference. (Id. at p. 32)

Mr. BURNETT: I believe that we continued throughout the early December to explain the case for a partial grant. I believe that it was early December when the Administrator made his plan known. Of course, that plan ultimately was not followed.

Senator WHITEHOUSE: And in between that, the White House response came back that the President desired there to be the single standard?

BURNETT: yes. (Id. at p. 38)

The repeated, false emphasis by the Administrator that the decision to deny the waiver was ''mine and mine alone,'' when in fact the Administration effectively reversed Administrator Johnson's decision to grant the waiver, was part of a larger plan to mislead the EPW Committee about the decision-making process regarding the waiver.

A second part of this plan was Administrator Johnson's suggestion that there was staff debate on the California waiver, during which a wide range of options were presented by staff, and after which, based on this debate, the Administrator made the decision to deny the waiver:

Again, a great team of people, the lawyers and scientists and policy staff. They presented me with a wide range of options [on the waiver]. Those options ranged from approval to denial. I listened to them carefully, I weighed the information and I made an independent judgment. I concluded that California does not meet the standard under Section 209. (1/24/08 hearing unofficial transcript, at p. 45).

Again, as I have stated and will state again, the decision was mine, solely mine. I heard a wide range of comments from inside the agency, outside the agency, I was presented with a range of options. I made the decision. It was my decision and my decision alone (2/27/08 hearing unofficial transcript at p. 58).

During the briefing process, I encouraged my staff to take part in an open discussion of issues, and due to their value [sic?] options and opinions, I was able to make a determination. As you know, the Clean Air Act requires the EPA Administrator to determine whether or not the criteria for a waiver have been met. It was only after a thorough review of the arguments and material that I announced my direction to staff to prepare a decision document for my signature. (1/24/08 hearing unofficial transcript at p. 16)

Senator WHITEHOUSE: The last time we spoke about this, you said that sometimes the EPA staff gave you a single consolidated recommendation, Mr. Administrator, this is what we think you should do, and sometimes they give you an array of options, Mr. Administrator, we think these are your options. You have testified that in this case, they gave you an array of options, not a single, consolidated opinion, correct?

Administrator JOHNSON: That is what I remember, yes. (2/27/08 hearing unofficial transcript at p. 61)

In fact, however, Mr. Burnett was clear that there was staff agreement on the issue, as manifested in the plan agreed to by the Administrator, and presented to the White House, to grant a partial waiver:

My advice, my recommendation, as well as the advice and recommendation of all other advisors within EPA that I am aware of was for Administrator Johnson to grant the waiver or at least grant the first few years of the waiver. (7/22/08 hearing, unofficial transcript at p. 21).

Mr. Burnett made clear, however, that the Administrator went to the White House armed with a plan to partially grant the waiver but, after being informed of the Bush ''policy preference'' that the waiver not be granted, reversed course and denied the waiver:

We went forward with our plan, told the White House about our plan to have a partial grant of the waiver, and in response, we were reminded of the President's policy preference. (7/22/08 hearing unofficial transcript at p. 32)

Senator WHITEHOUSE: In the Clean Air Act waiver, after the White House was notified of the proposed decision that you put together, did the White House respond to that notice that you intended to partially grant the waiver?

BURNETT: The response was clearly articulating that the President had a policy preference for a single standard that would be inconsistent with granting the waiver. (Id.)

BURNETT: I believe that we continued throughout the early December to explain the case for a partial grant. I believe that it was early December when the Administrator made his plan known. Of course, that plan was ultimately not followed.

SW: And in between that, the White House response came back that the President desired there to be the single standard?

BURNETT: Yes. (Id. at p. 38)

Administrator Johnson deliberately and repeatedly left these steps out of his discussion of the process that led to denial of the waiver.

Moreover, when questions regarding White House contact were raised, he said things that were not true, if words are given their meanings in common usage.

For example, Administrator Johnson testified repeatedly that his contacts with the White House regarding the waiver were limited to ''routine discussions'' that were nothing more than status updates for the White House on the waiver issue and were part of meetings involving multiple issues:

Senator BOXER: Did you contact [the White House about the California waiver]?

Administrator JOHNSON: As part of good government, I tell them what is the status of major actions that are before the Agency to give them an update. That is what I do on petitions, on regulations, and——

Senator BOXER: Did you discuss this waiver with members of the Administration in the White House, the Vice President's Office, or the OMB? Did you discuss this?

Administrator JOHNSON: I have routine discussions. (EPW 7/26/07 Hearing on Status of California Waiver unofficial transcript at pp. 15–16)

Senator WHITEHOUSE: Was there or was there not contact from the White House regarding the waiver decision?

Administrator JOHNSON: As I said, I have routine contacts with members of the Administration, including the White House.

Senator WHITEHOUSE: And did that routine contact include contact regarding the waiver decision?

Administrator JOHNSON: Again, I have routine conversation on a wide range of topics that I believe is good government and indeed, it included what our status was on the issue of the California waiver. (2/27/08 EPW hearing unofficial transcript at p. 58)

In fact, Mr. Burnett's testimony makes clear that there were specific White House meetings dedicated to the waiver:

Senator WHITEHOUSE: Were the meetings . . . related to the California waiver . . . specific to that? Or were they part of a routine schedule that the Administrator had, going to the White House on a regular basis and this would be on the agenda, this particular time? Or were these meetings that were scheduled specifically to address this and not part of a routine, ongoing scheduled meeting process?

Mr. BURNETT: Both. There were some meetings that were specifically scheduled to talk about the California waiver, and other meetings to talk about a range of issues relating particularly to climate policy, including the response to the Supreme Court and the California waiver.

Senator WHITEHOUSE: And were there meetings specific to the California waiver, that you would not characterize as routine that were specifically scheduled for that purpose?

Mr. BURNETT: Well, there were meetings specifically scheduled for that purpose, as I said.

Senator WHITEHOUSE: Not just dropped in as an agenda point on a regularly-scheduled meeting?

Mr. BURNETT: Yes, meetings that were specific to talk about the California waiver. But I'm not sure if that means they were routine or not. It certainly was the case that this issue of the California waiver received a great deal of attention from a number of people throughout the Administration. (7/22/08 hearing unofficial transcript at p. 31.)

Mr. Burnett also testified that the waiver decision was a very important matter to EPA and the Administration:

It certainly was the case that this issue of the California waiver received a great deal of attention from a number of people throughout the Administration. (Id.)

This issue is one of the most important issues that was facing EPA. It received very high level attention, many meetings with the Administrator and many meetings with senior officials at the White House (Id. at p. 43)

Thus, the meetings clearly were more than ''routine,'' both in terms of their timing (Webster's II New Riverside University Dictionary, at p. 1022—''A set of customary and often mechanically performed procedures;'' ''prescribed and detailed course of action to be followed regularly'' and substance (''not special,'' ''ordinary'').

Moreover, Administrator Johnson's testimony that the meetings were merely to provide the White House with status updates was also directly contradicted by Mr. Burnett, who testified that at least some meetings were held at the White House to present the Administration with EPA's plan to grant a partial waiver.

We went forward with our plan, told the White House about our plan to have partial grant of the waiver, and in response, we were reminded of the President's policy preference. (Id. at p. 32)

Senator WHITEHOUSE: Would it be accurate to say that in those meetings Administrator Johnson's contribution was limited to an update on the status of the waiver action?

Mr. BURNETT: There was an effort that we were engaged in and that I was engaged in to make the case that it would be appropriate to issue at least a partial grant of the waiver. (Id. at p. 31)

Administrator Johnson was also misleading and not credible regarding the staff process on the waiver decision. He testified that he had been presented a range of options from denial to outright grant, but that he could not remember any of the options beyond the extremes of a full grant or outright denial of the waiver:

Senator WHITEHOUSE: What would you list? You said a wide range of options? Can you specify what those options were?

Administrator JOHNSON: As I have said, a range from approving the waiver to denying the waiver.

Senator WHITEHOUSE: That is not a range, that is two.

Administrator JOHNSON: Well, there were options in between and—

Senator WHITEHOUSE: Such as?

Administrator JOHNSON: I was trying to recall. I don't recall the specific options in between but that certainly is a matter of record.

Senator WHITEHOUSE: Do you recall any of the specific options in between?

Administrator JOHNSON: As I said, the options ranged from approval to denial and included other options in between. I don't recall how they were entitled or the specifics.

Senator WHITEHOUSE: Without their title, their fundamental nature, do you recall?

Administrator JOHNSON: Again, there was a range of options and I don't recall the specifics of the intermediate ones. (2/27/08 hearing unofficial transcript at p. 63)

In fact, however, Mr. Burnett's testimony makes clear that there was a unanimous staff recommendation for a partial waiver so fully developed that he agreed to it and took it to the White House after extensive briefing:

My advice, my recommendation, as well as the advice and recommendation of all other advisors within EPA that I am aware of was for Administrator Johnson to grant the waiver or at least grant the first few years of the waiver. (7/22/08 hearing unofficial transcript at p. 21)

The Administrator had a plan to partially grant the waiver, provided that the Clean Air Act was not enacted [sic] by Congress. (Id. at p. 42)

There was an effort that we were engaged in and that I was engaged in to make the case that it would be appropriate to issue at least a partial grant of the waiver. (Id. at p. 31)

I believe that we continued throughout early December to explain the case for a partial grant. I believe that it was early December when the Administrator made his plan known. Of course, that plan ultimately was not followed. (Id. at p. 38)

We went forward with our plan, told the White House about our plan to have a partial grant of the waiver, and in response, we were reminded of the President's policy preference. (Id. at p. 32)

It is simply unimaginable that Administrator Johnson could forget that a partial waiver plan had been recommended to and developed for him, that it had been adopted as the Agency plan on this critical matter, and that he had presented it to the White House.

Administrator Johnson said there was no White House reaction to his update, or that he could not recall any White House response or reaction:

Senator BOXER: Did you discuss the California waiver with someone from the President's office, the Vice President's office, OMB?

Administrator JOHNSON: I routinely have conversations with members of the White House.

Senator BOXER: The answer is yes, then. What did they say? What was their reaction? How did they feel about the waiver?

Administrator JOHNSON: I don't recall their reaction because I was giving them an update of the status of this action and a lot of other actions before the Agency. (7/26/07 hearing unofficial transcript at 16).

Senator BOXER: Is this a fair analysis of what you have told us? That no one ever contacted you to give an opinion on the waiver, or to tell you to slow it up or anything; no one from the President's, Vice-President's, OMB; no one from the DOT. But you did contact them just to fill them in on what was happening, and the waiver was one of the issues, but you don't recall anything that they said. You just briefed them, but they never made any opinion. Yes or no?

Administrator JOHNSON: If you would add ''to the best of my recollection,'' then I would say, ''yes.'' (Id. at p. 17)

Given Mr. Burnett's testimony, it is simply unimaginable that Administrator Johnson cannot recall getting a response from the White House suggesting that he reverse his plan to grant a partial waiver:

Senator WHITEHOUSE: In the Clean Air Act waiver, after the White House was notified of the proposed decision that you put together, did the White House respond to that notice that you intended to partially grant the waiver?

Mr. BURNETT: The response was clearly articulating that the President had a policy preference for a single standard that would be inconsistent with granting the waiver. (7/22/08 hearing unofficial transcript at p. 32)

Mr. BURNETT: . . . the Administrator certainly knew the President's policy preference for a single standard. (Id.).

Mr. BURNETT: [W]e went forward with our plan, told the White House about our plan to have a partial grant of the waiver, and in response, we were reminded of the President's policy preference. (Id.)

Mr. BURNETT: I believe that we continued throughout the early December to explain the case for a partial grant. I believe that it was early December when the Administrator made his plan known. Of course, that plan ultimately was not followed.

Senator WHITEHOUSE: And in between that, the White House response came back that the President desired there to be the single standard?

Mr. BURNETT: Yes. (Id. at p. 38)

It is unimaginable that the head of a major government agency could take a plan on a vital public issue to the White House, fully vetted and briefed, to make the case for the plan, come back to the agency with a completely different plan as a result of the White House meeting, and then not remember that this event had taken place. It can only be a lie.

Administrator Johnson claimed that his decision to deny the waiver was based on criterion two of the waiver test under the Clean Air Act: that is, whether California demonstrated compelling and extraordinary conditions in support of its request:

I came to the conclusion that of the criteria that I am required to evaluate, it was the second criteria, that the State does not have compelling, extraordinary conditions. So that is the basis of my decision. (1/24/08 hearing unofficial transcript, p. 22)

I made my decision for the California waiver under Section 209 of the Clean Air Act. And I found that California does not meet the compelling and extraordinary conditions. (Id. at p. 55)

In fact, as noted above, Mr. Burnett's testimony makes clear that Administrator Johnson was prepared to grant a partial waiver, based on the compelling and extraordinary factor and other factors having been met:

As part of the plan to grant a partial waiver, certainly it was the case that all three criteria in the Clean Air Act would be met, including the criteria that California has compelling and extraordinary circumstances. (7/22/08 hearing unofficial transcript at p. 19)

We did our best to ensure that all policy officials involved in this decision were apprised and informed of the law and EPA's assessment that all three criteria were, that the, clearly, the most supportable case under the law is that all three criteria had been met. (Id. at p. 43)

Indeed, it was only after President Bush's ''policy preference'' was explained to Administrator Johnson at a White House meeting that he decided to deny the waiver. The rationale that California did not meet was evidently an after-the-fact embellishment designed to cover up the initial plan to grant the waiver, the White House meeting at which President's Bush's ''policy preference'' was explained, and Administrator Johnson's reversal of course, and to create a post hoc legal explanation for the decision.

The following summary of Administrator Johnson's testimony by Chairman Boxer was admitted by Johnson to be accurate ''to the best of [his] recollection.''

Senator BOXER: So just to wrap this up, and then I will turn to Senator Inhofe. So just to wrap this up, no one ever contacted you. You contacted them, meaning the White House, the Vice President's office, the OMB, the DOT. You contacted them just to give them an update on this issue, but no one ever contacted you and you don't recall anybody in the White House giving you their opinion on the waiver.

Administrator JOHNSON: I don't recall anyone contacting me. I do recall making contacts to others because as I said, I have routine conversations with——

Senator BOXER: You keep repeating this. I am just trying to see, and tell me if I am saying this in a fair way and a just way.

Mr. JOHNSON: Okay.

Senator BOXER: All right. Nobody ever contacted you from the White House, the Vice President's office, the OMB, or the DOT? You contacted them just to update them and you don't recall anything they said to you about the waiver?

Mr. JOHNSON: To the best of my recollection, again, I have a lot of conversations with members of the White House, a lot of conversations. I said I do recall me making contact because——

Senator BOXER: I just said that. So did I say it in a fair way? I will repeat it the last time and then I will stop, because I would like a yes or no. Is this a fair analysis of what you have told us? That no one ever contacted you to give an opinion on the waiver, or to tell you to slow it up or anything; no one from the President's, Vice President's, OMB; no one from the DOT. But you did contact them just to fill them in on what was happening, and the waiver was one of the issues, but you don't recall anything that they said. You just briefed them, but they never made any opinion. Yes or no?

Mr. JOHNSON: If you would add ''to the best of my recollection,'' then I would say ''yes.'' (7/26/07 hearing unofficial transcript at p. 17).

Again, in light of the Burnett testimony, Administrator Johnson's failure to recollect the Administration's reaction to his proposal is simply incredible.

Finally, it is worth noting President Bush's ''policy preference'' for a single standard does not bear in any way on the existence vel non of compelling and extraordinary conditions, and is known by Administrator Johnson not to be one of the statutory criteria for decision:

Administrator JOHNSON: . . . I tried to make it clear in the letter to Governor Schwarzenegger [announcing denial of the waiver] that the bases of my decision were on the three criteria under Section 209 [of the Clean Air Act] and compelling and extraordinary was the issue that the criteria, that was not met. I pointed out in the letter that that certainly isn't a context of what is the policy of both what is happening as a Nation, and that is the policy, again my words, policy context. But that was not the decision criteria. The decision criteria are very clear in Section 209 on whether or not——

Senator KLOBUCHAR: That is fine. When I come back, I will talk about it. But you have said before that this could create a confusing patchwork of State rules.

Administrator JOHNSON: And again, that is not one of the criteria for the decision. (1/24/08 hearing unofficial transcript at p. 36)

The PRESIDING OFFICER. The Senator from Kansas is recognized.

ENERGY

Mr. BROWNBACK. Mr. President, I wish to spend a little time talking about the energy topic which has consumed this body and rightfully so. It has certainly consumed the people's checkbooks and pocketbooks. I will then submit a course of action and suggestions, one of which is a bill that was recently introduced by a tripartisan coalition—Senator SALAZAR, Senator LIEBERMAN, and myself—requiring that a third of the fleet of vehicles the United States produces sold here by 2012 be able to operate on flex fuel; that is, a car or a pickup—whatever it is that is being sold—can operate on either ethanol, methanol or gasoline or any combination thereto, to remove our addiction to foreign oil. I also wish to talk about the need to produce more energy here at home.

I have a couple charts. This one is one people instinctively know about, but I think it is pretty dramatic when you look at it. Our consumption is going up. It has been a bit more level lately. Production. Look at what we have done with production since the mid-1980s. It has gone down while our imports have made up the difference. We had this huge crossover in 1994. We are actually importing what we should be producing. We have to change this chart.

Boone Pickens was in town last week—one of the famous oilmen in the United States—and he was saying we are on track to be importing $700 billion worth of oil on an annualized basis. If you think about that and the transfer of wealth that is taking place—that $700 billion comes from someplace, and it comes from people's pocketbooks. Then, instead of going into the U.S. economy, it is going overseas and on to places that often don't agree with us, whether it is into Venezuela or other regions of the world. Plus, think about the sheer economic activity. If you take $700 billion worth of economic activity out of here and are not generating further economic activity someplace else and are putting it someplace else, it degrades our tax coffers. Yet that $700 billion of economic activity here, if there were just a 20-percent tax rate associated with it, we are looking at $140 billion worth of taxes back into this country if we had that sort of economic revenue taking place. Imports of petroleum and petroleum products in the billions of dollars, and you can see the increase in the price of oil, what this is doing. It is skyrocketing from, again, 2004 on forward. If that activity were taking place here, those dollars would be back here. Instead of building enormous buildings or new islands or incredible facilities in Dubai, we could be building them here.

That is why we need to produce more in the United States, and we can produce more in the United States instead of getting it from overseas.

It is my hope that later this week, we are going to start voting on some of these resolutions, some of these bills to produce more in the United States. We cannot continue to consume 25 percent of the world's oil while producing only 3 percent of it. The world is not going to let that continue to take place.

If you set all that aside and say: Well, I don't care, as long as it continues to take place—if you set all that aside, what is taking place now in the Middle East, of Iran developing nuclear capacity and the threat of that to the region, to a number of countries in that region, particularly Israel—and if there is a response to that, what happens then to oil prices and the availability of oil to the United States if that escalates further? It may get an escalation that happens out of our control. Then what happens to the oil supply and the price if we continue to be dependent on this much of a dollar amount for foreign sources of oil? What would the Venezuelans do? What would Chavez do if the Iranians are attacked? Do you think they are going to send oil to the United States? What would happen in Russia, where Russia has been moving to work more with the Iranians? I think we are looking at a scenario, from a security perspective and from an economic perspective, that is wholly untenable for us in the United States and one we have to deal with now.

The way to deal with it is to produce more in the United States and to allow drilling to take place here. We must explore new areas. The Department of Energy, Energy Information Agency reports that 75 billion barrels of oil are off-limits today in the United States. The President has recently lifted the Executive ban on the Outer Continental Shelf, and unless Congress lifts its congressional ban, we will not have access to 16 billion barrels of crude oil. Lifting this congressional ban on offshore drilling would surely send the right signals to the marketplace and many believe it would help lower prices in the near term. It would show the world we are willing to explore for new energy. We should also explore in Alaska for oil shale in the Western United States.

I wish to show quickly one other piece of information on biofuels, and that is a chart and a statement that

was recently put forward by Merrill Lynch. Biofuels has been in a tough debate recently as there are a number of people accusing it of different things. One thing I wish to put on the table for sure is that biofuels has expanded our energy sources and expanded it away from the Middle East and it has expanded it away from foreign imports. That is something that has taken place. A recent study from Merrill Lynch found that because of the world's use of biofuels, gasoline is $21 per barrel less expensive than without these biofuels—$21 a barrel it took off oil prices. That is 50 cents less per gallon. We must continue to research and innovate in the world of cellulosic ethanol and biodiesel, soy, possibly from algae.

What we have put forward in an amendment on this bill, if we are able to get to the Energy bill, is a requirement that half the new cars built and that are imported to the United States by 2012 be flex-fuel vehicles that can use ethanol, methanol or gasoline or any combination of those three. The big three auto manufacturers have said they can meet this goal to allow consumers to choose between gasoline, ethanol, methanol or, in some cases, biodiesel.

So imagine you are pulling up to the pump and ethanol this day is selling for $1 a gallon less than gasoline is. Perhaps methanol is selling for $1.50 a gallon less than gasoline, and you are saying I am going to put in ethanol today. It is selling for cheaper. Those will continue to drive down the price of gasoline and will have a security benefit in that. If something happens in the Middle East or a part of the world that is out of our control and oil supplies dry up, we won't be left high and dry; we will have other sources of fuel to be able to move forward with. That is why so many security people are interested in this flex-fuel concept and a flex-fuel vehicle.

I filed this legislation as amendment No. 5249 to the speculation bill that is currently on the floor. I ask unanimous consent that Senator SALAZAR be added as a cosponsor to that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, many economists believe energy efficiency and conservation are absolutely critical to our efforts to reduce our reliance on foreign oil. I agree.

We have passed major energy legislation in the past to promote research and development in the area of hybrid automobile research, including batteries. We will be holding a hearing tomorrow in the Joint Economic Committee on this issue. Clearly, we need to conserve more. We have two hybrid vehicles in my family, and it has worked well. We need to move that technology forward. But it doesn't change the fundamentals that we have to produce more here as well.

I want to show a final chart of the oil shale area in the United States. It is currently off limits from drilling. It has the potential of 500 billion—or more—barrels in production. This is in Wyoming, Utah, and Colorado. Clearly, this is another area we need to open for development.

My point is that we are not helpless and we can do more. We have to do it now. Time is of the essence. It is draining people's pocketbooks, and it is putting us in an unnecessary security risk.

I am hopeful that the leader is going to allow us to put forward amendments. I hope we can put forward our flex fuel amendment. I hope we can put forward drilling amendments so that we can get production up in the United States. That is something we need to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as in morning business on S. 3335, the tax extender package, for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX EXTENDERS

Mr. WYDEN. Mr. President, folks across our country feel as if they are drowning as wave after wave of bad economic news hits them.

I urge my colleagues to vote for this important legislation because at times like this, when so many people feel they are close to going under, they look to their Government to toss them a life preserver, not burden them with a 2-ton cement block of bills to pay and then wish them luck. Congress has shown a willingness to shore up Wall Street. This legislation gives us an opportunity to shore up the folks who are on Main Street.

People across our country want to see the Senate address the issues that are most important to them, and at the top of that list is energy. Obviously, our country is now at a crossroads. The country can continue to keep going on the road we are on, living on high-priced fuel and spewing carbon dioxide into the air from fossil fuels that choke the planet, or we can take a different road. With this legislation, we can start down that route.

This legislation put the country on a path toward real energy independence. It would reduce our reliance on fossil fuels, and it would extend tax credits for renewable energy technologies—solar, geothermal, wind, hydroelectricity, geothermal heat pumps, and fuel cells. These new energy choices will help stem the devastating effects of global warming.

On the other hand, the failure to extend existing renewable energy credits sends the wrong signals to renewable energy companies and investors. It will literally cut off the pipeline of promising renewable energy projects at a time when many of these technologies are just getting off the ground.

How often is it possible to point to legislation and say that this bill will actually lead to a more promising future? In this case, businesses, workers, consumers, and homeowners all have an opportunity to be part of a brighter energy future. Truckers would get an exemption from the highway excise tax so they could install fuel-saving anti-idling equipment. Consumers would get a new tax credit when they buy the plug-in hybrids. There would be a tax break for the bicycle commuters. For the first time, wave, tidal energy, and small wind turbines would be eligible for renewable energy tax credits. The bill also extends production tax credits for biodiesel. Consumers and businesses would be encouraged to live on less energy but in a fashion that does not compromise our economy or our quality of life. There would be tax credits for energy-efficient homes, commercial buildings, energy-efficient appliances, and also recycling equipment.

It is my view that the tax provisions of this legislation make sense for taxpayers and they make sense for the environment and our businesses, and in that sense, we have an opportunity to act for America's future. I hope this legislation will pass.

I would like to touch quickly on several other parts of the legislation that I think are particularly important, and especially the county payments legislation.

If you live in a big city in this country, you may not know a whole lot about this legislation, but the county payments program keeps rural communities throughout the country—particularly in my home State—alive. The legislation includes more than $3.7 billion in funds that are desperately needed for rural schools, counties, and communities. Without the safety net funding included in the bill, rural communities across the country will face a future without schools and without vital services such as law enforcement and essential road repair. Pink slips have already been sent out to teachers and county workers, and unless the Congress acts quickly, these devastating losses to the very fabric of rural communities would become permanent.

There are counties in my home State that now literally face dissolution. Folks who live there don't know what to expect, but they are bracing for the worst. I am just not going to let that happen.

This energy tax package contains the last best hope to help these counties, and the Senate should not turn its back on rural America now.

Specifically, the package contains a 4-year extension of the Secure Rural Schools Program that I authored in 2000 and 5 years of full funding for the Payments in Lieu of Taxes Program.

This proposal closely mirrors the legislative proposal I put together last year with Senators BAUCUS, BINGAMAN, and Majority Leader REID—a proposal that overwhelmingly passed with bipartisan support by a vote of 74 to 23. Senator CRAIG and Senator DOMENICI also helped with critical efforts to move the legislation forward and to give it strong, bipartisan support.

When folks in rural America are losing their jobs, their homes, and the chance to educate their kids, the Federal Government should not break its promise to rural communities. When Federal forests were created in Oregon and around the country, rural communities were promised they would get a share of the revenue from those forests. This revenue sharing was intended to make up for the loss of Federal forest land from the local tax base. As the benefits from forest management changes with the times, Congress can't walk away from its responsibility to provide funding to the counties for their contribution in creating the Nation's forests. Since that original effort, it has been clear that local communities needed some measure of support.

By providing funds through 2011, this bill gets our rural counties off the fiscal roller coaster they have been on, particularly during these difficult economic times. It gives them stable funding so they can concentrate on the real work of planning for the future. Nationally, this would mean $3.7 billion, and in my home State of Oregon, it would mean hundreds of millions of dollars for schools, public safety, roads, and other essential county services.

In the midst of an energy crisis, our schools face big challenges. An Energy Department study reported that schools spend about $8 billion on energy each year, second only to spending on books and computers. The same study estimated that 61 percent of public school districts had insufficient energy budgets. As a result, the schools—especially our rural schools—are forced to make difficult decisions about whether they can fully afford to heat or cool their buildings or whether they are going to have to cut some essential service, such as the school bus service in rural areas. Reauthorizing the county payments program would keep the lights on in the classrooms and make sure our youngsters have the basics they need in order to be able to learn.

The Secure Rural Schools and Community Self Determination Act of 2000 has worked. It has built collaboration between counties, forest product firms, and environmentalists in communities in over 700 counties in 41 States across the Nation. A key part of that collaboration has included funding projects to restore the national forests, and those would include providing renewable woody biomass that is part of the renewable energy solution this legislation would provide.

Finally, on this point, these funds are a critical lifeline to rural areas. I point out that rural schools and counties would not be the only ones who suffer if this bill isn't passed. But I want to highlight the county payments legislation tonight particularly.

I am going to be going home this weekend for townhall meetings in the rural part of my State. I will hear again and again this weekend how, without this program, without the essential program for rural communities that, in effect, built on something that started a century ago, we will see some of those rural communities dissolve before our eyes. I cannot allow that to happen on my watch.

Finally, a quick comment on one other section of the legislation. I see that my friend from Arizona is here, and I want him to know that I will wrap up very briefly.

Mr. President, with respect to the tax extenders provisions of this legislation, I can only say that businesses are calling for this. Typical taxpayers are calling for it. Teachers are saying they need it. Once again, we have to look at the consequences of not passing an important domestic initiative. This bill includes help for folks who are hurting right now. It includes help with relief to people in the Midwest who are still hurting from this year's floods. It helps businesses by renewing the business research and development tax credit. This is very important because our fast-growing technology companies say it is critical for their plans to grow and hire new staff. High-tech companies are some of the best employers in my home State and around the country, and they offer family-wage jobs that Americans can depend on.

Both parties agree that the research and development credit should be extended and that it will be—some day. That is what they say, Mr. President—some day. That doesn't do much good for struggling manufacturers now. They have to plan their investments in order to be able to grow. They say that R&D credits are critical to doing that. By holding it up, the Congress is pushing our companies to outsource the important work. Clearly, no Member of the Senate could want that to happen, but without these credits, we are not having the proper incentive to keep jobs in the United States. I want to see high-skill, high-wage jobs here in our communities. We are the world leaders in research and development, and it is moments like this that will either keep us in that position or will start us heading down the path of becoming followers.

I want to finally express my appreciation to the chairman of the Finance Committee, Senator BAUCUS, for his fine work on this legislation. I particularly appreciate the many times in which he has assisted me with the Secure Rural Schools Program. A host of other colleagues: Leader REID, Chairman BINGAMAN, Senator SMITH, Senator DOMENICI, among others. I also express my appreciation to Senator TESTER, our new Senator from the State of Montana, who has been a champion of rural schools and this program as well for all of his assistance.

I urge the support of the critical Baucus legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

ENERGY

Mr. KYL. Mr. President, the question the Senate is facing this evening and again tomorrow morning is whether we are going to stay focused on the issue that is of the most importance to the American public, and that is doing something about this incredible energy crisis in our country causing us to not just pay higher prices at the pump but also higher prices for almost everything else because of the high cost of transportation to transport goods across this country. Our airlines are hurting, shipping, trucking, all families, and we have seen inflation rise in this country, among other things, and probably primarily because of the fact that we are not producing enough energy—enough American energy.

Republicans believe we need to stay focused on this issue until we deal with it, and we can deal with it. We can deal with it before this body leaves for the so-called August recess. I know this: It is not recess when we go home and start visiting with our constituents and every one of them is going to ask us: What did you do to drive down the price of gasoline? What did you do to deal with this energy crisis?

Earlier today, I quoted from the New York Times in an editorial yesterday in which the editors of the Times noted that the problem in the United States is not one of speculation, which is the subject of the bill the Democratic majority has brought forward, but it is a problem of supply and demand. What they say is all speculators or investors do is take a look into the future and ask a question: Five years from now or 5 months from now, where is demand going to be compared to supply in the world? Right now, everybody can see that the demand is going to far exceed the available supply of energy. As a result, of course, that puts pressure on prices which continue to go up.

The fact that the President announced he would remove the moratorium on certain offshore production has had a salutary effect in helping to reduce prices a little bit because those futures markets decided that maybe we were serious about doing something about energy production in the future.

That is the test. That is the commitment. That is what the Senate has been focused on this last week and is going to be focusing on again tomorrow.

My colleagues are talking about legislation that the Senate needs to pass and, indeed, the last bit of legislation the Senator from Oregon was talking about is a subject which we will deal with. Everybody agrees we need to deal with it. My guess is the bill will pass, if not unanimously, close to unanimously, if and when we can get a bipartisan so-called tax extenders bill to the floor of the Senate. But Republicans are not going to leave what we are doing now to take that up and who knows what else.

As a matter of fact, one of the issues I wanted to speak about briefly is another bill they want to go to. It is called the media shield legislation.

Tomorrow morning, we are going to have two votes. The first one will see

whether we will forget the energy crisis, leave the Energy bill, and take up the media shield legislation. I daresay we will do the same thing with that that we have done with the other bills we have considered in the last couple of days, and that is, we will say no, we are going to finish energy first. Then we will have this next tax extenders bill. That will be the fourth time that bill will be before us. Once again, we will say: Let's finish energy first and then we will take it up.

I hope as we speak that Senators BAUCUS and GRASSLEY, the chairman and ranking member, respectively, of the Finance Committee on which I sit are talking to each other about the way to put this bipartisan tax extenders bill together so we can bring it to the floor and complete action on it before the August recess. That is possible to do. The two of them work very well together. I think they are very close to reaching an agreement on what this program would look like, and if they can reach such an agreement, it will be possible for us, once we have concluded work on energy, to then bring up that bill and get it passed before we go home. But we are not going to decide we have talked about energy long enough, even though we haven't done anything about it, and it is time to move on to other priorities. Our priority is energy. Our priority is getting gas prices down.

It is not just a matter of filling up at the gas pump. Last week, I filled up and it was $70 and the tank still had a third in it when I filled the tank. That is hard to take. That is not the bottom line. The bottom line is what it does to our economy and national security. It used to be we produced most of the energy we use. Now we import most of the energy we use and, unfortunately, we are getting it from places that can create real problems for us.

If you talk about Iran, for example, all Iran has to do to make more money on the oil it produces is drive some of its speedboats around the Strait of Hormuz and threaten the shipping there. About 40 percent of the oil goes through the Strait of Hormuz, and that unsettles the market to the extent it drives up the prices. They have it within their power to make more money just by creating problems for us.

Why don't we rely more on the energy resources we have right here in the United States of America? We are the third largest producer of oil and gas in the world. We could be producing a lot more American energy for American needs and not have to rely on these other countries which, as I say, can create huge headaches for the entire world and drive up the price of energy.

We can produce more. What Republicans are saying is, let's open some of the areas that have been closed by law to more production, starting with offshore in the deep waters of the gulf, off our coasts. We also have energy that is tied up in Alaska, in the oil shale in the Rocky Mountain West, and in other places.

We have suggested a balanced approach. We need to use less. We need to reduce our consumption. We need to rely on so-called renewable fuels. We obviously need to do more with nuclear energy. But almost everybody agrees that the starting place is more drilling to produce more American oil for the American economy. That is what we want to get some votes on before we turn to other legislation.

Let me briefly comment about the first vote we are going to have tomorrow because this is new. We have already dealt with the so-called tax extender program three times now. Tomorrow morning will be the fourth time. We are not going to have any different result than we have had in the past. So I suggest we get on with the bipartisan negotiations to complete our work on that legislation so we can get it passed.

MEDIA SHIELD

Something we haven't taken up yet is this so-called media shield bill. I am not going to go through all the arguments about it, but simply to point out the history of it and describe what it does and why it is so problematic.

This basically says that reporters don't have to disclose their sources if they don't want to. You can imagine a lot of bad things will happen as a result of that. People break the law for disclosing very highly classified information. The reporter says: I am not going to tell you, Mr. FBI Agent, who did that. Yes, I know who did it—it is against the law—but I am not going to tell you. And this bill would provide the protection for that.

The first problem is it doesn't even define media in a way with which everyone can agree. We don't know whether a blogger, who is trying to put material out on the blogs, is in the media, whether a reporter for some kind of terrorist newsletter is a member of the media or what. They have tried and tried to get a good definition. It is very difficult to do.

When the bill was in the Judiciary Committee, on which I sit, it was not a perfect bill. Back then people said: Yes, we need to pass this; we need to not change a comma in it. I think there were 10 or 12 amendments adopted that day. Clearly, it needed work. Most of those amendments had strong bipartisan, if not unanimous, support, and we agreed at the end of the process that it needed more work. Since then, there have been a lot of meetings held to try to refine the bill.

I take my hat off to Senator ARLEN SPECTER who has tried very hard to find a way to resolve some of the problems that have been raised. At the end of the day, the Attorney General of the United States, Attorney General Mukasey, the intelligence community, and the White House have all raised very serious doubts and problems about the bill.

Let me refer to some of the things that have been said about it. The Secretary of Defense, Secretary Gates, wrote at the end of March this year that ''the Department of Defense is concerned that this bill will undermine our ability to protect national security information and intelligence sources and methods, and could seriously impede investigations of unauthorized disclosures.''

The problem I just identified. Because of that, of course, President Bush is expected to veto the bill.

Very recently—I think yesterday—the Director of National Intelligence, Mike McConnell, published in USA Today an op-ed in which he described some of the problems he has with the bill, one of many commentaries. Here is what he said:

> I have joined the attorney general, the Secretaries of Defense, Energy, Homeland Security, and Treasury, and every senior intelligence community leader in expressing the belief, based on decades of experience, that this bill will gravely damage our ability to protect national security information. Unauthorized disclosure of classified information disrupts our efforts to track terrorists, jeopardizes the lives of intelligence and military personnel and inhibits international cooperation critical to detecting and preventing threats.

It is not just our intelligence community and Government sources. Last week, the U.S. Chamber of Commerce and the National Association of Manufacturers circulated a letter expressing ''deep reservations with the way the current version of the media shield bill, S. 2035, applies to the private sector. As drafted, it would have significantly adverse ramifications on the ability of Americans to legitimately protect personal and proprietary information and we must oppose the bill in its current form.''

It is interesting, despite all of these issues that have been raised by a variety of private groups and all of the national defense and intelligence community of our Government, there has not been a single hearing during the 110th Congress on this legislation, let alone a hearing on the general need for the media shield legislation. It is obviously not ready for prime time.

Let me mention one problem—and I will speak more on this tomorrow—to illustrate some of the other problems the bill has, one illustration of what additional work needs to be done. This is one that could easily be resolved, and I don't understand why the sponsors of the legislation would not be willing to deal with it.

The bill fails to provide an exception to the privilege for information necessary to investigate a terrorist attack. Let me repeat that. You could not investigate a terrorist attack under the exclusion that is provided in the bill. The committee-reported bill would only provide an exception in section 5 for ''protected information that a Federal court has found . . . would assist in preventing an act of terrorism,'' or ''other significant and articulable harm to national security.''

I raised this question in a hearing. The exception makes no mention of information that would assist in investigating a terrorist attack or other significant event. It only talks about preventing. This is the kind of thing that could be fixed, and I don't understand why the authors of the bill wouldn't be willing to fix it.

Under the form in which it would be brought forward, obviously the majority leader would fill the parliamentary tree, there would be no opportunity for amendments, and we would be stuck on a take-it-or-leave-it basis with a piece of legislation that is highly flawed, totally criticized by the intelligence community and many in the private sector, as well.

The point, of course, is that the Democratic leader is simply throwing legislation out on the floor with the hope that somehow or another we will be able to divert attention from the subject of energy, the bill we are currently on. We should neither vote for cloture for the media shield bill nor the tax extenders bill nor any other piece of legislation, as I said, until we complete our work on energy. We could do that in a matter of 2 or 3 days. We can clearly do it before we leave here in August. But under no circumstances should we leave the important Energy bill to go off onto a piece of legislation such as this media shield bill.

I hope when we have the cloture vote tomorrow, my colleagues will join me in voting no on cloture on this legislation so we can deal with the No. 1 priority of the American people, and that is our energy crisis in America.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I rise to speak on an important issue related to my responsibilities as chair of the Coast Guard and Fisheries Subcommittee in the Commerce Committee. I see some of my colleagues on the floor. I ask unanimous consent that following my remarks, Senator DORGAN be recognized for 10 minutes, Senator MURRAY for 10 minutes, and Senator SALAZAR for 10 minutes. Knowing that my colleague, Senator SPECTER, is expected to show, when he shows up we will fit him in the sequence back and forth, depending on when he shows up.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEW ORLEANS OIL SPILL

Ms. CANTWELL. Mr. President, last week over 400,000 gallons of fuel spilled into the Mississippi River near New Orleans after a chemical tanker collided with a fuel barge and literally split the barge in half.

This is a picture depicting the Coast Guard looking at the two halves of this barge that was split in half right in the heart of New Orleans, causing serious damage in the area from diesel and diesel fumes, even impacting the French Quarter.

Now, the second chart shows the impact of that spill on downtown and the seriousness of that spill in the region. This major spill has closed the Mississippi River from New Orleans to the river's mouth, choking off one of the Nation's most important major commercial arteries. Even now, a week later, only a few ships can get through on this 100-mile stretch of the lower Mississippi.

As the picture shows from the night of the accident, the mighty Mississippi was covered with this eerie sheen right in the downtown area of New Orleans. Now, a week later, some of the heavy fuel oil has turned into tar balls, bouncing and sticking and contaminating this waterway. The spill has slowed down New Orleans' normally thriving waterfront, and the economic impact is already being felt. To put this tragedy into perspective, the economic loss from a total shutdown of the port would cost our Nation's economy around $270 million a day.

While the Coast Guard has begun to allow limited essential vessel traffic back into this area, at one time point over 800 tugs and barges were impacted by the spill, and many ships are still waiting to return to this vital transportation corridor that needs to be reopened. We are only now beginning to understand fully the economic and environmental impacts this spill has caused.

Unfortunately, as many of my colleagues know, these sorts of spills are becoming all too frequent. Last November, the Cosco Busan cargo ship spilled 54,000 gallons of highly toxic bunker fuel into San Francisco Bay, costing well over $50 million in cleanup costs.

Hurricane Katrina and Rita caused spills totaling nearly 8 million gallons, released throughout the Gulf of Mexico region.

In December of 2004, the Selendang Ayu broke apart, pouring 350,000 gallons of oil into the waters off the Aleutian Islands, killing countless sea birds and marine mammals and sea otters.

In 2004, in my home State, the oil tanker, Polar Texas, spilled 1,000 gallons of crude oil into the Puget Sound. This spill in the Dalco Passage cost millions of dollars to clean up and was a real wake-up call to many of my Washington constituents.

As I know the Presiding Officer, Senator LAUTENBERG, is aware, because he has been a great champion over strengthening the oil spill prevention safety net, the oil tanker, Athos, spilled over a quarter-million gallons of crude oil into the Delaware River and its tributaries in November of 2004.

As chair of the Commerce Subcommittee with jurisdiction over oil spill issues and the Coast Guard, I want my colleagues to know the Commerce Committee has been working hard to try to give the Coast Guard the tools it needs to prevent these spills and to respond quickly and effectively when a spill happens. Over the last few years, the committee has held several hearings and has asked for and received information from the Coast Guard and Government Accountability Office, and worked to help understand and update the Nation's oil spill prevention safety net.

We worked hard to develop a thoughtful and balanced piece of legislation that would help prevent more of these tragic spills from happening again. Almost exactly 1 year ago, after months of bipartisan negotiations, the Commerce Committee unanimously reported the 2007 Coast Guard authorization bill, which contains many of these oil prevention provisions. I would like to thank Ranking Member STEVENS for his thoughtful improvements and his strong support of these vital provisions, which would update the Oil Pollution Act of 1990.

Even though we have this bipartisan bill before us that has come out of the Commerce Committee, and even though it is critical to our national security and emergency preparedness, it is still being subjected to the same kind of obstructionism from a handful of Senators who don't want to move forward on the legislation, a situation we are becoming all too familiar with on the Senate floor. In this case, the bill is being held hostage by one or two Senators who seem interested in stopping its progress. They do not seem to care that it has the support of the Bush administration's Department of Homeland Security, which stated it ''strongly supports'' this legislation.

Mr. President, I ask unanimous consent to have printed in the RECORD the Department of Homeland Security letter to the chairman, DANIEL INOUYE, and the vice chair, TED STEVENS, from Donald Kent, Assistant Secretary, Office of Legislative Affairs.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HOMELAND SECURITY,
Washington, DC, May 19, 2008.

Hon. DANIEL INOUYE,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

Hon. TED STEVENS,
Vice Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR CHAIRMAN INOUYE AND VICE CHAIRMAN STEVENS: This letter sets forth the Department of Homeland Security's views on S. 1892, the ''Coast Guard Authorization Act for Fiscal Year 2008.''

As noted in the Department's September 20, 2007, views letter, the Department strongly supports S. 1892, as reported by the Committee on Commerce, Science, and Transportation. As the Senate prepares to take up the measure, the Department urges the Committee to review anew the Department's objections that are set forth in that views letter and prepare amendments that would address the concerns of the Department and the Coast Guard.

The Department urges the Committee to seek amendments that would further perfect two of the three key Administration initiatives (i.e., sec. 201 (Vice commandant; vice admirals) and sec. 916 (Protection and fair treatment of seafarers)). Specifically, the Department would strongly support amendments that, with regard to sec. 201, would

provide for the treatment of incumbents during the period of transition and, with regard to sec. 916, would allow the use of community service moneys to provide necessary support for other seafarers who have been abandoned in the United States.

The Department also urges the Committee to reject any future amendment to the Coast Guard Authorization Act that would prescribe the manner in which the Coast Guard executes missions, affects or divests the Service of its adjudicatory functions, prescribes the qualifications of Coast Guard officers, imposes reporting requirements that attribute expenditures to a single mission area, or prescribes acquisition practices harmful to the interests of the Government that would otherwise cause the Administration, the Department, or the Coast Guard to object strongly to the bill. From the viewpoint of the Department and the Coast Guard, the absence of such language reflects positively on the Committee and the institutional role of the Senate. The Department applauds the Committee's past and future efforts to ensure that S. 1892 remains free of such and like language.

Both the Department and the Coast Guard appreciate the Committee's willingness to work amicably with all parties to pass a bill that would enhance the organizational efficiency and operational effectiveness of the Coast Guard, yet preserve the Commandant's authorities as Service Chief. The Department is confident that, during further congressional consideration, the Committee, the Department, and the Coast Guard can agree on language to address the Senate's objectives, as well as the Department's and the Coast Guard's concerns.

The Department and the Coast Guard deeply appreciate your efforts to resolve those issues that preclude the Senate from taking up and passing the measure. The Department stands ready to assist you in this endeavor.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report to Congress.

I appreciate your interest in the Coast Guard and the Department of Homeland Security, and I look forward to working with you on future homeland security issues. If I may be of further assistance, please contact the Office of Legislative Affairs.

Sincerely,

DONALD H. KENT, Jr.
Assistant Secretary,
Office of Legislative Affairs.

Ms. CANTWELL. Mr. President, I also want to make sure people understand the Coast Guard and its commandant, Admiral Thad Allen, have been working hard to see this legislation passed. In fact, Admiral Allen has made the statement: ''The swift enactment of these provisions would significantly improve safety, security, and stewardship in the maritime domain.''

But these Senators refuse to meet with the Coast Guard Commandant who wants to at least have a chance to explain why he needs this legislation to pass so the Coast Guard can do the critical job of securing our Nation's waterways.

Let me take a moment to describe why this bipartisan legislation is so important. First, it would require the Coast Guard to have rules in place for how it needs to respond to any kind of wreckage or salvage operation, such as the wreckage in the Mississippi River from the incident last week. Because no strict guidelines are in place as to the amount of time it takes to respond to oil spill wreckage, a barge, such as the one in the Mississippi, could be left for many days in the middle of the river.

Another section of the legislation addresses human error. We don't know what caused this spill yet, although we know there was not a properly licensed pilot in the tug pulling the barge, and we do know human error is the cause of many spills. In fact, the bill requires the Coast Guard to take into consideration human error causes of spills and how best to address them.

The Coast Guard would also benefit from the fact that NOAA's oil spill response program would get up to an additional $15 million per year from the oil spill liability trust fund. This program is currently on the ground helping with the oil spill in Louisiana, but they are limited in their ability because of severe budget constraints. So certainly having this bill passed would have helped in the response in New Orleans.

There are other significant measures that will help in improving our Nation's oil spill prevention safety net. So I hope my colleagues can help us get this legislation over the goal line because it is critically important we do so before we leave for the August recess.

It provides the Coast Guard with the critical resources and authority it needs in other areas as well—to fight terrorists, to capture drug runners, and to defend our homeland security. So isn't it time to help push the Coast Guard into the 21st century and begin planning for the challenges of tomorrow, rather than continuing to struggle with the challenges of today? And isn't it time we pass this legislation that might actually help prevent another oil spill from happening again, such as the one in Louisiana, and to give the Coast Guard the tools it needs?

Tomorrow, I will be asking my colleagues for unanimous consent to pass this legislation. I hope my colleagues on the other side of the aisle who believe in strong tools for the Coast Guard will talk to their colleagues and ask them to stop blocking this legislation so we can get on with preventing another incident such as this one from happening again.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from North Dakota.

BEIJING OLYMPIC GAMES

Mr. DORGAN. Mr. President, a week from Friday we will see the start of the Olympics, held every 4 years, where people from all over this globe come together and compete on the athletic field. And with the start of the 2008 Summer Olympic Games, I wish to talk for a moment about what is happening today in China.

I wish to be clear that I have great respect and admiration for the Chinese people. I have visited their country and enjoyed long conversations. I have had an opportunity to stand on the Great Wall of China and understand some of the history of this great country. But no one should confuse the Chinese people with their unelected Government. The differences I have are with the Government of China regarding human rights, the rule of law, and freedom of speech, and they are very significant.

The Government of China was awarded the Games by the International Olympic Committee only after it pledged to respect the Olympic Charter and to improve its human rights record. The charter of the Olympics states that the goal of the Olympic Games should be to promote ''a peaceful society concerned with the preservation of human dignity.''

The world had high hopes that China's leaders would ensure that the Olympics took place in an atmosphere that advanced freedom and openness and reflected genuine progress on human rights. But those hopes have been sadly dashed. Human rights conditions, unfortunately, have worsened in China.

Individuals who have publicly spoken out about the Olympics, or who have spoken about abuses in China and Tibet, and have been punished or harassed as a result include lawyers, bloggers, journalists, community activists, NGO workers, Tibetans, Muslims, Christians, parents of children who died in earthquakes. The list goes on and on.

Now, every country that has ever hosted an Olympics has had critics, both at home and abroad. China has also had critics of it hosting the Games. But instead of being tolerant of dissent, what China has done is hit back hard with a combination punch of intimidation and, too often, imprisonment.

I am the cochairman of the Congressional-Executive Commission on China, and we maintain the most complete database of China's political prisoners accessible and searchable by the public. We now have 4,400 records in that prison database, and I wish to discuss three of those prisoners today. I call them Olympic prisoners of conscience.

The first is Hu Jia. This is a picture of Hu Jia. Hu Jia is a courageous activist jailed last December by the Chinese for comments he made at a European Parliament hearing. He was invited to speak at the hearing, were he made some statements that were critical of his country hosting the Games. He was then detained and his wife and infant daughter were put under house arrest for several months. In April, Mr. Hu was sentenced to 3½ years in prison for ''inciting subversion of state power.'' Since then, his young family continues to be harassed and is still under surveillance. Hu Jia is quite ill in a Chinese prison, where he is being held for simply speaking his mind at a European Parliament hearing.

Here is a photograph of Mr. Yang Chunlin. He is a laid-off worker, an unemployed worker in China. He has been repeatedly detained for helping farmers trying to seek compensation for lost land. Last summer, he organized a petition titled ''We Want Human Rights, Not the Olympics.'' He was subsequently arrested, and he was charged with inciting subversion of state power.

Let me say that again. The charge was ''inciting subversion of state power.'' Now in prison, he has reportedly suffered severe beatings, which have caused damage to his eyesight.

Finally, I wish to mention Ye Guozhu. This courageous Chinese citizen is pictured in this photo alone, smiling. In 2003, three generations of his family have been evicted from their Beijing home to make way for the Olympics-related construction. In 2004, he applied for permission to organize a protest against other alleged forced evictions in Beijing in connection with preparations for the Olympics. Mr. Ye was arrested and sentenced to 4 years in prison for provoking and making trouble. The charge is ''provoking and making trouble.'' He has reportedly been tortured in prison. Having served his sentence, he was finally expected to be released from prison this week, but his release has now been further delayed, allegedly due to the concerns that he might speak to the foreign press during the Olympics.

The right to speak freely and the right to challenge the Government in China, all of these are enshrined in China's constitution. Yet all are being violated in the run up to the Olympic Games.

Now, here is list of 807 cases of political prisoners developed by the Congressional-Executive Commission on China, CECC. I have shown the photographs of three Chinese prisoners, prisoners who have been sentenced to prison terms because they had a determination to speak out. They wanted the ability to criticize their Government. This list of 807 cases is part of 4,500 case records contained in our database. This document is published by the Congressional-Executive Commission on China. This particular document has 807 cases of political prisoners, all the detailed information on political prisoners known or believed to be detained in prison in China. The Commission notes that ''there are considerably more cases than these 807 cases. These represent a subset of 4,500 case records contained in the political prisoner database created by our commission.''

That database, if anyone is interested, is accessible and searchable by the public at www.cecc.gov.

I have just described the CECC political prisoner database, as well as three of the prisoners contained in this document, for this reason: A week from Friday, President Bush will be attending the opening ceremony of the Olympic Games. Today, President Bush met with four Chinese dissidents, including Rebiya Kadeer, Harry Wu and others. I commend the President for that meeting. I know he has an interest in this issue, the issue of liberty and of freedom of speech in China. But I hope and I implore the President not to miss the opportunity of while going to the opening ceremony of the games in China, at the same time providing the CECC list on political prisoners to the Chinese leaders. If the President is going to attend the opening of the Olympics, I believe there is a responsibility to make the trip genuinely count, and not just to celebrate the Olympics.

The Olympics are a wonderful way for people around the world to come together. All of us support the Olympics. I certainly do. But I believe very strongly that the 807 people in China now in prison, contained in these records must not be forgotten. I believe strongly the leaders of the Chinese Government should continually be confronted with the names of these individuals who are imprisoned merely for their belief and speech. The Olympic charter talks about respect and human dignity. The Chinese Government made representations to the international community if it was given the privilege of hosting the Olympics, it would meet the test of that charter. Regrettably, it has not.

Again, I commend President Bush for meeting with the four Chinese dissidents today at the White House. I think that was an important step. I hope when our President goes to the opening games in China a week from Friday, he will take this prisoner list with him—which we will send to him tomorrow at the White House—and that he will, when he meets with Chinese leaders show them the names of the 807 brave and courageous men and women contained in the list, who believe in the right of free speech, who desire freedom for themselves and their families, who in most cases are unfairly imprisoned for transgressions that are things we would take for granted in this country where we have such great freedom.

We will be sending this to the President in the hope that he will continue to raise these names with the Chinese Government. In conclusion, the Congressional-Executive Commission on China maintains the most significant publicly accessible database that exists in the world of those who now sit in prisons in China for having the courage to speak the truth, for having the courage to do and say the things we take for granted every single day in the United States.

My hope is looking at just one of these cases, and knowing there are many more than the 807 in this list, all of us will use the opportunity of the Olympcis to say to the Chinese Government: Stop the harassment and detention. Stop imprisoning innocent people. Live up to your own Constitution's protections for the Chinese people. My hope is our country, including our President, will continue to raise these subjects with the Chinese leaders.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington State.

TAX EXTENDERS

Mrs. MURRAY. Mr. President, in the last year, Americans here at home have faced an ever increasing number of challenges—skyrocketing gas prices, the mortgage and foreclosure crisis, record job losses, and devastating natural disasters. Families are hurting in this country today and they need relief right now.

I have come to the floor this evening because we will soon be voting on legislation that will help ease the burden for many of these families. We know it is not perfect, but the Jobs, Energy, Families and Disaster Relief Act of 2008 will take important steps to create jobs and provide disaster relief to flood, tornado, and hurricane victims. That bill includes critical provisions that will help our renewable energy industry continue to thrive and to shore up our Highway Trust Fund as well. It also includes provisions that are important to my home State of Washington, including a measure to extend the sales tax deduction and help our rural schools.

I come to the floor this evening to take a few minutes to urge my colleagues tomorrow to support this legislation and help get it into the hands of our taxpayers and our communities that so desperately need it. I will begin by explaining how important it is that we extend the sales tax deduction.

In most States, taxpayers can deduct their State income taxes on their Federal tax returns. But people who live in my home State of Washington historically have not had that option. Back in 2004 I worked with my colleagues from my home State of Washington, Senator CANTWELL and Congressman BAIRD, on a measure that temporarily enables taxpayers to take an itemized deduction for State and local sales taxes. That provision enabled nearly 1 million people to save an average of $519 to $575 each and every year. It has helped many of our middle-class families pay for school or cars or other major expenses.

The Washington State Office of Revenue Forecast has told us that the sales tax deduction has actually created thousands of new jobs in our State. But it was a huge blow to the taxpayers in my home State when that sales tax deduction expired in December and then our Republican colleagues decided to block a bill that would have extended it for 2 more years. Tomorrow we will have, finally, another chance. That proposal we will vote on would extend this provision to the end of 2008.

At a time when so many of our families are struggling to get by, at a time when we are looking for innovative ways to stimulate the economy, it is vital that we approve that measure tomorrow and establish fairness in our State tax system and put money back

into the pockets of our State taxpayers.

Another provision in this same bill we will be voting on tomorrow is important to help communities in my State and others pay for roads and schools and basic services. In Washington State and in other big Western States where vast areas of land are owned by the Federal Government, States currently lose millions of dollars in tax revenue that normally would go to pay for our schools or our local government services. In the past, the Federal Government shared the revenue from timber sales on our Federal lands to help our States make up for that lost revenue. But because timber sales have been decreasing since the middle of the 1990s, Congress passed an act called the Secure Rural Schools Act, to ensure that our rural communities and counties would continue to get the money they need to pay for their schools and their roads and provide basic services. That act expired 2 years ago now. While we funded it for a year on the fiscal year 2007 supplemental, it has not been extended this year, and that means our rural communities in my home State and across the West are now struggling to keep their school doors open. Some of our counties, in fact, have already been sending out pink slips.

The bill we will vote on tomorrow will again extend that program to 2011 and adjust the funding formula to make it more equitable and increase Payments in Lieu of Taxes to these rural communities and counties across the country. This provision is extremely important to our rural communities. All of our children deserve an equal opportunity to learn, regardless of where they live. That is why the secure rural funding program is so important. I hope our colleagues across the aisle will join us tomorrow to vote for this.

I also want to say a few words about the highway trust fund fix, which is also in the same bill we will be voting on. The condition of the highway trust fund, which helps us pay for all of our highway repair and construction across this country as well as mass transit, has been deteriorating now for years. Skyrocketing gas prices have made an already dire situation worse.

This year we are going to see the largest recorded decrease in highway miles traveled in the last 17 years. As a result of that, the highway trust fund is now less than a year away from going bankrupt. That is going to leave a lot of critical construction projects in every one of our States in peril.

I, along with Senator BOND, who is the ranking member on my Transportation and Housing Appropriations Subcommittee, have been sounding the alarm about the problems facing our highway trust fund for almost 2 years now. In January of 2007 we wrote and voiced our concerns to Senator BAUCUS and Senator GRASSLEY on the Finance Committee and they promised to help us fix this problem.

The Senate has now tried twice to move a bill through the Senate to fix the highway trust fund for this year, for 2009. There is a broad, bipartisan consensus for solution. But, unfortunately, our efforts have been blocked repeatedly by a few Senators.

This bill we will vote on tomorrow, if it passes, will provide enough money, $8 billion, to get us through this coming fiscal year. That means our construction projects can continue to go forward in every single State and it will help us keep as many as 380,000 good-paying jobs to continue critical construction and repair projects that will make our highways and our bridges safer. That proposal that is in that bill will not have any revenue effect. It passed the House on July 23 by an overwhelming majority and it is vitally important to all of our communities that this Senate do the same thing.

I hope our colleagues join with us tomorrow to invoke cloture and move to this bill, this tax extenders bill, so we can put this provision in place.

That same bill also includes a number of other provisions that will help ease the burden of the faltering economy for our taxpayers. It will extend the tax credits for wind, biomass, geothermal, and other renewable energy providers, and help provide stability for that developing industry.

As I said at the beginning of my remarks, the bill is not perfect. Unfortunately, we have had to leave out some worthy items. But it is an extremely important bill and we are very close to making this legislation a reality. We need a few Senators to vote with us tomorrow morning.

I am worried. I come to the floor to speak tonight because I am concerned that there are some on the other side of the aisle who seem to be willing to play politics, rather than help us bring forward this bill that will create jobs and support clean energy and provide tax relief for our families. I am here tonight to say this is far too important an issue with which to play politics. Not only are all of these provisions critically important but they are time sensitive. They are time sensitive. At a time when our economy is lagging and so many families are struggling, we need to get these programs in place and we need them now.

I hope that tomorrow morning when we vote on the cloture to move to this tax extenders bill that our friends on the other side will join us, that they will put politics aside and hopefully make American families a priority.

I will yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I come to the floor this evening to speak in support of S. 3335, which is the Jobs, Energy, Families and Disaster Relief Act on which this Chamber will have an opportunity to vote tomorrow morning. It is a real, honest solution to how we move forward on a variety of challenges that face the Nation today, including the huge challenge of energy which we know we face. This has been debated for the last several weeks here on the floor of the Senate.

It is my sincere hope we will be able to join in a strong bipartisan vote in support of this legislation, which was crafted in the Finance Committee under the leadership of Senator BAUCUS.

Through his leadership, this legislation that we will vote on tomorrow morning will create the opportunity for us to demonstrate to the American people we can, in fact, find solutions to some of the major problems that are facing us as a nation today.

I want to focus, first of all, on the energy tax extenders that are included in this legislation. This legislation will help us as we address the energy challenges of the Nation by making sure what we do is to open the door to one of the cornerstones of alternative fuels and energy independence that we need for America.

It will provide extension of the production tax credit, to the investment tax credit, for an industry and for markets that need certainty, and that certainty can only be provided by giving the long-term extensions that are created in this legislation.

A ''no'' vote on this legislation tomorrow is a disastrous effect to an industry that is still in a nascent position, an industry that has a horizon where within a few years we can start making some very dramatic impacts to the energy needs of America.

Projections by the experts show that a failure to extend the solar and wind tax incentives alone will result in the withdrawal of nearly $19 billion in capital investments and the loss of more than 116,000 jobs in 2009. That is 116,000 jobs in 2009.

At this point, we look at the pillars of the American economy, and they are shaky. Last Saturday, it took a Saturday session, but we were able, here in the Senate, with a very strong bipartisan vote, to help put one of those pillars of the American economy on a pathway where we will be able to strengthen that pillar. That has to do with the housing crisis that America has been facing.

Tomorrow morning we have another opportunity to address another one of those pillars that is somewhat shaky, in fact, very shaky, and causing a lot of pain to the American consumers and to American national security; that is, the issue of energy which is addressed in the tax extender package that we will be voting on tomorrow morning.

When we think about the fact that people are concerned about the economy, they are concerned about their jobs, they are concerned about the pain at the pump, the fact that we have an opportunity to do something about it tomorrow morning, hopefully, will result in the kind of resounding bipartisan vote that we saw on the housing package on Saturday in this Chamber.

All people have to think about is the fact that we need to move forward with a new energy future; the fact that if we do not pass this energy legislation, just on the energy piece of this legislation, 116,000 jobs will be lost in 2009. So a ''no'' vote on this legislation is essentially saying no to 116,000 jobs that would be created through the renewable energy world, including through wind energy, which is included within this legislation.

I want to make sure that everybody understands, my colleagues in the Senate, and I know that the Presiding Officer, a distinguished member of the Energy Committee, very much understands this reality; that is, we are not talking about the theoretical or pie-in-the-sky kind of stuff, things that may happen in the year 2050 or in the year 3000.

This is a picture of a small farm with small wind microturbines that are actually producing enough electricity to be able to power the entire farm operation. In many retail shopping centers around the country, you see these kind of small wind turbines that are creating most of the wind power necessary to power those shopping centers across America.

Wind power is here in a very real way, as is solar, as is our opportunity to harness the power of biofuels. Let me say in my home State of Colorado in the brief time that I have been in Washington, DC, I have seen what we have been able to do.

In 2004, in the State election when I was elected to come to the Senate, I was one of the supporters of the renewable portfolio standard that created the vision that we would produce 10 percent of our energy from renewable energy resources by the year 2015.

As a result of the passage of that legislation, and as a result of the work that the Congress did in 2005 with the Energy Policy Act and other legislation that we have passed to create incentives for renewable energy, we are making a major difference in my State of Colorado. Wind power alone today accounts for over 1,000 megawatts of power being produced in my small State of Colorado and 1,000 megawatts of power is about the equivalent of three coal-fired powerplants. The wind industry tells us we are just beginning.

For those who have heard and listened to the highly publicized visit of T. Boone Pickens to the Congress in the last week, you know what he says about wind and how he is investing in wind because we know we can harness the power of the wind. It is not some theoretical committee possibility. We are doing it in Colorado, we are doing it on farms and ranches across the State, and we are even doing it in the cities and in the shopping centers across the State. But it is more than wind. It also is about solar energy.

A few years ago there was no solar energy being created in our State. Yet, today, a few years later, we have a solar powerplant in my native San Luis Valley that is producing about 10 megawatts of power.

Our military has been leading in many ways in creating a new energy future for America. Now Fort Carson has a solar powerplant which is providing a significant amount of power to our men and women in uniform at Fort Carson. And at Denver International Airport we are about ready to plug in what will be a new solar powerplant.

In Colorado and across the Nation we have shown that we can harness the power of the wind, that we can harness the power of the Sun, that we can harness the power of biofuels. Those programs are all what is at stake when we vote on the cloture motion on the so-called extender package.

What we have done is we said wind energy is important for America, so we are going to have an extension that will allow the wind energy industry to make plans for the future. We have said biofuels and hydropower and biomass are important. In this tax extender package we have said that we will provide the tax credits or the tax incentives that are necessary for the next 3 years. We have said that solar has huge potential and we should put in an 8-year tax credit for solar in the United States.

Again, this is not theoretical work that we are doing, this is real work. Places in Arizona, for example, are looking at the construction through the Arizona Public Service Company of a 400-megawatt powerplant. In my own State we are looking at the possibility of expanding our 10-megawatt powerplant in the San Luis Valley up to 100 megawatts of power.

So if we can put these kinds of incentives in place with a 2016 horizon, we are going to make a dramatic difference in terms of how we provide energy to our Nation. So I am hopeful that as we move forward we will be able to have a strong bipartisan vote in support of this energy legislation.

OIL SHALE

I wanted to address one issue that the other side has come to the floor often and talked about for the last 2 weeks; that is, the issue of oil shale. I think as we deal with this energy crisis that we find ourselves in today we need to be honest and straightforward and truthful with the American people. And that means one of the things we ought to require of ourselves as public servants is that we ought not to be about phantom solutions. We ought not be about propounding phantom solutions that we know are not true because for some reason they become politically expedient for someone running for political office.

We need to be truthful with the American people. One of those phantoms that has been talked about for hours endlessly on the floor of the Senate has to do with the potential of oil shale where I have seen many of my colleagues with their charts coming out of the cloakroom across the aisle, saying there are some 2 trillion barrels of oil that are locked up in the oil shale of the Rockies; 80 percent of that on the western slopes of Colorado.

So because it is in my State, I have taken it upon myself to know about oil shale, to study the booms and busts that have come with oil shale for at least 100 years. I would only say that we are a long ways from developing oil shale and creating gas or diesel out of oil shale or other kinds of fuel that we can actually use in America. The technology simply is not there.

Oil shale is shale. It is oil that is locked up in rock.

Mr. President, I ask unanimous consent that I have an additional 4 minutes to complete my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, oil shale is oil that is trapped in rock. It is different from the tar sands of Canada today where you can easily, through the technologies that have been developed, create and produce millions of barrels of oil.

It is different than oil sands which exist in other places around the world. Oil shale is shale. It is rock. It is hydrocarbon that is locked up in that rock, and 100 years of trying and billions of dollars for research and development to try to figure out how to take the hydrocarbon out of that rock has not gone anywhere. Yet that does not mean we should all shut the door to the potential of developing oil shale. And someday we may.

In fact, I was one of the people who helped put together the 2005 Energy Policy Act that created a research and development program, which is well underway in my State of Colorado, to determine whether we can develop this oil shale in the ground.

But we have a number of questions which have not yet been answered. So it is not a panacea for anybody to come over here to the floor of the Senate today and say that oil shale—somehow we are going to wave a magic wand and all of a sudden that is going to deal with the pain at the pump today. It simply is not because we do not yet know how to take the hydrocarbon out of this rock.

The oil companies themselves—Chevron Oil—said this not so long ago, on March 20 of 2008. Chevron, an oil company most people are familiar with, Chevron and what it does, said:

> Chevron believes that a full-scale commercial leasing program should not be made at this time without clear demonstration of commercial technologies.

That was Chevron in March of this year. Last week, notwithstanding what the industry is saying about oil shale, the Department of the Interior decided that it would move forward and that it would attempt to develop the oil shale through a commercial leasing program. Even within those comments of the Department of the Interior, the BLM said on July 22, 2008—this is the agency of our Federal Government that is going to be responsible for developing commercial oil shale:

It is not presently known how much surface water will be needed to support future development of an oil shale industry. Depending on a need, there could be a noticeable reduction in local agricultural production and use.

We do not know whether it is 100,000 acre feet or 200,000 acre feet or 1 million acre feet. We simply do not know. Finally, the BLM also said on that same day:

The lack of a domestic oil shale industry makes it speculative to project the demand for oil shale leases, the technical capability to develop the resource, and the economics of producing shale oil.

I conclude by simply saying that as we look at energy solutions for this very difficult challenge America faces today, let's focus on real solutions. Let's not focus on phantom solutions.

One of the real solutions we will be voting on tomorrow will be the energy provisions of the tax extender bill that will embrace a new energy frontier with what is the cornerstone of energy independence that says alternative fuels are one of the ways in which we will get to that energy independence.

Mr. WEBB. Mr. President, I rise today in support of the Jobs, Energy, Families and Disaster Relief Act of 2008, S. 3335. Earlier versions of this bill failed to overcome minority opposition. But now is the time for the Senate to pass this legislation in an expeditious manner.

This narrowly targeted and fair-minded bill contains several important provisions. Some of these provisions will help promote economic fairness. For example, this bill extends critical tax relief for working families and college students. Moreover, this legislation will help incentivize the development of alternative energies that will reduce our Nation's dependence on foreign sources of oil.

In addition, I support this bill because it contains provisions to help repair our Nation's aging infrastructure, provide relief for Americans suffering from recent natural disasters, and require parity for mental health care treatment with other medical treatment.

One of the noteworthy provisions in this legislation relates to an issue that is important to constituents in my home State of Virginia—namely the research and development tax credit—referred to as the ''R&D'' tax credit. This bill will extend the R&D tax credit for another year.

As most of my colleagues know, Congress originally enacted the temporary R&D tax credit in 1981. Expenditures for R&D go to wages paid to employees performing qualified research activities, as well as supplies used to conduct this research. Since 1981, U.S.-based research and development have had a track record of spurring U.S.-based innovation.

The Commonwealth of Virginia has helped to lead the innovation revolution. Since the 1980s, small and large businesses across Virginia have thrived. Many of these Virginia businesses engage in fields such as information technology, telecommunications, manufacturing, computer software, aerospace, and energy. A renewed R&D tax credit extension will help Virginia's businesses continue to compete effectively around the world and help protect Virginia's economy.

As Virginia's research-driven companies have flourished, many Virginians have found employment in the R&D field. These jobs traditionally are stable, high-paying jobs that have helped to strengthen not only Virginia's business sector but also Virginia's families and communities.

The Commonwealth of Virginia is among the top States ranked by number of firms engaged in R&D activity. Virginia's industrial R&D activity totals over $2 billion per year. And my home State is among the top States contributing to our Nation's R&D performance.

If Congress allows the R&D tax credit to lapse, the consequences will be large. The lapse of the tax credit could cost the American economy tens of millions of dollars per day, as companies delay or cancel R&D-related activities. Many of our Nation's overseas competitors—including China and several European nations—offer an R&D tax credit and would gain a big competitive advantage over the United States. Failure to renew the R&D tax credit would allow our foreign competitors to attract researchers and facilities at the expense of U.S. research. But most importantly, if Congress does not renew this much-needed tax credit, we will see more Americans lose their jobs at a time when hardworking families already are suffering.

On three occasions this year, many Senators have thwarted the majority leader's attempts to begin debate on tax extenders legislation. I ask my colleagues this time to allow this tax legislation—including the R&D tax credit—to move toward final passage. Let us work together to keep our R&D sector competitive and let us support policies that will drive the next generation of American innovation.

MORNING BUSINESS

AUTISM

Mr. DURBIN. Mr. President, as a Senator, I often meet with constituents about their concerns. I hear a lot of stories about their lives. No story is more compelling than that of a parent looking for help for their sick child. My office receives hundreds of letters and phone calls each year from Illinoisans asking Congress to do something to help with the burden that autism brings, and we are hearing from more families every year.

Two years ago, I heard from one woman whose story reflects the experience of so many families. Ellen wrote to let me know that her son's autism was a constant source of worry for her. She loves her son. At the same time, she worries that her son's siblings carry a genetic tendency for autism and that their own hopes for marriage and children are tainted with concerns about this genetic tendency. She worries that one day, her other son will have to bear the strain of raising a child who is affected by autism. Ellen writes, ''As much as we love our son, we would give anything to have him be 'typical.' He will always require supervision and assistance. He is the great passion of my life and also a very great burden.''

Autism has become the fastest-growing developmental disability in America. In the past decade, the State of Illinois has seen a 353 percent increase in the number of children diagnosed with autism. Today, one out of every 150 children born will eventually be diagnosed with some form of autism. When a family has to hear that their child, sibling, or loved one is diagnosed with autism, there are a number of questions that immediately arise. Is there a cure? What caused this? Where do we seek help? How will this affect our family financially?

Parents are searching for answers, and through medical and public health research, we can further our understanding of the challenges families are facing. During the 109th Congress, I was a cosponsor of the Combating Autism Act, which the President signed into law in December 2006. The new law calls on the Federal Government to increase research into the causes and treatment of autism, and to improve training and support for individuals with autism and their caretakers. The law will help millions of Americans whose lives are affected by autism and will begin to give us answers to outstanding questions related to an individual's diagnosis. But more importantly, the new law demonstrates the commitment of Congress to delve deeper into this critically important issue for millions of families. Recently, the Centers for Disease Control and Prevention launched the Study to Explore Early Development—a study primarily focused on the causes of autism spectrum disorders related to genetic and environmental factors. This study is the first to comprehensively look for causes of autism with over 2,700 families involved.

In addition to looking into the causes of autism, we are working to improve the quality of life for those living with autism today. I am proud to cosponsor the Expanding the Promise for Individuals with Autism Act. This bill would expand access to treatment, interventions, and support services for people with autism. All families living with autism do not have the ability to access services like those offered at the Hope School in Illinois. Through committed staff and a community-based treatment approach, the Hope School makes every day a little better for kids living with autism. This bill would help replicate resources like the Hope

School in other States to better serve the autism community.

And Illinois has gone further to help families in need of financial assistance. Because the cost of autism-related services is so overwhelming, both the Illinois General Assembly and the Illinois State Senate have passed legislation requiring health plans to provide coverage for the diagnosis and treatment of autism. Like many other States throughout the country, Illinois is responding to the voices of 26,000 children saying their families need help.

Last week, the Director of the NIH, Dr. Elias Zerhouni, testified before the Labor-HHS Appropriations Subcommittee. During the hearing, I asked him to tell us what the NIH is doing with regard to research on autism. He discussed recent findings related to potential genetic links, which may help target the search for the causes of autism. For the sake of the millions of people living with autism and the families and friends who love them, we in Congress have to do our part by funding the NIH so that the research community can proceed quickly to unlock the mysteries surrounding this terrible disorder.

RULE XLIV COMPLIANCE

Mr. INOUYE. Mr. President, as chairman of the Committee on the Conference of H.R. 4040, in compliance with rule XLIV of the Standing Rules of the Senate, I certify that that no provisions contained in the conference report meet the definition of a congressionally directed spending item under the rule.

HOUSING ASSISTANCE TAX ACT

SECTION 42 HOUSING PROJECTS

Mr. BINGAMAN. Mr. President, I wish to thank the chairman of the Finance Committee, Senator BAUCUS, for including language in H.R. 3221, which this body passed on July 26, to clarify the ''general public use'' requirement relating to the Low-Income Housing Tax Credit Program. That clarification responds to recent Internal Revenue Service guidance to State and local housing credit agencies that has cast a cloud on existing properties and future development targeted to special populations.

Since enactment of the Housing Credit Program in 1986, and prior to the recent IRS activity, the general public use requirement was understood to prohibit projects from being (1) rented in a manner inconsistent with HUD housing policies regarding nondiscrimination, (2) rented to members of a social organization or to employees of specific employers, or (3) part of a hospital, nursing home, sanitarium, lifecare facility, trailer park, or intermediate care facility for the mentally or physically disabled. This understanding has resulted in numerous section 42 housing projects being developed nationwide that target certain populations, including, for example, veterans, farm workers, first responders, teachers, artists, low-income parents attending college, pregnant or parenting teens, and domestic abuse victims.

In my home State of New Mexico, the Housing Credit Program has been essential to the construction of housing for many low-income individuals, including housing that is specifically targeted toward farm workers. Among our great success stories is the Franklin Vista development in Anthony, NM. Units already in service at Franklin Vista are targeted specifically for farm worker housing. The current phase 7, now underway, would create an additional 24 units of farm worker housing.

Ms. CANTWELL. I also would like to thank the chairman. In my home State of Washington, the IRS action has threatened a number of innovative housing developments, involving housing for pregnant women, housing for disabled military veterans, and housing for artists that are being used as part of a larger redevelopment strategy to rebuild neighborhoods. The IRS action has been particularly problematic for State efforts to deal with the critical need increase the supply of safe, decent, and affordable housing for migrant and seasonal farm workers. About 10 years ago, Washington established a Farm Worker Housing Program that has led to the creation and preservation of over 1,065 units of permanent housing for farm workers. The IRS's recent position has not only threatened future development of such housing but could potentially result in the recapture of low-income housing tax credits for such units currently in existence, potentially bringing financial ruin to the nonprofit housing providers which have developed and operate this housing.

The language in the bill that this body passed on July 26 on general public use reflects Congress's comfort with the historical application of the general public use requirement prior to the IRS's recent activities, and Congress's intent to remove the uncertainty and risk that the IRS's recent activities have created for the section 42 program.

Mr. BINGAMAN. My understanding, Mr. Chairman, is that the general public use provision in that bill, as passed, clarifies that housing does not fail to meet the general public use requirement solely because occupancy restrictions or preferences that favor tenants with (1) special needs; (2) who are members of a specified group under a Federal program or a State program or policy that supports housing for such a specified group, or (3) who are involved in artistic or literary activities. Is that understanding correct?

Mr. BAUCUS. Yes, the Senator is correct. And for this purpose a special need may relate to the physical facilities of the property, such as a building that offers day care, the services that are to be provided, or the circumstances of the tenants, such as low-income parents attending college.. The basic structure of the low-income housing tax credit is based on the premise that the States have the prime responsibility to administer this program, and they have done an excellent job so far. They currently have the responsibility to determine the housing priorities of the State and to give priority to tenant populations with special housing needs. The newly codified general public use rule reinforces the latitude of the States to decide how housing credit dollars are allocated.

Ms. CANTWELL. I thank the chairman for that response and for his work, along with that of the ranking member, on this important issue that would permit housing credit properties to continue to serve special populations provided that the properties satisfy the nondiscriminatory tenant selection criteria and other requirements of the Low-Income Housing Tax Credit Program. I also thank the Senator from New Mexico, Mr. BINGAMAN, for his tireless leadership on this issue.

ACCESS ACT

Mr. BROWNBACK. Mr. President, I rise to speak about S. 3046 and H.R. 6270, the Access, Compassion, Care, and Ethics for Seriously Ill Patients Act or ACCESS Act. The intent of this bipartisan, bicameral legislation is to expand access to investigational treatment options for patients with serious or life-threatening diseases.

A provision of the ACCESS Act provides for three requirements for a patient to become eligible for access to investigational treatments that have completed at least phase one of the clinical trials process, labeled as compassionate investigational access, CIA. The second of the three requirements provides that a physician document in writing that a seriously ill patient has exhausted all treatment options approved by the Secretary for the condition or disease for which the patient is a reasonable candidate. For this particular provision, the intent of the congressional sponsors of the ACCESS Act is that a patient has examined, not necessarily tried, all Food and Drug Administration-approved treatment options for which the patient is a reasonable candidate.

Accordingly, it is not the intent of the congressional sponsors of the ACCESS Act that a seriously ill patient has tried every combination of treatments for which the patient is eligible before the patient is granted compassionate investigational access or expanded access to the investigational treatment. Moreover, it is not the intent of Congress that the seriously ill patient has exhausted every treatment option for which the patient is a reasonable candidate where a treatment option is known to have severe negative side effects.

The ACCESS Act will ensure that a patient with a serious or life-threatening disease has access to the largest scope of treatment options available to the patient and their doctor. I encourage my colleagues to join me in cosponsoring this important piece of legislation.

LAKOTA CODE TALKERS

Mr. JOHNSON. Mr. President, during World War II, Lakota, Dakota, and Nakota soldiers from across the Great Plains served this country with honor and distinction as Code Talkers. These men sent messages in code, derived from their native languages, that the enemy was never able to decipher. They saved the lives of countless Americans, were responsible for major military victories, and provided an invaluable service to the United States, but they were sworn to secrecy about their operations in order to protect the code. As a result, their important contributions were not immediately recognized.

Only one of these heroes, Clarence Wolf Guts, survives today. Mr. Wolf Guts spoke Lakota at home, but—like many other Native youth—he was punished for doing so at school. Despite this, he enlisted in the Army at age 18 and served a 3-year tour in the Pacific. Mr. Wolf Guts and his fellow Code Talkers are an example of the proud service record of Native Americans, who make up a higher percentage of service men and women in the Armed Forces than any other ethnic group in America. They have served with honor in all of America's wars beginning with the Revolutionary War on through our current operations in Iraq.

In 2001, the Navajo Code Talkers were awarded Congressional Gold Medals for their service. In appreciation of the service of Mr. Wolf Guts, his comrades, and all Native American Code Talkers, I have cosponsored S. 2681, the Code Talkers Recognition Act of 2008. This legislation would ensure that all Native American Code Talkers which hail from at least 17 different tribes are all recognized and honored for their service.

In recognition of their service, the Rosebud Sioux Tribe and South Dakota State University plan to construct the Code Talkers Memorial Park in Mission, SD. Meant to inspire hope in the community, this park will feature a Memorial Grove of trees found on the home reservation of each soldier and will provide recreation and wellness opportunities as a part of the tribe's ongoing fight against youth suicide.

I want to honor and recognize these men for their service and sacrifice for this country.

NATIONAL DAY OF THE AMERICAN COWBOY

Mr. BARRASSO. Mr. President, I wish to speak on S. Res. 482, a resolution designating July 26, 2008, as ''National Day of the American Cowboy.''

The cowboy is the icon of Wyoming, representing our history and way of life. Wyoming's cowboy spirit and western values embodies all aspects of our lives. Independence, courage, family values, and good stewardship of the land are all virtues that every Wyomingite holds dear. The people of Wyoming are proud of our cowboys and cowgirls. They carry on our strong traditions and western values.

The National Day of the American Cowboy also holds a special place in Wyoming's heart as we remember our dear friend, Senator Craig Thomas. As many know, this day of recognition initially came about through the efforts of Senator Thomas.

Senator Thomas was a genuine cowboy. He led by example instead of seeking the spotlight. He was a dedicated public servant, a powerful leader, and a straight shooter. He was a loyal family man. He was a beloved role model. All who knew Senator Thomas will remember the humble cowboy who was unwavering in his dedication to God, Wyoming, and his country.

Senator MIKE ENZI and I have continued this effort to honor our American cowboys and cowgirls across the country. I am pleased that the Senate agreed to the resolution. I look forward to celebrating this special day with Wyoming.

FBI'S 100-YEAR ANNIVERSARY

Mr. GRASSLEY. Mr. President, the FBI turned 100 years old on June 26, 2008, and so I want to offer some remarks to mark the occasion. This anniversary is the perfect opportunity to look at the FBI's accomplishments and failures over the past 100 years and its challenges for the future.

During the presidency of Theodore Roosevelt, seven U.S. Secret Service operatives moved to the new Department of Justice Bureau of Investigation to start a new mission. Thus, the FBI was born. The FBI has had countless successes in its first centennial. In particular, the Bureau developed a talented corps of professional agents and staff who pioneered new investigative tools that set most of the standards of modern law enforcement.

The FBI had early successes with the arrests of Al Capone and Gangster ''Machine Gun'' Kelly in the 1930s. Bonnie and Clyde were also permanently put out of business thanks to some local cops and the FBI. The Bureau later went after the Ku Klux Klan in the 1940s and 1950s. It targeted the New York mafia in the 1980s and 1990s, which led to the decline of the Gambino crime family and its infamous leader, John Gotti.

However, the FBI also has had its share of failures. From its own civil rights abuses in unauthorized wiretapping of civil rights leaders, to the tragedies at Ruby Ridge and Waco, to the internal betrayal by special agent Robert Hansen, there have been many dark days in the history of the Bureau. Still, I am confident that if the FBI is willing to honestly examine its own shortcomings, it can learn the lessons necessary to improve and become more effective at keeping Americans safe and free.

I celebrate with all FBI employees, active and retired, whose difficult and courageous work keeps the rest of us secure.

I also recognize and honor agents who have paid the ultimate price to protect our country from all enemies, foreign and domestic. These heroes deserve praise for their hard work and sacrifice.

The protection of the United States is the FBI's main mission. The FBI is tasked to keep us safe from terrorist attacks, foreign spies, public corruption, infringements on civil rights, organized crime, and major white-collar and violent crime. To serve its mission, the Bureau maintains a worldwide presence in over 400 cities in the United States and 60 countries worldwide.

Since the terrorist attacks on September 11, 2001, the FBI has focused its efforts on antiterrorism. Its intelligence and diligence have protected our Nation from countless threats to our safety. FBI employees have stepped up in these treacherous times, and we count on them every day. They put their lives on the line for our freedom.

We know they are fulfilling their mission when nothing happens to harm us, when we have another day, week, and year free from a terrorist attack and violent crime.

Like any anniversary, this is a good opportunity for us to look at the FBI's failures so it can learn and grow from its mistakes. For years, I have been a watchdog of the FBI's propensity to retaliate against whistleblowers, the Bureau's unwillingness to cooperate with other agencies, and its inability to update its technology system. I hope on its 100-year anniversary, the FBI will turn a new leaf and correct these problems to create a better, safer century ahead.

Parts of the FBI's internal culture hamper its ability to effectively identify and neutralize threats to national safety. For instance, the Bureau has what I have called a ''Pac-Man'' mentality, because it tries to gobble up whatever it can of other agencies' jurisdiction, evidence, and cases. At times, it has acted like a lunch-stealing bully on the playground.

Our safety would be much better preserved if the FBI would play nice and share jurisdiction and resources with the other agencies. The FBI should concentrate on its primary mission—fighting terrorism—and let other agencies take the lead on investigations in which they have specialized expertise. For example, often, drug and bombing cases should be handled by the Drug Enforcement Administration, DEA, and the Bureau of Alcohol, Tobacco, and Firearms, ATF, respectively.

This Pac-Man mentality is evident by the way the FBI demands access to

other law enforcement groups' intelligence, informants, evidence, and resources, and yet it rarely shares its own information and resources—even after 9/11. For instance, in 2006, Houston Immigration and Customs Enforcement, ICE, agent Joe Webber testified before a House Committee that the FBI purposely delayed a wiretap request in an ICE-headed terrorism financing case, simply because it was an ICE-originated case, rather than an FBI case.

The result of this Pac-Man attitude by the FBI was a missed opportunity to hunt down the perpetrators of terrorist financing in that case.

The FBI has also engaged in jurisdiction grabbing with the ATF over bombing cases and with the DEA over drug cases. Turf wars don't help keep our streets safe, because our limited resources are wasted when programs and investigations are duplicated. Instead of concentrating its resources on anti-terrorism, the FBI has tried to take over investigations in which other agencies have jurisdiction and expertise.

Similarly, the FBI has not always cooperated with other agencies in information-sharing efforts. This reluctance to cooperate is epitomized in FBI agents' turf wars with ATF agents. The Washington Post reported that FBI agents sold counterfeit cigarettes to ATF agents because the two agencies were running twin tobacco smuggling stings.

At crime scenes, the Washington Post reported, agents from each agency threatened to arrest each other over jurisdiction and evidence squabbles. The agencies acted like two dogs fighting over one bone. The problem is that there are plenty of bones out there, and the agencies can each get more if they work together.

Another problem area exists in deciding which agency should investigate domestic bombing incidents. Until recently, the FBI and ATF have been operating under a 1973 memorandum of understanding, which predated and did not anticipate the ATF's 2002 move to the Justice Department from the Treasury. This old agreement failed to take into account the post-9/11 emphasis on searching for terrorism links in bombing cases. With a 35-year-old agreement, it doesn't surprise me that there was so much confusion and squabbling between the two agencies.

I have recently learned that the Attorney General issued a new MOU that will now be the controlling authority between the ATF and FBI in bombing cases.

I am curious to see this new MOU and sincerely hope the FBI and ATF have come up with a better way to resolve disputes regarding which agency takes the lead on domestic bombing cases.

Unfortunately, there is reason to be skeptical that this new MOU will have an impact. A 2004 memo from former Attorney General Ashcroft directed the FBI and ATF to combine their bomb databases under the ATF's direction, because of the ATF's expertise in bombing cases. However, 4 years after the Attorney General issued that directive, the FBI still has not transferred its bomb database to ATF's management.

Without the ATF's and FBI's cooperation in this area, agents are more likely to be missing key information. I don't blame the agents on the street for this problem. The problem is the direct result of jurisdictional greed and indecision by top bureaucrats at FBI Headquarters. It is imperative that the two agencies work together so that they can keep the country safe.

Notwithstanding these issues, there have been instances of effective cooperation. In 2007, the ATF and FBI cooperated with other law enforcement agencies, and their efforts resulted in the largest prosecution of environmental extremists in U.S. history. Ten ecoterrorists were convicted for politically motivated arson that caused $40 million in damage. We need to see more of these types of successes, and if the FBI and other agencies can replicate this kind of cooperation in the next 100 years, Federal law enforcement will end up better fighting criminals and terrorists together, rather than fighting against each other.

I have also done oversight of the culture within the FBI which encourages retaliation against whistleblowers. There have been too many cases of continued retaliation against FBI whistleblowers. Any FBI employee who has the courage to come forward to expose corruption or wasted resources in the FBI should be applauded, rather than punished. Not only are these courageous individuals safeguarding our tax dollars, they are also diverting resources from waste to use in the fight against terrorism and crime.

Whistleblowers can spur the FBI to correct its problems. For instance, FBI agent Coleen Rowley went public with insights about the FBI's conduct in the weeks leading up to the 9/11 terrorist attacks. Rowley wrote a letter to FBI Director Robert Mueller in May 2002, outlining how her Minneapolis field office pushed to search Zacharias Moussaoui's home and laptop following French intelligence reports on his connections and activities. But FBI headquarters downplayed the need to get a FISA wiretap and search his home and computer and ultimately denied the Minneapolis field office's request. This was after the FBI got reports that Moussaoui tried to take flight lessons and a Phoenix field agent reported suspicions about Middle Eastern men enrolled in flight school.

After the attacks, Rowley wrote her concerns in a letter to Director Mueller about how FBI headquarters ''downplayed, glossed over, and/or mischaracterized'' their investigation of Moussaoui. We don't know what could have been prevented if the Minneapolis office had been able to pursue Moussaoui when it had the chance.

What we know is that whistleblowers play an important role in improving our agencies. On its 100-year anniversary, the FBI should recognize that it needs to listen to those courageous agents who alert them to a problem, rather than retaliate against the messenger.

There continue to be high-profile cases involving discrimination against FBI whistleblowers. For instance, just over a month ago, FBI agent Bassem Youseff came forward and testified before Congress about staffing deficiencies in the counterterrorism program of the FBI. Without his testimony, Congress would not have known that the FBI is having trouble filling those critical positions. Yet, just 2 days after testifying, agent Youseff was accused of violating FBI regulations. The FBI dropped its allegations, but I am not willing to drop the subject. I sent a letter, along with House Judiciary Committee and subcommittee chairmen, demanding the FBI turn over its records to determine what happened. The FBI has not responded. The FBI should have a system that encourages concerned agents to come forward and identify problems that can then be solved, rather than swept under the rug. It should not use whistleblowers as ''canaries in coal mines,'' to be sacrificed as soon as they alert us to a problem.

Another problem the FBI must correct is the different standard of punishments it sets for agents versus their supervisors. While a supervisor may get a slap on the wrist for misconduct, an agent may be heavily reprimanded. For example, agent Cecilia Woods reported that her supervisor engaged in illicit sexual activities with a paid informant. Her courage and honesty in reporting this improper activity were rewarded with two investigations into her own conduct, suspensions, and a transfer.

Meanwhile, senior level FBI agents are treated differently for their misconduct. For instance, acting special agent in charge in Baltimore, Jennifer Smith-Love, was investigated, along with two agents acting under her direction, for conducting an unauthorized search of another agent's computer.

However, Smith-Love's investigation was classified as a performance issue, rather than a misconduct issue. While the investigation was still ongoing, she got a promotion. The disparate treatment of agent Cecelia Woods and special agent in charge Jennifer Smith-Love illustrates how the FBI reprimands its agents much more harshly than it reprimands supervisors.

This unequal treatment of agents and senior management is unfair and creates an appearance of double standards at the agency. Double standards in discipline devastate morale among the dedicated, hardworking FBI agents who are just trying to do their job. The FBI should set more uniform guidelines for punishments for both agents and supervisors.

Another area the FBI needs to improve is its implementation of information technology upgrades. For years, the FBI has been charged with the task of bringing its computer systems up to date. However, despite spurts of progress, this effort has been hobbled by embarrassment and setback.

The FBI had to scrap a $170 million case management system called Virtual Case File in 2005. The Virtual Case File system was scrapped because it failed before it ever got rolling. VCF was poorly designed and poorly managed, and to make matters worse, the FBI placed little internal controls on the oversight of the project. To date, the FBI still has not completed a new version of the system, now known as Sentinel. Information technology needs to be a top priority for the FBI if it wants to effectively hunt down and disrupt terrorist cells around the globe. The situation could not be more urgent, and the FBI needs to step up and get the job done, on time and on budget.

It is also important to note that the FBI's budget has tripled since 1999. Last year, Congress appropriated almost $7 billion dollars to the Bureau. We should not tolerate the FBI's continued mismanagement of public funds on programs that don't work. The American taxpayers can not afford another Virtual Case File.

Technological advances are important tools to keep up with dangerous terrorists and criminals. As terrorists and criminals use more advanced technology to evade detection, the FBI needs to stay ahead of them with new technologies to fight them without delays or setbacks. Americans are counting on a system that works to help prevent the next terrorist attack.

Congress plays an important oversight role over the FBI and other agencies. I take this role very seriously, as it is crucial to our system of checks and balances. At this 100-year juncture, I encourage the FBI to step up to the plate to make positive changes in its agency.

Congress also has a role to play in the future of the FBI. In the 107th and 108th Congresses, legislation was introduced to reform the FBI to protect whistleblowers and provide true accountability. Unfortunately, these reforms were never fully enacted into law. We should revisit these efforts to help the Bureau be the best it can be.

I also believe that Congress needs to continue to examine the FBI's counterterrorism mission and look at the calls some have made to split the FBI's law enforcement and domestic intelligence functions along the lines of the British MI–5. Now some may see my statement as a call to dismantle the FBI, that is not what I am saying. What I do believe is that our constitutional duty to conduct oversight includes a soup-to-nuts review of our law enforcement policies, including whether or not those at the FBI are achieving their primary mission. I think there is merit to arguments on both sides and believe we should spend some of our time looking into this. To summarize, I thank FBI employees, past and present, for their collective past 100 years of service. I also challenge the FBI's management to grab ahold of the reins to build a stronger, more accountable, transparent, and effective FBI. I challenge the FBI's leadership to recognize and correct the problems it currently has so the Bureau can be the top notch law enforcement agency it can be.

Now is an ideal time for the agency to look back on what it has done right and wrong and work to do a lot better in the future.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. 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 that today's letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

I strongly urge you to fully and aggressively support legislation that extends the tax credits for renewable energy sources. This legislation has been defeated in Congress 3 times in the past year! This is unimaginable and pathetically short-sighted. Solar and wind power generation and the like generates hundreds of thousands of jobs and it is critical that companies expanding these industries be supported in their early stages.

BRIANT.

Thank you for asking! I am disabled and living on Social Security ($784 per month). It is not a lot, but I had managed to live within my means for a short while and still have some kind of interaction with my church and family.

I will start my story from the time I became disabled and had to leave my employment with the Environmental Protection Agency in June of 1995. I became a full-time camper with my mother. We started out in her 19-foot class C camper and after my disability claim was approved 3 years later we moved ''up'' to a 29-foot fifth-wheel and a very used truck to tow it with. We took care of each other. We spent several summers hosting at Idaho State Parks for a free campsite (no salary) and one winter in Washington at Fort Canby. Most of our winters were spent in southern Texas at a large RV park where it was warm, the rent was reasonable and activities to keep us socially and mentally engaged were plentiful. We made many friends on the road. There are/were many people living life as we were as it was all we/they could afford. Hanging out in the desert, bathing in an irrigation ditch, hauling our drinking water and driving 10 miles to ''dump'' our tank was fun at first. It was a life we could afford as long as the gas prices stayed down. We did not take many ''side-trips.'' I do not know what the folks ''on the road'' will do now.

Finally, in 2001, I decided I wanted to have a real home again. A place to plant roots, real ones . . . roses and a vegetable garden as well as have a church family; someplace where I did not have to keep moving every few weeks or months; a real community that stayed put. In November of 2001 while visiting my sister in Spokane, I found a small ''handy-man's nightmare'' in Smelterville, Idaho that I could just afford if I sold the RV and truck. Mom was agreeable. The realtor said ''you really do not want that house!'' I said ''yes, I do!'' It had everything I wanted: a place to sit out front and greet the neighbors, an area for a garden and a clothesline to hang my laundry on; simple things.

Our whole world was falling apart at the time of the purchase as it was the week of September 11, 2001. In the silence of no aircraft flying overhead that week we prayed that our country would make it through this difficult and frightening time. We signed the papers, opened the windows and let the house air out for the winter. Mom and I headed south for our final warm, southern winter. I will never forget the sight of the huge American flags flying from the many rigs heading south. Do you know that most of the people living the ''gypsy'' life are very patriotic? Almost all of the men, and many of the women (myself included) are Veterans. I am reminded of the scene in the movie Independence Day where the RV's were all headed across the desert to Area 51.

We returned to Idaho in March to two feet of snow on the ground and no heat source in the house. We hired two guys (for $20) who were waiting for the tavern to open to unload the U-haul before the next blizzard caught up with us. It had been chasing us since Denver. We had no furniture, just Rubbermaid tubs of dishes, pots and pans, clothes and craft stuff. (I slept on an air mattress on these tubs for the first year.) We stayed with my sister in Spokane while the weather settled. Fortunately the sun came out the next week so we sat out in the yard at a broken down picnic table in the sun a lot until it warmed up. We shoveled the debris (old carpeting and broken floor tiles) out of the house and a neighbor was kind enough to haul it to the dump. It was a year before we could walk on the floors barefoot. It took me that long with a small belt sander to redo them.

Over the next five years, I patched, painted, re-wired, constructed cabinets, closets and shelves, plumbed and eventually with the help of a USDA loan at 1 percent was able to have a foundation put under the house. I turned the ground in the backyard by hand with a shovel and planted my vegetable garden. I planted flowers. My cousin came up from California with her two foster children and helped me put in a gas fireplace that she had found in an abandoned mobile home, and an old picket fence. We tore out the sidewalk leading to the house and replaced it with stepping stones and an arch with pink roses. I hung my laundry out to dry on my beautiful clothesline. We celebrated my mother's 80th birthday in the backyard in the rain under a tarp. The next day my cousin and I started a real patio cover so we would not get so wet during the next celebration. None of this was fast or easy. I am disabled, remember? I sat in the sun and thanked God for His many blessings.

Last November, as I installed the new kitchen counter and sink and the house was finally almost perfect, as I celebrated my 64th birthday, I sold my home because I was unable to keep up with the utilities. My mortgage was low (only 4.75 percent), and I had a USDA grant which enabled me to have a new gas furnace. Unfortunately the town is in the process of replacing the sewer system, the water district is upgrading their system and the electricity and gas just keep going up and up and up. I was paying more for utilities than I was for my mortgage and USDA loan. I attended a financial seminar provided by my church to find out how I could make ends meet. What was I not doing that would make the difference of financial stability? I tried finding part-time work but no one would hire me for the few hours I could work without compromising my health. My skills were outdated. I could not obtain approval for school on the Internet. I could only go to school to learn something if I would not be self-employed and the school was so far away. The hours spent would be on their terms, not when my body could work, and would again compromise my health. Selling was my only way out of debt, or I could continue as I was and continue to ''charge'' all my groceries, medicine, gas, etc., and keep the bills paid . . . for a while.

The price of gasoline was not too much of a problem as I lived 2 blocks from church, 1 block from the post office and Walmart had just moved into town! I could still walk to most places I needed to go.

Now, gasoline is a problem. The only low-income apartment I could find was in Wallace, Idaho, 15 miles from where I had been. [It does not] seem very far, does it? But if everything you do is that far away, there is no public transportation, and the price of gasoline is $4.00+, it is far indeed. I do much of my shopping via the Internet as the drive to the nearest town where fabric, books, electronics, etc. are sold is 50 miles each way. My daughter paid for my Internet service so I would not be so out of touch with the world.

I was already committed to directing my granddaughter's school Christmas and Spring musical plays. That meant a trip to Kellogg every day. While I still had some money left from the sale of my home I could absorb this cost. Now the money is gone and I haven't seen my family in 2 weeks. I try to combine my trips to church with shopping for groceries at Walmart. I do not attend many of the functions at church anymore. I used to be at the church almost every day. I may have to stop going to that church completely and go to one here in Wallace. That sounds reasonable, but the church in Smelterville is ALIVE! The churches here are not.

I miss my little four room house in Smelterville with its big south-facing windows, playing in the dirt in the yard, the scent of the flowers, the garage with my wood-working tools and the clothesline. My apartment here is clean, maintained, sufficient but dark. It is on the north side of a square red brick building. There is no room for my saws, my bicycle or my kayak. It is too dark even for container plants. The trunk of my car is my storage room. It is like living in a cave, and the building reminds me of a prison. I must have the lights on all the time, but the heat doesn't cost as much as my home did and I do not have to pay for sewer, water and garbage. Now with the price of gas I also miss my family, my church and my friends. I am trying to start a new life here. I really am. But starting all over again this time is harder than all the physical work I did on my home.

Yes, we need alternative sources of energy. I have always known that. We need to build smarter. I have always known that. We need community transportation especially in rural areas. If it is at all possible, make some of these alternative sources of energy available to the poorer elders of this country. Do not make them leave their homes because the infrastructure in this country is falling apart. Do not allow any new homes to be built without solar or wind power. The Swedes do not let you build without a composting toilet! I learned a lot living in an RV over the years. I have read many books on alternative housing. I would have built one but it would have cost me much more than my ''tear-it-down!'' house that no one wanted did. We do not have to keep building the way we are. So wasteful. Now I'm running off on a tangent and this letter is too long already!

Thank you for listening to this elder travel down a few old trails. I appreciate it.

I would be happy to talk with you or your representatives if you have any questions.

MERILYN, *Wallace.*

I provide sliding fee scale mental health services for those who do not qualify for assistance or have insurance that covers their services. If my wife did not have a second income as a teacher (24 years) I could not afford this ministry. I live and travel central Idaho (Valley, Adams, and Idaho counties) as do my patients. Rising energy is problematic both in fossil fuels and electricity for us all. Most of us are independent by nature, but this ongoing crisis will continue to put many of us on assistance lists we wish to avoid. It is also affecting the delivery of basic subsistence services for our schools, hospitals, and public services.

MICHAEL.

The suggestion to drill in ANWAR and off the coasts is mere rhetoric when you imply it will reduce the rising costs of gasoline at the pump today. From all the information I have found, it would take 10 years to get that oil into production, and then it would supply a mere 6 months of the U.S. needs at our current rate of consumption. Probably less than we would be demanding in 10 years, [I] think? Do you have information that contradicts this? I would be happy to hear it.

The multinational oil companies who would be doing the drilling would be selling the oil on the open world market, and we as a country would have no more chance to benefit from this than we now do from the ''foreign'' oil you discourage. They make a profit wherever they drill, they do not save it just for us. We already sell most of our power-producing coal to China today. How many [in] the Congress know that?

We cannot drill our way out of this mess.

You should first close the investment loopholes that have encouraged the new ''bubble'' of speculation in crude oil (after running away from the housing bubble). It would be great if you could also close other potential ''bubble'' opportunities, like food, and who knows what the investment nuts will think of next? Speculation is well on the way to ruining our economy.

You should next enact serious legislation to encourage conservation, and invest in an expansion of proven alternative energy sources such as solar and wind power.

You should NOT encourage investment in nuclear power. That, also, will take 20 years to come online, therefore having no effect on our current needs. So far as I can see we have never found a way to dispose safely of the waste. To encourage nuclear building will be a very expensive subsidy for the nuclear industry, but creating even more unpleasant problems for future generations.

You should encourage investment, with tax incentives, for technological research and development of truly new energy possibilities. I have no idea what these might turn out to be, but Americans are supposed to be inventive. Let's encourage that old spirit again.

If you really want to reduce reliance on fossil fuels, you should pass some kind of subsidy for low income people to buy hybrid or electric cars. (I know, I know . . . sounds like a handout). But it would be the most effective use of tax dollars in a direct way to substantially reduce reliance on oil. Eliminating the subsidy for the oil companies, and spending it on fuel efficient cars right now, would be more logical. (Just think of it as a gift to the struggling automotive industry; if you really want to be patriotic limit the payment to American made cars, if you can find any of those left.)

I live out in the country, and I am only one of many here in the rural west who have to have my car to get to town for work, groceries, doctor appointments, etc. We have no public transportation available. At current prices, one trip to town costs me $8.50. Of course I try to limit the number of trips, because I am retired. Ridiculous ideas like a gas tax moratorium are a waste of everyone's time. So are the drumbeats of drilling for more oil in inadequately supplied places which could not possibly or timely relieve the crunch we are in now. If we had a decent oil pool anywhere in the U.S. I could see drilling, but these possibilities you list are inadequate. We need to get away from oil as much as possible, and we need to do it fast. I have lived most of my life in an oil abundant economy, taking it for granted. But I can see the road ahead and it's not pretty.

I am guessing my letter will go in the waste pile reserved for those who disagree with you. It would be interesting to hear your thoughts on my suggestions. It is time for real head scratching, thinking, and cooperation, not politics as usual.

JILL, *Orofino.*

Senator Crapo—with pleasure. As a retired engineer, professor, vet, et al.—your priorities are close—certainly emphasize nuclear—but our legislators should stop playing their petty political games and allow/seek oil production and refining capabilities! Drill in the north slope/preserve of Alaska—NOW! Allow the oil companies to build more refineries—NOW! Most frankly—the political and environmental games have REALLY CAUSED our energy problems!

W.C. *Idaho Falls.*

We appreciate the offer to allow us to address this concern. Vern and I are on fixed incomes and are working part time jobs to help make the ends meet. Social Security brings a large chunk of the income into our home but it is quickly swallowed up with medical insurance to cover any problems that we might have. With both of us being in the 70s now it is harder to find work opportunities. We both come from large families and so we were unable to go to college for a degree. Both our fathers were blue collar workers who only went through grade school years. This was the norm for their growing up years.

With cost of insurances for medical, home and vehicle, we are paying out over $650.00 a month. That is for the least amount we can afford. Social Security gives us a small increase in January and then takes it away with the premiums to cover our Medicare insurance. This is over and above the amount listed above.

My husband worked for Frontier Airlines for 26 years and we had put aside what we thought was an adequate amount to help us with the addition of the remaining work years added and without child costs. We also

had approximately $78,000 in shares in the company through People Express. When my husband was 50 years old, Mr Frank Lorenzo did his usual number on the airline industry and placed Frontier into bankruptcy. Our shares disappeared, our pension was pretty much stolen to put in his pocket and we were left with no real future. We tried for 2 years to survive and save our house in Boise to no avail.

Now enter the price increases to drive our vehicles, heat our homes, and feed ourselves. The environmentalist have 'done a number' on their fellow countrymen by shutting down the ability to use our own reserves to help the country out. We are more fortunate than a lot of our fellow men but we still are struggling to make ends meet and see the need to cut back even more to survive.

Our oldest granddaughter is getting married in August in San Diego. We had plans to go down there for that. That will probably not happen unless we go further into debt to purchase either fuel for our vehicle or an airline ticket which will also need fuel to get to Salt Lake City and back. We are greatly disturbed by the rich, lining their pockets at the expense of those who thought that we could retire and survive. Heaven help those who still have families to provide for.

Let us open up our rich reserves, put the U.S. back into being a country that provides for its countrymen, with work in the oil fields, and a God-fearing, loving-your-fellowman country. Greed, pride, and selfish people are dictating what we do in the Senate, the House, and those who pander to those who call the shots by 'buying' them off to take care of themselves.

VERN & MARTHA.

RECOGNIZING DEL TINSLEY

Mr. BARRASSO. Mr. President, it gives me great pleasure to recognize the accomplishments of Del Tinsley; the 2008 inductee into the Wyoming Agricultural Hall of Fame.

Del's fascination with agriculture began as a small boy. He spent his summers helping ranchers in the community of Guernsey, WY. As the director of the Wyoming Office of USDA Rural Development, Del's enthusiasm for agriculture has become a lifelong career dedicated to Wyoming's farmers and ranchers.

Del's boyhood summers on the ranch soon developed into a successful tenure selling advertising for the Wyoming Stockman-Farmer. In 1990, Del went to work building the newly established Wyoming Livestock Roundup from a little known publication to the must-have newspaper for every major implement dealer and livestock auction in the State.

As director of the Rural Development office of the USDA, Del has successfully encouraged renewable energy development and business diversification within Wyoming's agricultural industry.

Over the years, Del has been a voice of wisdom for Wyoming's farming and ranching communities.

I am pleased to honor Mr. Del Tinsley on the Senate floor today. Del is a true steward of the land. Del continues to uphold the Wyoming heritage of farming and ranching.

ADDITIONAL STATEMENTS

CONGRATULATIONS TO ST. LOUIS ROADIES SOCCER TEAM

● Mr. BOND. Mr. President, today I congratulate the St. Louis Roadies soccer team on their recent participation in the Homeless USA Soccer Cup. The Roadies were the first team ever from St. Louis to participate in this special event, which was held last month here in Washington, DC. I had the privilege and honor to meet personally the entire team and their coaches from Peter and Paul Community Services in my office here on Capitol Hill before their competition. While the team did not capture the title, I am proud of their performance and representation of the St. Louis community and my home State of Missouri. However, I am even prouder of their personal perseverance and commitment to self-improvement after experiencing the terrible plight of homelessness.

According to the organizers of the Homeless World Cup, about 77 percent of participants in the 48-team tournament go on to better their lives through employment, housing, education and/or drug and alcohol treatment. The founders of the event believe that it provides an opportunity for these men to express actively themselves through organized competition to build character and positive individuality. Based on their performance, I agree.

The six-man team from St. Louis was made up of men who were recently homeless. Unfortunately, many others suffer from the plight of homelessness. It is frankly a national tragedy that we can and must end. Nevertheless, the spirit of the Roadies and others who participated in the Homeless Soccer USA Cup gives us significant hope that we can end homelessness.

All six men and their coaches deserve high praise. I personally congratulate the six players, Oscar Grandberry, Daniel Blue, Doug Carter, Labon Smith, Marcus Davis, and Vince Steiniger; and the coaches, assistant coach Dena Emmanuelle, coach David Flomo, and coach Keith Deisner.

Let me highlight one of the players named Oscar Grandberry who played goalie for the Roadies. His play earned him a spot on the U.S. national homeless team as an alternate. He is an amazing story of determination. Oscar is a native Liberian and former child soldier who is now on his way to completing a second master's degree from St. Louis University. Oscar and Team USA will travel to Melbourne, Australia, later this year to compete in the sixth annual Homeless World Cup and I wish them my best.

The Roadies placed third in the beginners' bracket of the USA Cup and earned the Cup's Fair Play Award. This award is annually granted to the team ''showing the best in human spirit and embodying what the tournament is all about.'' As an addition to the already exceptional sporting culture of St. Louis and the State of Missouri, the Roadies are an inspiration to, and an excellent representation of, the great people of St. Louis.●

100TH ANNIVERSARY OF THE CITY OF ALBANY

● Mrs. BOXER. Mr. President, I take this opportunity to recognize the 100th anniversary of the city of Albany, located in Alameda County, CA.

The city of Albany, formerly known as Ocean View, was incorporated as Ocean View in September 1908. In 1909, voters changed the name of the city to Albany in honor of the birthplace of the city's first mayor, Frank Roberts. This year, we celebrate its centennial anniversary. Well-recognized for its prominent landmark, Albany Hill, the city of Albany has charmed residents and visitors alike for decades.

Situated on the eastern shore of the San Francisco Bay in northern Alameda County, Albany's waterfront has undergone significant changes over the last 100 years. From the renovation of the Albany Bulb to the city's involvement in Eastshore State Park, the city of Albany has taken dramatic steps to promote a greener, more sustainable city. These efforts were rewarded in 2008 when Albany was named one of California's greenest cities.

Solano Avenue, the principal shopping street in Albany, traverses the city from east to west, while San Pablo Avenue, its other major commercial street, runs north to south. These two streets account for the majority of commerce in the city. Solano Avenue is also host to the annual Solano Stroll, which is held on the second Sunday of every September. This event began in 1974 and has since been designated by the Library of Congress as a National Local Legacy. Another local landmark to be found in Albany is Golden Gate Fields, the only horse racing track in the San Francisco Bay Area.

I congratulate the city of Albany on this special occasion of its 100th birthday and salute its wonderful community spirit.●

CITY OF KINGSBURG'S 100TH ANNIVERSARY

● Mrs. BOXER. Mr. President, I ask my colleagues to join me in celebrating the 100th anniversary of the city of Kingsburg, a family-oriented community located in California's San Joaquin Valley.

The story about the city of Kingsburg, like many other communities throughout the San Joaquin Valley, can be traced to its fertile soils, Mediterranean climate, and industrious population. In the early 1870s, the lure of a better and more stable life prompted two Swedish natives to settle in a Central Pacific Railroad town called Kings River Switch. In 1874, the site for the present-day town site was

drawn up and the name was changed to Kingsbury. Two years later, the name was changed to Kingsburgh to reflect the Swedish heritage of many of the town's residents. In 1894, the city's name took on its current spelling, Kingsburg. On May 19, 1908, the city of Kingsburg officially became an incorporated city in Fresno County.

The city of Kingsburg has grown from a sleepy railroad town, at its founding, to a vibrant community of nearly 10,000 that rests in the middle of one of the most dynamic regions of California. Kingsburg is where Olympic legend Rafer Johnson and his brother, Pro Football Hall of Famer, Jimmy Johnson, spent their formative years and honed their athletic skills. Today the city of Kingsburg proudly embraces it Swedish heritage and its status as the ''Swedish Village.'' The city's landscape features distinctive Swedish architecture and brightly painted Dala horses, traditional wooden statuettes of horses and a national symbol of Sweden.

If its first century is any indication, it is clear that the city of Kingsburg will continue to grow and reach new heights in the years to come. The story of the city's first one hundred years is a testament to the value of community. As the residents of Kingsburg gather to celebrate this auspicious occasion, I congratulate them on their centennial anniversary and wish them continued good fortune and success.●

100TH ANNIVERSARY OF THE UNIVERSITY OF CALIFORNIA, DAVIS

● Mrs. BOXER. Mr. President, I am pleased to recognize the 100th anniversary of the University of California, Davis.

U.C. Davis began as a public landgrant university in 1905 when California Governor George Pardee signed into law an act establishing a university farm school for the University of California. One year after the act was signed, the small town of Davisville, today known as Davis, was selected as the site for the University Farm. The campus was established largely due to the vision of Peter J. Shields, then-secretary of the California State Agriculture Society, who was dissatisfied by the fact California students were choosing to attend out-of-state universities due to the lack of programs offered by the University of California.

The official opening of the University Farm was in January 1909 with a student body of 18 students from the University of California, Berkeley on a 778-acre campus. The campus opened with 16 regular instructors from U.C. Berkeley's College of Agriculture and 12 nonresident instructors. In 1922, the University Farm was renamed the Northern Branch of the College of Agriculture and expanded to 3,000 acres in 1951 to support its rapidly growing student body.

In 1959, the Northern Branch of the College of Agriculture was declared by the Regents of the University of California as the seventh general campus in the University of California system. Since its inception as a U.C. campus, Davis has become one of the most renowned academic universities in the Nation. In 1996, Davis joined the prestigious Association of American Universities, which represents the top 62 research universities in North America. It has also been ranked by U.S. News and World Report as the 42nd best university in the United States and the 11th best public university in the Nation. In addition, Washington Monthly ranked U.C. Davis 8th among all U.S. universities based on its contributions to society.

U.C. Davis offers its students 100 academic majors and 86 graduate programs within its 4 colleges and 5 professional schools. It currently ranks 14th in the Nation in total research expenditures, 2nd in agricultural research, 12th in life sciences, and 13th in biological sciences. Davis' impressive faculty include 21 members of the National Academy of Sciences, 13 members of the American Academy of Arts and Sciences, 7 members of the National Academy of Engineering, 5 members of the Institute of Medicine, 3 members of the Royal Society, 2 members of the American Academy of Arts and Letters, 2 Pulitzer Prize winners, and 2 MacArthur fellows. U.C. Davis alumni account for 1 in every 276 Californians, many of whom have gone on to become leaders in their fields of expertise.

Today U.C. Davis has 30,000 students on the largest campus in the U.C. system spanning over 5,300 acres. U.C. Davis is the only U.C. campus with its own airport and one of two campuses with a nuclear laboratory and fire department. The U.C. Davis School of Medicine operates one of the Nation's finest hospitals which is regularly ranked in the top 50 by U.S. News and World Report.

As the community, students, staff and alumni gather to celebrate U.C. Davis's centennial anniversary, I would like to congratulate them and thank them for their outstanding commitment to education.●

HONORING DAN PACKER AND ANDY PALMER

● Ms. CANTWELL. Mr. President, I wish today to honor the bravery of two fallen Washington State firefighters—Dan Packer and Andrew Palmer.

They lost their lives this weekend battling the dangerous wildfires burning in northern California.

Dan Packer fought fires for decades. He was chief of East Pierce Fire and Rescue in the Bonney Lake area and a former president of the Association of Washington Fire Chiefs.

This weekend, he was supervising the firefighting efforts in California as a member of an interagency emergency management team when his position was overrun by a wildfire following an ''unexpected shift in the wind.''

Andrew Palmer, from Port Townsend, was just 18 years old and on his first day of working the northern California fire line. He tragically lost his life when he was struck by a falling tree. He has been described as ''extremely energetic'' and ''dedicated to his job.''

Both of these men clearly illustrate the courage that firefighters across this country exemplify every time they go to work . . . starting on day one.

An unknown firefighter once said, ''What you call a hero, I just call doing my job.''

So today I ask that all Washingtonians, all Californians, and all Americans pause to think about these two men, their families, and the ultimate sacrifice they made just ''doing their jobs'' to protect their Californian neighbors.

They represent the best America has to offer: courage and selfless action. Their service will not soon be forgotten.

In fact, the deaths of these two brave Washingtonians unequivocally reaffirms the need to continue to work to protect and prepare these brave Americans for the danger they face every day.

Since 1910, more than 900 wildland firefighters have lost their lives in the line of duty. And unless we take action that number will continue to grow every summer we send these brave individuals in to battle wildfires.

We must demand firefighter safety and training programs receive the funding they need.

We must track this training to ensure that every firefighter is equipped with the tools he or she needs to make it home safely every time. It is our responsibility and obligation—to Dan Packer, to Andrew Palmer, and to all firefighters across this country.●

CONGRATULATING CHERMACK MACHINE, INC.

● Mr. KOHL. Mr. President, I would like to congratulate Chermack Machine, Inc., on its 75th anniversary. Chermack Machine was founded in Cameron, WI, in 1933. It has played a significant role in the defense of our Nation with manufacture of war materials for the United States during World War II.

From humble beginnings, this business has become a full service operation specializing in assembly, welding, automated sawing, custom prototyping, production machining and conventional machining. Chermack Machine, Inc. is a wonderful example of American small business where commitment to quality products and customer satisfaction are dominant business principles.

Chermack Machine's dedication to exceeding client expectations and helping our Nation compel me to congratulate them on their 75th anniversary.●

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 5:11 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3221. An act to provide needed housing reform and for other purposes.

The enrolled bill was subsequently signed by the president pro tempore (Mr. BYRD).

At 6:59 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 bill, in which it requests the concurrence of the Senate:

H.R. 6340. An act to designate the Federal building and United States courthouse located at 300 Quarropas Street in White Plains, New York, as the ''Charles L. Brieant, Jr., Federal Building and United States Courthouse''.

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–7296. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Almonds Grown in California; Relaxation of the Incoming Quality Control Requirements'' (FV080981-1 IFR) received on July 28, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7297. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Nectarines and Peaches Grown in California; Changes in Handling Requirements for Fresh Nectarines and Peaches'' (FV08-916/917-1 FIR) received on July 28, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7298. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Raisins Produced from Grapes Grown in California: Revisions to Requirements Regarding Off-Grade Raisins'' (FV07-989-4 FR) received on July 28, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7299. A communication from the Under Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General John W. Bergman, United States Marine Corps Reserve, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–7300. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report on the determination and findings on the authority to award a contract for the depot level maintenance and repair of surface ship combatants located in the Mayport homeport area, based on public interest exception to requirement for full and open competition; to the Committee on Armed Services.

EC–7301. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Conforming Changes- Standards of Conduct and Extraordinary Contractual Actions'' (RIN0750-AG01) received on July 28, 2008; to the Committee on Armed Services.

EC–7302. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Conforming Changes- Standards of Conduct and Extraordinary Contractual Actions'' (RIN0750-AF'99) received on July 28, 2008; to the Committee on Armed Services.

EC–7303. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Small Business Program Name Change'' (RIN0750-AG00) received on July 28, 2008; to the Committee on Armed Services.

EC–7304. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process; to the Committee on Banking, Housing, and Urban Affairs.

EC–7305. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a Mid-Session Review, containing revised estimates of receipts, outlays, budge authority, and the budget deficit or surplus for fiscal years 2008 through 2013; to the Committees on Appropriations; and the Budget.

EC–7306. A communication from the Deputy Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Development of Nationwide Broadband Data to Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans, Improvement of Wireless Broadband Suscribership Data, and Development of Data on Interconnected Voice over Internet Protocol (VoIP) Subscribership'' (FCC 08-148) received on July 28, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7307. A communication from the Deputy Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Development of Nationwide Broadband Data to Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans, Improvement of Wireless Broadband Subscribership Data, and Development of Data on Interconnected Voice over Internet Protocol (VoIP) Subscribership'' (FCC 08-89) received on July 28, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7308. A communication from the Deputy Division Chief, Public Saftey and Homeland Security Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Commercial Mobile Alert System, Second Report and Order'' (FCC 08-164) received on July 28, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7309. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''1-Methylcyclopropene; Pesticide Tolerance; Technical Correction'' (FRL No. 8372-9) received on July 28, 2008; to the Committee on Environment and Public Works.

EC–7310. 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 Plans; Montana; Revisions to the Administrative Rules of Montana-Air Quality, Incinerators'' (FRL No. 8683-5) received on July 28, 2008; to the Committee on Environment and Public Works.

EC–7311. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Gentamicin; Pesticide Tolerance for Emergency Exemptions'' (FRL No. 8370-8) received on July 28, 2008; to the Committee on Environment and Public Works.

EC–7312. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Cyfluthrin; Pesticide Tolerances'' (FRL No. 8370-7) received on July 28, 2008; to the Committee on Environment and Public Works.

EC–7313. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Inert Ingredients: Extension of Effective Date of Revocation of Certain Tolerance Exemptions with Insufficient Data for Reassessment'' (FRL No. 8372-7) received on July 28, 2008; to the Committee on Environment and Public Works.

EC–7314. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pyraclostrobin; Pesticide Tolerance'' (FRL No. 8373-2) received on July 28, 2008; to the Committee on Environment and Public Works.

EC–7315. 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, Ventura County Air Pollution Control District'' (FRL No. 8695-7) received on July 28, 2008; to the Committee on Environment and Public Works.

EC–7316. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Standards of Performance for Petroleum Refineries- Final Rule; Stay of Effective Date'' (FRL No. 8698-3) received on July 28, 2008; to the Committee on Environment and Public Works.

EC–7317. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Virginia: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL No. 8698-6) received on July 28, 2008; to the Committee on Environment and Public Works.

EC–7318. A communication from the Program Manager, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Child Support Enforcement Program Medical Support'' (RIN0970-AC22) received on July 28, 2008; to the Committee on Finance.

EC–7319. A communication from the Program Manager, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Prohibition of Midyear Benefit Enhancements for Medicare Advantage Organizations'' (RIN0938-AO54) received on July 28, 2008; to the Committee on Finance.

EC–7320. 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 ''Bonus Depreciation for the Kansas Disaster Area'' (Notice No. 2008-67) received on July 24, 2008; to the Committee on Finance.

EC–7321. A communication from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting two legislative proposal relating to the implementation of treaties concerning maritime terrorism and the maritime transportation of weapons of mass destruction; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 618. A resolution recognizing the tenth anniversary of the bombings of the United States embassies in Nairobi, Kenya and Dar es Salaam, Tanzania, and memorializing the citizens of the United States, Kenya, and Tanzania whose lives were claimed as a result of the al Qaeda led terrorist attacks.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 344. A bill to permit the televising of Supreme Court proceedings.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1211. A bill to amend the Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors.

S. 1515. A bill to establish a domestic violence volunteer attorney network to represent domestic violence victims.

S. 2041. A bill to amend the False Claims Act.

S. 2136. A bill to address the treatment of primary mortgages in bankruptcy, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BIDEN for the Committee on Foreign Relations.

*Marie L. Yovanovitch, of Connecticut, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Armenia.

Nominee: Marie L. Yovanovitch.

Post: Ambassador to Yerevan, Armenia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self: $50, 4/7/02, Cole for Congress; $50, 4/7/02, Herseth for Congress; $50, 4/7/02, Carnahan for Congress; $100, 3/3/01, Watson for Congress; $100, 11/11/00, Clinton for Senate; $100, 11/11/00, Coyne-McCoy for Congress; $100, 5/7/00, Gore for President; $100, 8/26/00, Gore-Lieberman Campaign.

2. Spouse: N/A.

3. Children and Spouses: N/A.

4. Parents: Michel and Nadia Yovanovitch: $25, 6/2/07, Hillary for President; $25, 6/2/07, NC Democratic Party; $35, 3/11/04, Democratic Senatorial Campaign Committee; $35, 3/11/04, John Kerry for President; $25, 3/11/04, A Lot of People Supporting Tom Daschle; $25, 11/25/03, Jeffords for Vermont; $25, 11/12/03, Democratic Senatorial Campaign Committee; $25, 9/6/03, Senator Tom Daschle; $25, 9/6/02, Democratic Senatorial Campaign Committee; $25, 7/1/02, Senator Jim Jeffords; $10, 5/4/01, N.C. Dollars for Democrats; $25, 3/19/99, Gephardt in Congress Committee.

Note: My mother is traveling and does not have access to her financial records from 2005—2006. If she made any political contributions during this period, she says it would not total more than $100.00.

5. Grandparents: N/A.

6. Brothers and Spouses: Andre Yovanovitch: None.

7. Sisters and Spouses: N/A.

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*Tatiana C. Gfoeller-Volkoff, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kyrgyz Republic.

Nominee: Tatiana C. Gfoeller-Volkoff.

Post: Bishkek.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self: No contributions.

2. Spouse: $1,000, fall/2000, George W. Bush.

3. Children and Spouses: No contributions.

4. Parents: No contributions.

5. Grandparents: No contributions.

6. Brothers and Spouses: Have no brothers.

7. Sisters and Spouses: Have no sisters.

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*W. Stuart Symington, of Missouri, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Rwanda.

Nominee: W. Stuart Symington IV.

Post: Rwanda.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate).

Contributions, Amount, Date, and Donee:

1. Self: None.

2. Spouse: None.

3. Children and Spouses: Jane W., and W. Stuart Symington.

4. Parents: Stuart Symington, Jr.: $100, 3-18-08, Skelton; $30, 1-20-08, Yale Bulldog Democrats; $1,000, 1-27-07, Clinton; $50, 7-05-07, Dem. Sen. Committee; $500, 5-07-07, Obama $100, 7-01-05, Skelton; $500, 1-05-04, Gephardt; $50, 10-04-04, W. Lacy Clay.

Janey B. Symington: None.

5. Grandparents: W. Stuart Symington: Deceased.

Evelyn Wadsworth Symington: Deceased.

Sidney M. Studt: Deceased.

Jane S. Studt: Deceased.

6. Brothers and Spouses: Sidney S. Symington: None.

Martha Wadsworth: None.

John S. Symington: $2100, 2005, Klobuchar for Minnesota; $200, 2004, Kerry.

Margaret Symington: $2000, 2005, Klobucher for Minnesota; $2000, 2006, Klobuchar; $300, 2004, Kerry; $100, 2004, Emily's list.

7. Sisters and Spouses: Anne W. Symington: Deceased.

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*Alan W. Eastham, Jr., of Arkansas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Congo.

Nominee: Alan W. Eastham Jr.

Post: Brazzaville.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self: Alan W. Eastham, None.

2. Spouse: Carolyn L. Eastham, None.

3. Children and Spouses: Mark A. Eastham, None; Michael S.G. Eastham, None.

4. Parents: Alan W. Eastham, Deceased; Ruth C. Eastham, Deceased.

5. Grandparents: Thomas W. Eastham, Deceased; Annie Jo Eastham, Deceased; Dewey T. Clayton, Deceased.

6. Brothers and Spouses: Thomas C. Eastham, None; Jenny Lea Eastham, None; Craig L. Eastham, None; Dawne Deane, None.

7. Sisters and Spouses: None.

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*James Christopher Swan, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Djibouti.

Nominee: James Christopher Swan.

Post: Djibouti.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self: none.

2. Spouse: none.

3. Children and Spouses: none.

4. Parents: none.

5. Grandparents: none.

6. Brothers and Spouses: none.

7. Sisters and Spouses: none.

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*Michele Jeanne Sison, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lebanon.

Nominee: Michele J. Sison.

Post: U.S. Ambassador to Lebanon.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate

Contributions, Amount, Date, and Donee:

1. Self: None.

2. Spouse: N/A.

3. Children and Spouses: Alexandra K. Knight: None. Jessica E. Knight: None.

4. Parents: Pastor B. Sison: None. Veronica T. Sison: None.

5. Grandparents: Deceased.

6. Brothers and Spouses: No brothers.

7. Sisters and Spouses: Victoria Sison Morimoto and Miles Morimoto: None.

Cynthia Sison Morrissey and Patrick Morrissey: $200 (2004)/$50 (2005)/$100 (2006)/$100 (2007) to Democratic National Committee.

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*David D. Pearce, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Democratic Republic of Algeria.

Nominee: David D. Pearce.
Post: Algeria.
(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)
Contributions, amount, date, and donee:
1. Self: None.
2. Spouse: None.
3. Children and Spouses Names: Jennifer Eva Pearce: None.
Joseph Alan Pearce: None.
4. Parents Names: D. Duane Pearce: None.
Mary Jean Pearce: None.
5. Grandparents Names: Howard A. Pearce: Deceased.
Muriel Pearce: Deceased.
Joseph Little: Deceased.
Urania Little: Deceased.
6. Brothers and Spouses Names: Michael Pearce: None.
sp: Kathleen Pearce: None.
Jonathan Pearce: None.
sp: Robyn Pearce: None.
Christopher Pearce: None.
7. Sisters and Spouses Names: Elizabeth Hunt: None.
sp: David Hunt: None.

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*Richard G. Olson, Jr., of New Mexico, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Arab Emirates.
Nominee Richard G. Olson, Jr.
Post Embassy Abu Dhabi
(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)
Contributions, amount, date, and donee:
1. Self: None.
2. Spouse: None.
3. Children and Spouses: None.
4. Parents: Richard and Barbara Olson: May have contributed to Minnesota Republican Party prior to their deaths in early 1980s.
5. Grandparents: Unknown, deceased by 1972.
6. Brothers and Spouses: Philip and Elisa Olson: Minimal, Before 2004, Republican and Democratic Candidates in State of Washington. Minimal, Before 2004, Microsoft PAC.
7. Sisters and Spouses: None.

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*John A. Simon, of Maryland, to be Representative of the United States of America to the African Union, with the rank and status of Ambassador Extraordinary and Plenipotentiary.
Nominee: John A. Simon.
Post: Ambassador to the Africa Union.
(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)
Contributions, amount, date, and donee:
1. Self: $100, 9/24/04, Rep. National Committee; $105, 10/23/06, Rep. National Committee; $105, 11/6/06, Rep. National Committee; $100, 6/14/07, Rep. National Committee; $100, 1/16/08, Rep. National Committee; $100, 1/24/08, John McCain 2008.
2. Spouse: Laura Simon: None.
3. Children and Spouses: Will Simon: None.
Leo Simon: None.
Maya Simon: None.
Jayne Simon: None.
4. Parents: Barry Simon: $1,000, 2006, Norm Coleman for Senate; $4,000, 2007–08, Obama for President.
Hinda Simon: $1,000, 2004, John Kerry for President; $100, 2007, Hillary Clinton for President; $4,000, 2007–08, Obama for President.
5. Grandparents: Rhoda Simon: Deceased.
Alfred Simon: Deceased.
Irving Bookstaber: Deceased.
Olga Bookstaber: Deceased.
6. Brothers and Spouses: Alan Simon: None.
Eric Simon: $500, 2004, Kerry for President; $800, 2008, Obama for President.
Christina Elia Simon: $500, 2004, Kerry for President.
7. Sisters and Spouses: None.

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*Mimi Alemayehou, of the District of Columbia, to be United States Director of the African Development Bank for a term of five years.
*Miguel R. San Juan, of Texas, to be United States Executive Director of the Inter-American Development Bank for a term of three years.
*Patrick J. Durkin, of Connecticut, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2009.
*Kenneth L. Peel, of Maryland, to be United States Director of the European Bank for Reconstruction and Development.
*John W. Leslie, Jr., of Connecticut, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2013.
*John O. Agwunobi, of Florida, to be a Member of the Board of Directors of the African Development Foundation for a term expiring February 9, 2014.
*Julius E. Coles, of Georgia, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2011.
*Morgan W. Davis, of California, to be a Member of the Board of Directors of the African Development Foundation for a term expiring November 13, 2013.
*Peter Robert Kann, of New Jersey, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2010.
*Michael Meehan, of Virginia, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2010.
*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 Mr. CASEY:
S. 3353. A bill to provide temporary financial relief for rural school districts adversely impacted by the current energy crisis, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENZI:
S. 3354. A bill to award grants for the establishment of demonstration programs to enable States to develop volunteer health care programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TESTER (for himself and Mr. BAUCUS):
S. 3355. A bill to authorize the Crow Tribe of Indians water rights settlement, and for other purposes; to the Committee on Indian Affairs.

By Mr. CHAMBLISS (for himself, Mr. REED, and Mr. ISAKSON):
S. 3356. A bill to require the Secretary of the Treasury to mint coins in commemoration of the legacy of the United States Army Infantry and the establishment of the National Infantry Museum and Soldier Center; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. COLLINS:
S. 3357. A bill to extend the temporary suspension of duty on certain rayon staple fibers; to the Committee on Finance.

By Mr. REID (for Mr. OBAMA):
S. 3358. A bill to provide for enhanced foodborne illness surveillance and food safety capacity; to the Committee on Health, Education, Labor, and Pensions.

By Ms. CANTWELL (for herself and Mr. SMITH):
S. 3359. A bill to amend the Internal Revenue Code of 1986 to repeal the shipping investment withdrawal rules in section 955 and to provide an incentive to reinvest foreign shipping earnings in the United States; to the Committee on Finance.

By Mr. DURBIN (for himself and Mr. CARPER):
S. 3360. A bill to increase the availability of domestically manufactured passenger cars for intercity passenger rail service, and for other purposes; to the Committee on Finance.

By Mr. VITTER:
S. 3361. A bill to amend title IV of the Social Security Act to require States to implement a drug testing program for applicants for and recipients of assistance under the Temporary Assistance for Needy Families (TANF) program; to the Committee on Finance.

By Mr. KERRY (for himself and Ms. SNOWE):
S. 3362. A bill to reauthorize and improve the SBIR and STTR programs, and for other purposes; to the Committee on Small Business and Entrepreneurship.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR (for himself and Mr. BIDEN):
S. Res. 629. A resolution honoring the life of, and expressing the condolences of the Senate on the passing of, Bronislaw Geremek; to the Committee on the Judiciary.

By Mrs. CLINTON (for herself, Ms. LANDRIEU, Mr. CASEY, Mrs. BOXER, and Mrs. MURRAY):
S. Res. 630. A resolution recognizing the importance of connecting foster youth to the workforce through internship programs, and encouraging employers to increase employment of former foster youth; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER (for herself, Mr. WHITEHOUSE, Mr. LAUTENBERG, Ms. KLOBUCHAR, and Mr. SANDERS):
S. Res. 631. A resolution expressing the sense of the Senate that the Senate has lost confidence in the Administrator of the Environmental Protection Agency, Stephen L. Johnson, that the Administrator should resign his position immediately, and that the Department of Justice should open an investigation into the veracity of his congressional testimony regarding the California waiver decision and pursue any prosecutorial action the Department determines to be warranted; to the Committee on Environment and Public Works.

By Mr. REID (for Mr. OBAMA (for himself and Mr. SPECTER)):

S. Con. Res. 96. A concurrent resolution commemorating Irena Sendler, a woman whose bravery saved the lives of thousands during the Holocaust and remembering her legacy of courage, selflessness, and hope; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 394

At the request of Mr. AKAKA, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 394, a bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes.

S. 886

At the request of Mr. BINGAMAN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 886, a bill to amend chapter 22 of title 44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records.

S. 1204

At the request of Mr. DODD, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1204, a bill to enhance Federal efforts focused on public awareness and education about the risks and dangers associated with Shaken Baby Syndrome.

S. 1243

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1243, a bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 years of age to 55 years of age.

S. 1270

At the request of Mr. AKAKA, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1270, a bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60.

S. 1681

At the request of Mr. DODD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1681, a bill to provide for a paid family and medical leave insurance program, and for other purposes.

S. 1865

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1865, a bill to provide for mandatory availability of life insurance that does not preclude future lawful travel, and for other purposes.

S. 2227

At the request of Ms. KLOBUCHAR, her name was added as a cosponsor of S. 2227, a bill to provide grants to States to ensure that all students in the middle grades are taught an academically rigorous curriculum with effective supports so that students complete the middle grades prepared for success in high school and postsecondary endeavors, to improve State and district policies and programs relating to the academic achievement of students in the middle grades, to develop and implement effective middle school models for struggling students, and for other purposes.

S. 2372

At the request of Mr. SMITH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2372, a bill to amend the Harmonized Tariff Schedule of the United States to modify the tariffs on certain footwear.

S. 2453

At the request of Mr. ALEXANDER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2453, a bill to amend title VII of the Civil Rights Act of 1964 to clarify requirements relating to nondiscrimination on the basis of national origin.

S. 2505

At the request of Ms. CANTWELL, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2505, a bill to allow employees of a commercial passenger airline carrier who receive payments in a bankruptcy proceeding to roll over such payments into an individual retirement plan, and for other purposes.

S. 2510

At the request of Ms. LANDRIEU, the name of the Senator from Wisconsin (Mr. KOHL) 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 Nevada (Mr. ENSIGN), the Senator from North Dakota (Mr. CONRAD) and the Senator from Pennsylvania (Mr. CASEY) 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. 2639

At the request of Mr. JOHNSON, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2639, a bill to amend title 38, United States Code, to provide for an assured adequate level of funding for veterans health care.

S. 2689

At the request of Mr. SMITH, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2689, a bill to amend section 411h of title 37, United States Code, to provide travel and transportation allowances for family members of members of the uniformed services with serious inpatient psychiatric conditions.

S. 2774

At the request of Mr. LEAHY, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2774, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 2776

At the request of Ms. CANTWELL, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2776, a bill to provide duty-free treatment for certain goods from designated Reconstruction Opportunity Zones in Afghanistan and Pakistan, and for other purposes.

S. 2868

At the request of Mr. GREGG, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2868, a bill to amend title II of the Immigration and Nationality Act to replace the diversity visa lottery program with a program that issues visas to aliens with an advanced degree.

S. 2942

At the request of Mr. CARDIN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2942, a bill to authorize funding for the National Advocacy Center.

S. 3038

At the request of Mr. GRASSLEY, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 3038, a bill to amend part E of title IV of the Social Security Act to extend the adoption incentives program, to authorize States to establish a relative guardianship program, to promote the adoption of children with special needs, and for other purposes.

S. 3061

At the request of Mr. BIDEN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 3061, a bill to authorize appropriations for fiscal years 2008 through 2011 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. 3073

At the request of Mr. CORNYN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3073, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of absentee ballots of absent overseas uniformed services voters, and for other purposes.

S. 3142

At the request of Mr. DODD, his name was added as a cosponsor of S. 3142, a bill to amend the Public Health Service Act to enhance public health activities related to stillbirth and sudden unexpected infant death.

At the request of Mr. BAYH, his name was added as a cosponsor of S. 3142, supra.

S. 3198

At the request of Mr. LAUTENBERG, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 3198, a bill to amend title 46, United States Code, with respect to the navigation of submersible or semi-submersible vessels without nationality.

S. 3271

At the request of Mr. INHOFE, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 3271, a bill to amend the definition of commercial motor vehicle in section 31101 of title 49, United States Code, to exclude certain farm vehicles, and for other purposes.

S. 3299

At the request of Mr. ENSIGN, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 3299, a bill to amend title 38, United States Code, to extend the demonstration project on adjustable rate mortgages and the demonstration project on hybrid adjustable rate mortgages.

S. 3310

At the request of Mr. WYDEN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3310, a bill to provide benefits under the Post-Development/Mobilization Respite Absence program for certain periods before the implementation of the program.

S. 3323

At the request of Mr. GREGG, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3323, a bill to provide weatherization and home heating assistance to low income households, and to provide a heating oil tax credit for middle income households.

S. 3351

At the request of Mr. BIDEN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 3351, a bill to enhance drug trafficking interdiction by creating a Federal felony for operating or embarking in a submersible or semi-submersible vessel without nationality and on an international voyage.

S. RES. 615

At the request of Mr. MENENDEZ, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 615, a resolution urging the Government of Turkey to respect the rights and religious freedoms of the Ecumenical Patriarchate of the Orthodox Christian Church.

S. RES. 618

At the request of Mr. LUGAR, the names of the Senator from New Hampshire (Mr. SUNUNU), the Senator from South Carolina (Mr. DEMINT), the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. Res. 618, a resolution recognizing the tenth anniversary of the bombings of the United States embassies in Nairobi, Kenya and Dar es Salaam, Tanzania, and memorializing the citizens of the United States, Kenya, and Tanzania whose lives were claimed as a result of the al Qaeda led terrorist attacks.

S. RES. 625

At the request of Mr. HAGEL, the names of the Senator from Kentucky (Mr. BUNNING), the Senator from Mississippi (Mr. COCHRAN), the Senator from North Carolina (Mrs. DOLE), the Senator from Oklahoma (Mr. INHOFE), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. Res. 625, a resolution designating August 16, 2008, as National Airborne Day.

S. RES. 626

At the request of Mr. VITTER, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. Res. 626, a resolution expressing the sense of the Senate that the Supreme Court of the United States erroneously decided Kennedy v. Louisiana, No. 07–343 (2008), and that the eighth amendment to the Constitution of the United States allows the imposition of the death penalty for the rape of a child.

S. RES. 627

At the request of Mr. NELSON of Florida, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 627, a resolution welcoming home Keith Stansell, Thomas Howes, and Marc Gonsalves, three citizens of the United States who were held hostage for over five years by the Revolutionary Armed Forces of Colombia (FARC) after their plane crashed on February 13, 2003.

AMENDMENT NO. 5063

At the request of Mr. SMITH, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 5063 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5131

At the request of Mr. BUNNING, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Wyoming (Mr. BARRASSO), the Senator from Wyoming (Mr. ENZI) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of amendment No. 5131 intended to be proposed to S. 3268, a bill to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes.

AMENDMENT NO. 5249

At the request of Mr. BROWNBACK, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of amendment No. 5249 intended to be proposed to S. 3268, a bill to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ENZI:

S. 3354. A bill to award grants for the establishment of demonstration programs to enable States to develop volunteer health care programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, I rise to discuss the importance of ensuring the people of our Nation have access to health care and what the Senate can do today to help the neediest people get the kind of care they need and are entitled to.

There are currently 61 million Americans who are either uninsured or underinsured. These people, many of whom are working and have families to care for, may have limited access to the kind of routine health care and nonemergency services so many of us take for granted.

Fortunately, at the present time, there is a large, vital network of health care providers in this country who are doing their best to address this need and provide care to this underserved population. We don't talk about this network much, as the Federal Government does not pay for it.

It is made up of volunteers, hundreds of thousands of health care providers, working across America, in almost every community, volunteering their expertise and donating their time to help those in need. These people are physicians, dentists, nurses, optometrists and chiropractors, to name a few of the professions that are represented in this group. Hospitals and outpatient surgical centers are also contributing to the effort.

Caring for our neighbor has always been a basic value for us as Americans. My mother always told me that the service we provide to others is the rent we pay for the space we take up on God's green earth. The people who are participating in this network of care have taken that philosophy to heart and we are all the beneficiaries of their efforts. They are making a difference in more lives than we will ever know.

We have all heard the saying that charity begins at home, and while it is an important part of any effort to address a need in our towns and cities, I am not suggesting that it is the final answer to correct the social injustices that exist in the world. We all realize that too many Americans lack health insurance, and that health care reform is a top priority for Congress. America needs health care reform, and I have a

plan to put that into action in my 10 Steps bill.

As we work on health care reform and all it entails, we can also do something to help provide some support and encouragement to the volunteer effort I have just described. Government has a role to play and it is to facilitate the care that is provided to those who need it so badly by those who are willing to freely offer it to them.

As with so many things, there is a catch, and that is why I am introducing my Volunteer Health Care Act of 2008. My bill will remove a legal barrier that currently prevents physicians and health care professionals from volunteering their services to individuals who either can't afford or can't access even the most basic of care. There is an overwhelming need for medical volunteers to work with the poor in the United States, but medical liability concerns discourage many doctors from providing voluntary services. This bill will help provide access for the disadvantaged and provide them with the care they so desperately need. In return, it will help to alleviate the concerns of health care providers who want to share their talents with the people of their community and give something back to make their part of the world a better place to live.

This legislation addresses the situation in a way that is fair to the patient. It provides an avenue to recover damages if, by chance, some harm is done. It makes use of a formula that has been tried before and been proven to be effective.

I have said before that States are the laboratories for the Federal Government. We know the positive effects that this program can provide because a few States have been using it for more than 10 years. Since the State of Florida started such a program 16 years ago, more than 20,000 health care volunteers have provided more than $1 billion worth of charity care at free clinics, community health and migrant worker clinics, and with other indigent clinics to provide health care that would otherwise not be available. This program calls for minimal expense, but it has the potential for a huge return. Eight other States have enacted this program and have had excellent results. But that is only 8 other States. The legislation that I am proposing today encourages the remaining 41 States to consider it.

Some people would say that the Federal Government has already made provisions for volunteer care with the federal Volunteer Protection Act of 1997. This act raises the standard of care from simple negligence to gross negligence. This law has two drawbacks however. It makes it more difficult for an injured party to prove substandard care and it leaves volunteer providers responsible for paying the cost of their defense.

The bill that I am introducing, the Volunteer Health Care Program Act of 2008, would provide grants to States that would accept medical liability for volunteer medical providers. These programs would protect providers from liability claims, while also ensuring that injured patients could recover damages. This bill addresses both drawbacks of the current Federal volunteer law, it does so at a minimal cost to Federal and state governments, and it has a proven record of working. The passage of this bill will take us one step closer to ensuring access to quality health care for all Americans.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3354

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 ''Volunteer Health Care Program Act of 2008''.

SEC. 2. PURPOSES.

It is the purpose of this Act to provide grants to States to—

(1) promote access to quality health and dental care for the medically underserved and uninsured through the commitment of volunteers; and

(2) encourage and enable healthcare providers to provide health services to eligible individuals by providing sovereign immunity protection for the provision of uncompensated services.

SEC. 3. GRANTS TO STATES TO ESTABLISH AND EVALUATE HEALTHCARE VOLUNTEER INDEMNITY PROGRAMS.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

''SEC. 399R. GRANTS TO STATES TO ESTABLISH AND EVALUATE HEALTHCARE VOLUNTEER INDEMNITY PROGRAMS.

''(a) IN GENERAL.—The Secretary shall award a grant to an eligible State to enable such State to establish a demonstration program to—

''(1) promote access to quality health and dental care for the medically underserved and uninsured through the commitment of volunteer healthcare providers; and

''(2) encourage and enable healthcare providers to provide health services to eligible individuals, and ensure that eligible individuals have the right to recover damages for medical malpractice (in accordance with State law) by providing sovereign immunity protection for the provision of uncompensated services.

''(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a State shall—

''(1) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

''(2) provide assurances that the State will not permit hospitals to enroll individuals seeking care in emergency departments into the State program; and

''(3) provide assurances that the State will provide matching funds in accordance with subsection (e).

''(c) USE OF FUNDS.—

''(1) IN GENERAL.—A State shall use amounts received under a grant under this section to establish a demonstration program under which—

''(A) the State will arrange for the provision of health and dental care to eligible individuals (as determined under subsection (d)) participating in the State program;

''(B) ensure that the health and dental care under paragraph (1) is provided by qualified healthcare providers that do not receive any form of compensation or reimbursement for the provision of such care;

''(C) sovereign immunity is extended to qualified healthcare providers (as defined in paragraph (2)) for the provision of care to eligible individuals under the State program under this section;

''(D) the State will agree not to impose any additional limitations or restrictions on the recovery of damages for negligent acts, other than those in effect on date of the establishment of the demonstration program;

''(E) the State will use more than 5 percent of amounts received under the grant to conduct an annual evaluation, and submit to the Secretary a report concerning such evaluation, of the State program and the activities carried out under the State program.

''(2) QUALIFIED HEALTHCARE PROVIDERS.—

''(A) IN GENERAL.—The term 'qualified healthcare provider' means a healthcare provider described in subparagraph (B) that—

''(i) is licensed by the State to provide the care involved and is providing such care in good faith while acting within the scope of the provider's training and practice;

''(ii) is in good standing with respect to such license and not on probation;

''(iii) is not, or has not been, subject to Medicare or Medicaid sanctions under title XVIII or XIX of the Social Security Act; and

''(iv) is authorized by the State to provide health or dental care services under the State program under this section.

''(B) PROVIDER DESCRIBED.—A healthcare provider described in this subparagraph includes—

''(i) an ambulatory surgical center;

''(ii) a hospital or nursing home;

''(iii) a physician or physician of osteopathic medicine;

''(iv) a physician assistant;

''(v) a chiropractic practitioner;

''(vi) a physical therapist;

''(vii) a registered nurse, nurse midwife, licensed practical nurse, or advanced registered nurse practitioner;

''(viii) a dentist or dental hygienist;

''(ix) a professional association, professional corporation, limited liability company, limited liability partnership, or other entity that provides, or has members that provide, health or dental care services;

''(x) a non-profit corporation qualified as exempt from Federal income taxation under section 501(c) of the Internal Revenue Code of 1986; and

''(xi) a federally funded community health center, volunteer corporation, or volunteer health care provider that provides health or dental care services.

''(d) PRIORITY.—Priority in awarding grants under this section shall be given the States that will provide health or dental care under the State program under this section, to individuals that—

''(1) have a family income that does not exceed 200 percent of the Federal poverty line (as defined in section 673(2) of the Community Health Services Block Grant Act) for a family of the size involved;

''(2) are not be covered under any health or dental insurance policy or program (as determined under applicable State law); and

''(3) are determined to be eligible for care, and referred for such care, by the State department of health or other entity authorized by the State for purposes of administering the State program under this section.

''(e) PROVISION OF INFORMATION.—A State shall ensure that prior to the enrollment under a State program under this section,

the individual involved shall be fully informed of the limitation on liability provided for under subsection (c)(1)(C) with respect to the provider involved and shall sign a waiver consenting to such care.

''(f) MATCHING REQUIREMENT.—

''(1) IN GENERAL.—The Secretary may not award a grant to a State under this section unless the State agrees, with respect to the costs to be incurred by the State in carrying out activities under the grant, to make available non-Federal contributions (in cash or in kind under paragraph (2)) toward such costs in an amount equal to not less than $1 for each $3 of Federal funds provided in the grant. Such contributions may be made directly or through donations from public or private entities.

''(2) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—

''(A) IN GENERAL.—Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including equipment or services (and excluding indirect or overhead costs). Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

''(B) MAINTENANCE OF EFFORT.—In making a determination of the amount of non-Federal contributions for purposes of paragraph (1), the Secretary may include only non-Federal contributions in excess of the average amount of non-Federal contributions made by the State involved toward the purpose for which the grant was made for the 2-year period preceding the first fiscal year for which the State is applying to receive a grant under this section.

''(g) ADMINISTRATIVE PROVISIONS.—

''(1) AMOUNT OF GRANT.—The amount of a grant under this section shall not exceed $600,000 per year for not more than 5 fiscal years.

''(2) NUMBER OF GRANTS.—The Secretary shall not award more than 15 grants under this section.

''(h) EVALUATION.—Not later than [___] years after the date of enactment of this section, and annually thereafter, the Secretary shall conduct an evaluation of the activities carried out by States under this section, and submit to the appropriate committees of Congress a report concerning the results of such evaluation.

''(i) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

''(2) EVALUATIONS.—The Secretary shall use 5 percent of the amount appropriated under paragraph (1) for each fiscal year to carry out evaluations under subsection (h).''.

By Mr. DURBIN (for himself and Mr. CARPER):

S. 3360. A bill to increase the availability of domestically manufactured passenger cars for intercity passenger rail service, and for other purposes; to the Committee on Finance.

Mr. DURBIN. Mr. President, I rise today to introduce a bill that will help us replace and rehab our aging passenger rail equipment and revive the passenger rail rolling stock manufacturing industry in the United States.

We are currently witnessing fundamental changes to our economy and our national transportation system driven by the rising price of oil. High gas prices have caused hardship for millions of American families and are having a deeply negative impact on the Nation's economy. The aviation industry has been nearly crippled by the rising price of jet fuel and has announced it will be cutting over 30,000 jobs, mothballing almost 1,000 aircraft and leaving 100 communities across the country without any commercial air service.

As these trends continue, the demand for an efficient, cost-effective and reliable alternative travel mode increases. Aviation downsizing and the high cost of driving have propelled passenger rail ridership and revenue to record breaking levels, especially in Illinois. Ridership on the Illinois Zephyr and Carl Sandburg routes jumped 41.4 percent in fiscal 2007, compared to fiscal 2006. Ridership on all Illinois state-subsidized routes added an additional 181,000 passengers during the first ⅔ of fiscal year 2008, bringing the State's ridership to 670,000 for the year. Across the country, Amtrak's ridership has grown by 12 percent and continues to rise.

These numbers suggest we are experiencing a passenger rail renaissance. However, this upward trend will only continue to a point. Unless we act—and act soon—we may not be able to capitalize on this moment in time and finally make passenger train travel a mainstay of American life, much like elsewhere in the industrialized world.

My bill addresses the most immediate obstacle to making this a reality—the lack of passenger rail train cars and equipment. Amtrak's existing fleet of rail cars is old and in desperate need of repair. Amtrak estimates it will only be able to have an additional five trains—all of which are 30 years old or older—rehabbed and ready for service this holiday season.

We need to re-fleet the aging, broken-down rolling stock that our passenger rail system has been barely getting by with. This bill provides a menu of financing options to bring our existing fleet into a state of good repair and build the next generation of trainsets here at home.

Domestic railcar giants like the Pullman and Budd Companies provided a strong manufacturing base for over 100 years, providing rail cars that are still on the tracks today. But those companies have long since closed their doors and have left the business of making passenger rail cars due to years of underinvestment in the United States and increased investment by European countries.

The Train CARS Act provides funding that will allow us to immediately engage manufacturers currently making trainsets overseas and encourage them to bring their modern design and manufacturing expertise to the U.S. and open rail car manufacturing facilities here to meet our growing demand. Second, the bill provides a tax incentive for private, domestic businesses to reenter the passenger rail equipment business and rebuild facilities and train cars here in the U.S.

We also need to recognize the critical role that States play in boosting rail ridership numbers. Illinois has recognized the need to increase intercity rail service and doubled its funding from $12 million to $24 million annually. This funding has allowed for greater frequencies along Illinois' corridor routes, but we have hit a wall—there are no trainsets to add capacity to handle the growing ridership.

My bill will reward those States that are able to raise revenue for routes by matching, dollar-for-dollar, their contributions for additional rolling stock. These are investments well spent. Amtrak is 18 percent more efficient than commercial airlines on a passenger-mile basis, according to the Department of Energy. Passenger rail engines use electrical propulsion and diesel fuel combinations which are less susceptible to swings in crude prices than jet fuel. With each dollar spent on intercity rail, we take cars off our roads and lessen congestion on our highways, while at the same time increasing economic activity along rail routes.

Lastly, we need to deal with fundamental changes in our transportation system that are on the horizon. We need a twenty-first century rail system that makes flying short distances a thing of the past. To make this possible we will have to explore building a high-speed rail network rooted in major metropolitan areas like Chicago. Electrifying these trains and giving the tracks a dedicated right-of-way will allow us to achieve speeds of 200 mph, without ever burning a drop of oil. This bill includes a provision to explore what types of investment we will need to make that a reality.

As we get closer to the debate of the next surface transportation bill, we stand at a crossroads of a new era for rail service in the United States. Communities are increasingly vocal about their demands for cheaper, cleaner transportation options, and intercity rail service is an integral component of meeting those needs. We need to take this opportunity and revive a dormant passenger rail industry that once offered high-paying jobs to thousands of workers and could easily do so again. Waking this sleeping giant will allow us to lay the ground work for a transportation system that will be the backbone of the 21st century economy; one that is fast, efficient, and oil independent.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3360

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 ''Creating American Rolling Stock Act of 2008'' or the ''Train CARS Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) AMTRAK.—The term ''Amtrak'' means the National Railroad Passenger Corporation.

(2) ELIGIBLE APPLICANT.—The term ''eligible applicant'' means Amtrak, a State (including the District of Columbia), a group of States, an interstate compact, or a regional transportation authority established by 1 or more States and having responsibility for providing intercity passenger rail service.

(3) INTERCITY PASSENGER RAIL SERVICE.—The term ''intercity passenger rail service'' means transportation services with the primary purpose of passenger transportation between towns, cities, and metropolitan areas by rail.

(4) REHABILITATE.—The term ''rehabilitate'' means extending the useful life or improving the effectiveness of existing rolling stock, including—

(A) the correction of a deficiency;

(B) the modernization or replacement of equipment;

(C) the modernization of, or replacement of parts for, rolling stock;

(D) the rehabilitation or remanufacture of rail rolling stock and associated facilities used primarily in intercity passenger rail service; and

(E) the use of nonstructural elements.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

SEC. 3. GRANTS TO PURCHASE DOMESTICALLY MANUFACTURED ROLLING STOCK FOR INTERCITY PASSENGER RAIL SERVICE.

(a) GRANT AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Transportation may award grants under this section to eligible applicants to purchase or rehabilitate domestically manufactured rolling stock necessary to provide or improve intercity passenger rail transportation.

(2) CONDITIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall promulgate regulations that establish procedures and schedules for the awarding of grants under this section, including application and qualification procedures and a record of decision on applicant eligibility.

(b) PROJECT AS PART OF STATE RAIL PLAN.—

(1) IN GENERAL.—The Secretary may not award a grant for a purchase of rolling stock under this section unless the Secretary determines that—

(A) the project is part of a State rail plan developed under chapter 225 of title 49, United States Code; and

(B) the applicant or recipient has or will have the legal, financial, and technical capacity to purchase, install, and maintain the rolling stock.

(2) INFORMATION.—An eligible applicant shall provide sufficient information upon which the Secretary can make the determination required under paragraph (1).

(c) SELECTION CRITERIA.—In selecting grant recipients under subsection (a), the Secretary shall—

(1) require that each rail car purchased with grant funds meet all applicable safety and security requirements;

(2) give preference to rail cars with high levels of estimated ridership, increased on-time performance, reduced trip time, additional service frequency to meet anticipated or existing demand, or other significant service enhancements;

(3) ensure that each rail car is compatible with, and is operated in conformance with—

(A) plans developed pursuant to the requirements of section 135 of title 23, United States Code; and

(B) the national rail plan, if available; and

(4) give preference to purchases of rolling stock that—

(A) are expected to have a significant favorable impact on air or highway traffic congestion, capacity, or safety;

(B) will improve freight or commuter rail operations;

(C) will have significant environmental benefits, including the purchase of environmentally sensitive, fuel-efficient, and cost-effective passenger rail equipment;

(D) will have positive economic and employment impacts;

(E) have commitments of funding from non-Federal Government sources in a total amount that exceeds the minimum amount of the non-Federal contribution required for the project;

(F) involve donated property interests or services;

(G) are identified by the Surface Transportation Board as necessary to improve the on-time performance and reliability of intercity passenger rail under section 24308(f) of title 49, United States Code;

(H) are designed to support intercity passenger rail service;

(I) can be easily transferred to commuter service or to another intercity passenger rail route; and

(J) are produced domestically.

(d) AMTRAK ELIGIBILITY.—To receive a grant under this section, Amtrak may enter into a cooperative agreement with 1 or more States to purchase or rehabilitate rolling stock for 1 or more projects on a State rail plan's ranked list of rail capital projects developed under section 22504(a)(5) of title 49, United States Code.

(e) FEDERAL SHARE OF NET PROJECT COST.—A grant for the purchase of rolling stock under this section shall not exceed 80 percent of the total cost.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to the Secretary for fiscal year 2009 and for each subsequent fiscal year for the grants to purchase domestically manufactured and rehabbed rolling stock under this section.

SEC. 4. BUY AMERICAN CONDITIONS.

(a) DOMESTIC BUYING PREFERENCE.—

(1) REQUIREMENT.—

(A) IN GENERAL.—In using grant funds or bond proceeds made available under this Act or an amendment made by this Act for purchasing rolling stock, a grant or bond proceeds recipient may only purchase—

(i) unmanufactured articles, material, and supplies mined or produced in the United States; or

(ii) manufactured articles, material, and supplies manufactured in the United States substantially from articles, material, and supplies mined, produced, or manufactured in the United States.

(B) DE MINIMIS AMOUNT.—Subparagraph (A) shall only apply to purchases totaling at least $1,000,000.

(2) EXEMPTIONS.—The Secretary of Transportation may exempt a grant or bond proceeds recipient from the requirements of this subsection if the Secretary, after receiving an application for such exemption, determines that, for particular articles, material, or supplies—

(A) such requirements are inconsistent with the public interest;

(B) the cost of imposing the requirements is unreasonable; or

(C) the articles, material, or supplies, or the articles, material, or supplies from which they are manufactured, are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and are not of a satisfactory quality.

(b) OPERATORS DEEMED RAIL CARRIERS AND EMPLOYERS FOR CERTAIN PURPOSES.—Any entity that conducts rail operations using rolling stock that has been manufactured or rehabilitated with funding provided in whole or in part by a grant or bond proceeds made available under this Act or an amendment made by this Act shall be considered a rail carrier (as defined in section 10102(5) of title 49, United States Code) for purposes of this Act and any other law that adopts that definition or in which that definition applies, including—

(1) the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.);

(2) the Railway Labor Act (43 U.S.C. 151 et seq.); and

(3) the Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.).

(c) PREVAILING WAGE REQUIREMENT.—Any entity that purchases or rehabilitates rolling stock which has been financed in whole or in part by grants or bond proceeds made available under this Act or an amendment made by this Act shall comply with subchapter IV of chapter 31 of title 40, United States Code, commonly referred to as the ''Davis-Bacon Act''.

SEC. 5. NEXT GENERATION CORRIDOR TRAIN EQUIPMENT POOL.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, Amtrak shall establish a Next Generation Corridor Equipment Pool Committee (referred to in this section as the ''Committee''), which shall be comprised of representatives of Amtrak, the Federal Railroad Administration, host freight railroad companies, passenger railroad equipment manufacturers, commuter rail agencies, railroad labor unions, other passenger railroad operators, as appropriate, and interested States.

(b) PURPOSE.—The purpose of the Committee shall be to design, develop specifications for, and procure standardized next-generation corridor equipment, including rolling stock that is easily transferred from commuter rail service to new intercity passenger rail service.

(c) FUNCTIONS.—The Committee may—

(1) determine the number of different types of equipment required, taking into account variations in operational needs and corridor infrastructure;

(2) establish a pool of equipment to be used on corridor routes funded by participating States;

(3) subject to agreements between Amtrak and States, utilize services provided by Amtrak to design, maintain, and rehabilitate equipment; and

(4) explore the benefits of creating a public or private entity that would—

(A) purchase and own domestically produced rolling stock; and

(B) lease such rolling stock to States or Amtrak for passenger rail service.

(d) COOPERATIVE AGREEMENTS.—Amtrak and States participating in the Committee may—

(1) enter into agreements for the funding, procurement, rehabilitation, ownership, management, or leasing of corridor equipment, including equipment currently owned or leased by Amtrak and next generation corridor equipment acquired as a result of the Committee's actions; and

(2) establish a corporation, which may be owned or jointly owned by Amtrak, participating States or other entities, to perform these functions.

SEC. 6. INTERCITY PASSENGER RAIL ROLLING STOCK ACCOUNT.

(a) ESTABLISHMENT OF ACCOUNT.—Section 9503 of the Internal Revenue Code of 1986 (relating to Highway Trust Fund) is amended by adding at the end the following new subsection:

''(g) INTERCITY PASSENGER RAIL ROLLING STOCK ACCOUNT.—

''(1) CREATION OF ACCOUNT.—There is established in the Highway Trust Fund a separate

account to be known as the 'Intercity Passenger Rail Rolling Stock Account', consisting of such amounts as may be transferred or credited to the Intercity Passenger Rail Rolling Stock Account as provided in this subsection or section 9602(b).

''(2) TRANSFER TO ACCOUNT OF AMOUNTS EQUIVALENT TO CERTAIN TAXES.—The Secretary of the Treasury shall transfer to the Intercity Passenger Rail Rolling Stock Trust Fund the intercity passenger rail rolling stock portion of the amounts appropriated to the Highway Trust Fund under subsection (b) which are attributable to taxes under section 4041 or 4081 imposed after September 30, 2009, and before October 1, 2012. For purposes of the preceding sentence, the term 'intercity passenger rail rolling stock portion' means for any fuel with respect to which tax was imposed under section 4041 or 4081 and otherwise deposited into the Highway Trust Fund, the determined at the rate of .25 cent per gallon.

''(3) EXPENDITURES FROM ACCOUNT.—

''(A) IN GENERAL.—Amounts in the Intercity Passenger Rail Rolling Stock Account shall be available without fiscal year limitation to—

''(i) eligible applicants (as defined in section 2 of the Train CARS Act) to finance the purchase and rehabilitation of rolling stock, and

''(ii) each non-Amtrak State, to the extent determined under subparagraph (B), for transportation-related expenditures.

''(B) MAXIMUM AMOUNT OF FUNDS TO NON-AMTRAK STATES.—Except as provided under subparagraph (C), each non-Amtrak State shall receive under this paragraph an amount equal to the lesser of—

''(i) the State's qualified expenses for the fiscal year, or

''(ii) the product of the number of months such State is a non-Amtrak State in such fiscal year and 1/12 of 1 percent of the lesser of—

''(I) the aggregate amounts transferred and credited to the Intercity Passenger Rail Account under paragraph (1) for such fiscal year, or

''(II) the aggregate amounts appropriated from the Intercity Passenger Rail Account for such fiscal year.

''(C) ADJUSTMENT.—If the amount determined under subparagraph (B)(ii) exceeds the amount under subparagraph (B)(i) for any fiscal year, the amount under subparagraph (B)(ii) for the following fiscal year shall be increased by the amount of such excess.

''(4) DEFINITIONS.—For purposes of this subsection—

''(A) QUALIFIED EXPENSES.—The term 'qualified expenses' means expenses incurred, with respect to obligations made, after September 30, 2009, and before October 1, 2012—

''(i) for—

''(I) in the case of the National Railroad Passenger Corporation, the acquisition of equipment and rolling stock, the upgrading of rolling stock maintenance facilities, and the maintenance of existing equipment in intercity passenger rail service, and the payment of interest and principal on obligations incurred for such acquisition, upgrading, and maintenance, and

''(II) in the case of a non-Amtrak State, transportation-related expenses, and

''(ii) certified by the Secretary of Transportation on October 1 as meeting the requirements of clause (i) and as qualified for payment under paragraph (5) for the fiscal year beginning on such date.

''(B) NON-AMTRAK STATE.—The term 'non-Amtrak State' means any State which does not receive intercity passenger rail service from the National Railroad Passenger Corporation.

''(5) CONTRACT AUTHORITY.—Notwithstanding any other provision of law, the Secretary of Transportation shall certify expenses as qualified for a fiscal year on October 1 of such year, in an amount not to exceed the amount of receipts estimated by the Secretary of the Treasury to be transferred to the Intercity Passenger Rail Rolling Stock Account for such fiscal year. Such certification shall result in a contractual obligation of the United States for the payment of such expenses.

''(6) TAX TREATMENT OF TRUST FUND EXPENDITURES.—With respect to any payment of qualified expenses from the Intercity Passenger Rail Rolling Stock Account during any taxable year to a taxpayer—

''(A) such payment shall not be included in the gross income of the taxpayer for such taxable year,

''(B) no deduction shall be allowed to the taxpayer with respect to any amount paid or incurred which is attributable to such payment, and

''(C) the basis of any property shall be reduced by the portion of the cost of such property which is attributable to such payment.

''(7) TERMINATION.—The Secretary shall determine and retain, not later than October 1, 2012, the amount in the Intercity Passenger Rail Rolling Stock Account necessary to pay any outstanding qualified expenses, and shall transfer any amount not so retained to the Highway Trust Fund.''.

(b) CONFORMING AMENDMENT.—Section 9503 of the Internal Revenue Code of 1986 is amended by striking paragraph (5) of subsection (e) and by adding at the end the following new subsection:

''(h) PORTION OF CERTAIN TRANSFERS TO BE MADE FROM ACCOUNTS.—

''(1) IN GENERAL.—Transfers under paragraphs (2), (3), and (4) of subsection (c) shall be borne by the Highway Account, the Mass Transit Account, and the Intercity Passenger Rail Rolling Stock Account in proportion to the respective revenues transferred under this section to the Highway Account (after the application of subsections (e)(2) and (g)(2)) and the Mass Transit Account and the Intercity Passenger Rail Rolling Stock Account.

''(2) HIGHWAY ACCOUNT.—For purposes of paragraph (1), the term 'Highway Account' means the portion of the Highway Trust Fund which is not the Mass Transit Account or the Intercity Passenger Rail Rolling Stock Account.''.

(c) CAPACITY IMPROVEMENT CHARGE MATCHING PROGRAM.—Any eligible applicant that subsidizes intercity passenger rail service and imposes a capital investment fee on each ticket sold for such service is eligible to receive $1 from the Intercity Passenger Rail Rolling Stock Account (as established in section 9503(g) of the Internal Revenue Code of 1986) for every $1 of such fee that is used to purchase domestically manufactured rolling stock.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to taxes imposed after September 30, 2009.

SEC. 7. RAIL INFRASTRUCTURE INVESTMENT.

(a) CREDIT TO HOLDERS OF QUALIFIED AMTRAK BONDS.—Subpart I of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to credits against tax) is amended by adding at the end the following new section:

''SEC. 54C. CREDIT TO HOLDERS OF QUALIFIED AMTRAK BONDS.

''(a) QUALIFIED AMTRAK BOND.—For purposes of this subpart, the term 'qualified Amtrak bond' means any bond issued as part of an issue if—

''(1) 100 percent or more of the available project proceeds of such issue are to be used for expenditures incurred after the date of the enactment of this section for any qualified project,

''(2) the bond is issued by the National Railroad Passenger Corporation, is in registered form, and meets the bond limitation requirements under subsection (b),

''(3) the issuer designates such bond for purposes of this section,

''(4) the issuer certifies that it meets the State contribution requirement of subsection (h) with respect to such project, as in effect on the date of the enactment of this section,

''(5) the issuer certifies that it has obtained the written approval of the Secretary of Transportation for such project in accordance with section 26301 of title 49, United States Code, as in effect on the date of the enactment of this section,

''(6) the payment of principal with respect to such bond is the obligation of the National Railroad Passenger Corporation, and

''(7) in lieu of the requirements of section 54A(d)(2), the issue meets the requirements of subsection (d).

''(b) LIMITATIONS ON AMOUNT OF BONDS DESIGNATED.—

''(1) IN GENERAL.—There is a qualified Amtrak bond limitation for each fiscal year. Such limitation is—

''(A) $700,000,000 for each of the fiscal years 2009 through 2012, and

''(B) except as provided in paragraph (4), $0 after fiscal year 2012.

''(2) LIMITS ON BONDS FOR INDIVIDUAL STATES.—Not more than $300,000,000 of the limitation under paragraph (1) may be designated for any individual State.

''(3) LIMIT ON BONDS FOR OTHER PROJECTS.—Not more than $100,000,000 of the limitation under paragraph (1) for any fiscal year may be designated for all qualified projects described in subsection (g)(1)(C).

''(4) CARRYOVER OF UNUSED LIMITATION.—If for any fiscal year—

''(A) the limitation amount under paragraph (1), exceeds

''(B) the amount of bonds issued during such year which are designated under subsection (a)(3),

the limitation amount under paragraph (1) for the following fiscal year (through fiscal year 2016) shall be increased by the amount of such excess.

''(c) MATURITY LIMITATIONS.—In lieu of section 54A(d)(5), a bond shall not be treated as a qualified Amtrak bond if the maturity of such bond exceeds 20 years.

''(d) SPECIAL RULES RELATING TO EXPENDITURES.—

''(1) IN GENERAL.—Subject to paragraph (2), an issue shall be treated as meeting the requirements of this subsection if as of the date of issuance, the issuer reasonably expects—

''(A) to spend 100 percent or more of the available project proceeds of the issue for 1 or more qualified projects within the 3-year period beginning on such date,

''(B) to incur a binding commitment with a third party to spend at least 10 percent of the proceeds from the sale of the issue, or to commence construction, with respect to such projects within the 6-month period beginning on such date, and

''(C) to proceed with due diligence to complete such projects and to spend the proceeds from the sale of the issue.

''(2) RULES REGARDING CONTINUING COMPLIANCE AFTER 3-YEAR DETERMINATION.—If at least 100 percent of the available project proceeds of the issue is not expended for 1 or more qualified projects within the 3-year period beginning on the date of issuance, but

the requirements of paragraph (1) are otherwise met, an issue shall be treated as continuing to meet the requirements of this subsection if either—

''(A) the issuer uses all unspent proceeds of the issue to redeem bonds of the issue within 90 days after the end of such 3-year period, or

''(B) the following requirements are met:

''(i) The issuer spends at least 75 percent of the available project proceeds of the issue for 1 or more qualified projects within the 3-year period beginning on the date of issuance.

''(ii) Either—

''(I) the issuer spends at least 100 percent of the available project proceeds of the issue for 1 or more qualified projects within the 4-year period beginning on the date of issuance, or

''(II) the issuer pays to the Federal Government any earnings on the proceeds of the issue that accrue after the end of the 3-year period beginning on the date of issuance and uses all unspent proceeds of the issue to redeem bonds of the issue within 90 days after the end of the 4-year period beginning on the date of issuance.

For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

''(e) RECAPTURE OF PORTION OF CREDIT WHERE CESSATION OF COMPLIANCE.—

''(1) IN GENERAL.—If any bond which when issued purported to be a qualified Amtrak bond ceases to be such a qualified bond, the issuer shall pay to the United States (at the time required by the Secretary) an amount equal to the sum of—

''(A) the aggregate of the credits allowable under section 54A with respect to such bond (determined without regard to section 54A(c)) for taxable years ending during the calendar year in which such cessation occurs and the 2 preceding calendar years, and

''(B) interest at the underpayment rate under section 6621 on the amount determined under subparagraph (A) for each calendar year for the period beginning on the first day of such calendar year.

''(2) FAILURE TO PAY.—If the issuer fails to timely pay the amount required by paragraph (1) with respect to such bond, the tax imposed by this chapter on each holder of any such bond which is part of such issue shall be increased (for the taxable year of the holder in which such cessation occurs) by the aggregate decrease in the credits allowed under section 54A to such holder for taxable years beginning in such 3 calendar years which would have resulted solely from denying any credit under section 54A with respect to such issue for such taxable years.

''(3) SPECIAL RULES.—

''(A) TAX BENEFIT RULE.—The tax for the taxable year shall be increased under paragraph (2) only with respect to credits allowed by reason of section 54A which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards and carrybacks under section 39 shall be appropriately adjusted.

''(B) NO CREDITS AGAINST TAX.—Any increase in tax under paragraph (2) shall not be treated as a tax imposed by this chapter for purposes of determining—

''(i) the amount of any credit allowable under this part, or

''(ii) the amount of the tax imposed by section 55.

''(4) TREATMENT OF CHANGES IN USE.—For purposes of paragraph (1), the proceeds from the sale of an issue shall not be treated as used for a qualified project to the extent that the issuer takes any action within its control which causes such proceeds not to be used for a qualified project. The Secretary shall prescribe regulations specifying remedial actions that may be taken (including conditions to taking such remedial actions) to prevent an action described in the preceding sentence from causing a bond to fail to be a qualified Amtrak bond.

''(f) TRUST ACCOUNT.—

''(1) IN GENERAL.—The following amounts shall be held in a trust account by a trustee independent of the National Railroad Passenger Corporation:

''(A) The proceeds from the sale of all bonds designated for purposes of this section.

''(B) The amount of any matching contributions with respect to such bonds.

''(C) The temporary period investment earnings on proceeds from the sale of such bonds.

''(D) Any earnings on any amounts described in subparagraph (A), (B), or (C).

''(2) USE OF FUNDS.—Amounts in the trust account may be used only to pay costs of qualified projects and redeem qualified Amtrak bonds, except that amounts withdrawn from the trust account to pay costs of qualified projects may not exceed the aggregate proceeds from the sale of all qualified Amtrak bonds issued under this section.

''(3) USE OF REMAINING FUNDS IN TRUST ACCOUNT.—Upon the redemption of all qualified Amtrak bonds issued under this section, any remaining amounts in the trust account described in paragraph (1) shall be available to the issuer for any qualified project.

''(g) QUALIFIED PROJECT.—For purposes of this section, the term 'qualified project' has the meaning given the term 'qualified expenses' in section 9503(g) of the Internal Revenue Code of 1986.

''(h) STATE CONTRIBUTION REQUIREMENTS.—

''(1) IN GENERAL.—For purposes of subsection (a)(4), the State contribution requirement of this subsection is met with respect to any qualified project if the National Railroad Passenger Corporation has received from 1 or more States, not later than the date of issuance of the bond, matching contributions of not less than 20 percent of the cost of the qualified project.

''(2) STATE MATCHING CONTRIBUTIONS MAY NOT INCLUDE FEDERAL FUNDS.—For purposes of this subsection, State matching contributions shall not be derived, directly or indirectly, from Federal funds, including any transfers from the Highway Trust Fund under section 9503.''.

(b) EXCLUSION FROM GROSS INCOME OF CONTRIBUTIONS BY AMTRAK TO OTHER RAIL CARRIERS.—

(1) IN GENERAL.—Section 118 of the Internal Revenue Code of 1986 (relating to contributions to the capital of a corporation) is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and by inserting after subsection (c) the following new subsection:

''(d) SPECIAL RULE FOR CONTRIBUTIONS BY AMTRAK TO OTHER RAIL CARRIERS.—For purposes of this section, the term 'contribution to the capital of the taxpayer' does not include any contribution by the National Railroad Passenger Corporation of personal or real property funded by the proceeds of qualified Amtrak bonds under section 54C.''.

(2) CONFORMING AMENDMENT.—Subsection (b) of such section 118 is amended by striking ''subsection (c)'' and inserting ''subsections (c) and (d)''.

(c) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d) of the Internal Revenue Code of 1986 is amended to read as follows:

''(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means—

''(A) a qualified forestry conservation bond, or

''(B) a qualified Amtrak bond,

which is part of an issue that meets requirements of paragraphs (2), (3), (4), (5), and (6).''.

(2) Subparagraph (C) of section 54A(d)(2) of such Code is amended to read as follows:

''(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

''(i) in the case of a qualified forestry conservation bond, a purpose specified in section 54B(e), and

''(ii) in the case of a qualified Amtrak bond, a purpose specified in section 54C(g).''.

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 54C. Qualified Amtrak bonds.''.

(d) ANNUAL REPORT BY TREASURY ON AMTRAK TRUST ACCOUNT.—The Secretary of the Treasury shall annually report to Congress as to whether the amount deposited in the trust account established by Amtrak under section 54C(f) of the Internal Revenue Code of 1986, as added by this section, is sufficient to fully repay at maturity the principal of any outstanding qualified Amtrak bonds issued pursuant to section 54C of such Code (as so added), together with amounts expected to be deposited into such account, as certified by Amtrak in accordance with procedures prescribed by the Secretary of the Treasury.

(e) ISSUANCE OF REGULATIONS.—The Secretary of the Treasury shall issue regulations required under section 54C of the Internal Revenue Code of 1986 (as added by this section) not later than 90 days after the date of the enactment of this Act.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of enactment of this Act.

SEC. 8. NATIONAL PASSENGER RAIL ELECTRIFICATION SYSTEM STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study to determine the potential costs, benefits, and economic impact of providing intercity passenger rail along a national railway electrification system.

(b) COMPONENTS OF STUDY.—The study conducted under subsection (a) shall analyze the infrastructure needed to operate reliable, high-speed rail intercity passenger service along a national railway electrification system, including an analysis of—

(1) the equipment costs to achieve such service;

(2) the environmental impacts related to transitioning to an electrified system;

(3) safety issues;

(4) national security issues;

(5) the high-speed benefits of an electrified system;

(6) the need for any improvements to existing tunnels, bridges, and other railroad facilities, or the need for the construction of new facilities; and

(7) the impacts to freight rail traffic.

SEC. 9. REPORT REQUIRED.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Labor shall submit a report to Congress that describes—

(1) existing Federal programs, policies, and initiatives that could assist in the training of workers from the automotive, aviation, and manufacturing industries to transition such workers to the railcar manufacturing and maintenance industry; and

(2) recommendations for specific legislative and administrative changes that would assist and encourage workers who have been displaced by cutbacks in the aviation, automotive, and manufacturing industries into transitioning to the rail industry.

By Mr. KERRY (for himself and Ms. SNOWE):

S. 3362. A bill to reauthorize and improve the SBIR and STTR programs, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, I rise today to introduce the SBIR/STTR Reauthorization Act of 2008. This bill reauthorizes the Small Business Innovation Research and Small Business Technology Transfer programs for 14 years each and makes several improvements to the programs that will allow them to work better for small business, while continuing to make an important contribution to our country's innovation economy.

When the SBIR program was originally conceived in the late 1970s and early 80s, it was in response to serious concerns that the United States was falling behind its competitors in the global economy because of a failure to innovate. At that time, as remains the case today, the lion's share of our federal research and development budget was going to large businesses and to universities that, while doing important work, simply were not doing the type of high-risk, high-reward research that drives innovation and keeps us on the technological cutting edge. It was found that small businesses were fastest and most effective not only at generating new technologies but at doing so in cost-effective ways; however, they were receiving a disproportionately low share of Federal R&D dollars, as also remains the case today. The SBIR program, therefore, was designed in 1982 to harness the innovative capacity of America's small businesses to meet the needs of our federal agencies and to help grow small, high-tech firms that, in turn, grow local economies all across the Nation. The STTR program was originally created as a pilot program in 1992 to stimulate partnerships between small businesses and non-profit research institutions, such as universities.

Today, our country once again stands at a turning point, and competition from all across the globe, from Europe to Far East Asia, makes it more important than ever that we continue to innovate and to push the boundaries in sectors across the whole range of the spectrum, from defense technologies to energy efficiency to biotechnology. This bill ensures that small businesses can be confident that the SBIR and STTR programs will be there for them years down the line and that these highly successful programs can continue to help our federal agencies meet their needs and help maintain our role as a world leader in innovations. In order to provide more small businesses with access to the SBIR and STTR programs, the bill increases the allocation for the SBIR program and doubles the allocation for the STTR program. This will allow for more technologies to be developed through these programs, technologies such as a machine that uses lasers and computer cameras to sort and inspect bullets at a much finer level than the human eye can manage, developed through an SBIR grant by a small business in Michigan, a therapeutic drug to treat chronic inflammatory disease, developed by a Montana SBIR recipient, and a nerve gas protection system, developed by an SBIR company in Massachusetts. This is not to mention the tangible benefit that these additional dollars for the SBIR and STTR programs will have in the way of business growth, job creation, and economic development, since, according to the National Academy of Sciences, more than one in ten SBIR award recipients start their company simply because of their having received an award.

Our committee has a long history of working together in a bipartisan way to pass legislation, and I am pleased to have worked closely with my ranking member, Senator SNOWE, on this bill. I am also pleased that we have been able to incorporate provisions to address the priorities of a number of other Senators on the committee, including language from Senator LIEBERMAN to address the National Academies' concerns about the lack of data and evaluation at NIH and to encourage innovation at NIH to accelerate the development of treatments and cures, language from Senator LANDRIEU regarding the FAST program to increase the participation of rural small businesses by making the matching requirement from rural states more affordable, a provision from Senator COLEMAN that creates a pilot program to encourage innovative small businesses to provide opportunities to college students studying science, technology, engineering, and math, and a provision from Senator CARDIN to clarify that small businesses with Cooperative Research and Development Agreement, CRADA, with Federal labs can still participate in the SBIR program.

I want to thank all those involved for their hard work on this legislation. I urge my colleagues to support this bill when it comes before the full Senate.

Ms. SNOWE. Mr. President. I rise today with Senator KERRY to introduce the SBIR/STTR Reauthorization Act of 2008. This measure is truly bipartisan in scope, and is the product of 9 months of negotiation. I am pleased that we have come to an agreement on a package that will further strengthen these programs—making them even more beneficial to small businesses.

This bill would reauthorize the crucial Small Business Innovation Research, SBIR, and Small Business Technology Transfer, STTR, programs—which were last reauthorized in 2000. The SBIR and STTR programs award Federal research and development funds to small businesses to encourage them to innovate and commercialize new technologies, products, and services. These programs provide more than $2 billion in Federal research and development funding each year to small businesses, and the benefit to my State of Maine cannot be overstated. According to the most recent data, in fiscal year 2005, Maine's technology-based small businesses received more than $4.5 million in SBIR total awards. We simply cannot and must not allow these programs to expire at the end of this coming September.

The legislation before us today which would provide key improvements to the SBIR and STTR programs are based on a comprehensive SBA Reauthorization bill that I introduced last Congress when I served as chair of the Senate Committee on Small Business and Entrepreneurship. This Congress, our committee has held two roundtables, with Federal agency heads and key interested stakeholders, in developing this measure. Specifically, our bill would increase the size of Phase I program awards from $100,000 to $150,000, and Phase II awards from $750,000 to $1 million. It would also tie future award increases to inflation. These pivotal reforms represent a wellspring of indispensable technological-fuel to the small business engines that drive our Nation's innovation.

Since the SBIR program was created, small hi-tech firms have submitted more than 250,000 proposals, resulting in more than 60,000 awards worth approximately $19 billion. By doubling the percentage of Federal research and development dollars that the STTR program receives each year, and increasing the SBIR percentage by 1 percent over 10 years, we will infuse another $1 billion into the small business economy. At a time when our national economy is flagging due to skyrocketing energy prices and a correcting housing market, the SBIR program is more essential then ever, if we are to capitalize on the groundbreaking capacities of Nation's pioneering small businesses.

While innovation in areas such as genomics, biotechnology, and nanotechnology present new opportunities, converting these ideas into marketable products involves substantial funding challenges. Many small businesses simply cannot afford the exorbitant cost of developing and bringing a product into the marketplace. In order to confront this challenge, our legislation offers a compromise solution to the venture capital or ''VC'' issue that has recently divided members of this committee and the SBIR community.

This bill would allow limited involvement by majority-owned venture capital firms in the SBIR program which could receive only a maximum 18 percent of SBIR funding at the National Institutes of Health and 8 percent at all other qualifying agencies. These percentages correspond to the most recent Government Accountability Office data regarding VC investment in the SBIR program. Additionally, we leave in place well-established SBA rules designed to limit participation in the SBIR program to small businesses.

Other key provisions in this vital legislation include the reauthorization and enhancement of my SBIR Defense

Commercialization Pilot Program. Senator KERRY and I created this program in 108th Congress to encourage the award of contracts to SBIR firms. The bill also includes a provision to reauthorize and increase funding to the Federal and State Partnership, FAST, program which would allow each state—including Maine—to receive funding in the form of a grant to make available an array of services in support of the SBIR program.

Now, more than ever, we in Congress must do everything within our power to help small businesses drive the recovery of our economy. It is imperative that we reauthorize the SBIR and STTR programs, particularly before the program terminates at the end of this fiscal year—fewer than 2 months away. I look forward to working with my colleagues on both sides of the aisle to pass this vital measure in the full Senate, and then negotiating with the House Small Business Committee, so that the President can sign this package into law.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 629—HONORING THE LIFE OF, AND EXPRESSING THE CONDOLENCES OF THE SENATE ON THE PASSING OF, BRONISLAW GEREMEK

Mr. LUGAR (for himself and Mr. BIDEN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 629

Whereas Bronislaw Geremek was born on March 6, 1932, in Warsaw, Poland;

Whereas Bronislaw Geremek led the democratic movement in Poland in the 1970s, with his moral clarity and perseverance;

Whereas Bronislaw Geremek was spirited out of the Warsaw Ghetto at the age of 7 and survived the Second World War in hiding from the Nazis;

Whereas Bronislaw Geremek was educated at the Faculty of History at the University of Warsaw and the École Pratique des Hautes Études in Paris and the Polish Academy of Sciences;

Whereas Bronislaw Geremek was a distinguished professor of history and received honorary degrees from University of Bologna, Utrecht University, the Sorbonne, Columbia University, and Jagiellonian University in Krakow, Poland;

Whereas Bronislaw Geremek was a member of the Academia Europea, the PEN Club, and the Société Européene de Culture and served as a visiting scholar at the Woodrow Wilson International Center for Scholars of the Smithsonian Institution;

Whereas Bronislaw Geremek joined the Gdansk workers' protest movement and became one of the leaders of the independent trade union ''Solidarity'' and chaired the Program Commission of the First National Convention of Solidarity in 1981;

Whereas, in December 1981, Bronislaw Geremek was detained for his involvement with Solidarity following the imposition of martial law in Poland;

Whereas, in his capacity as leader of the Commission for Political Reforms of the Civic Committee, Bronislaw Geremek worked to ensure a peaceful transition to democracy in Poland;

Whereas Bronislaw Geremek was a founder of the Democratic Union, a member of the Sejm, the lower house of parliament in Poland, and chairman of the Political Council of the Freedom Union from 1989 to 2001;

Whereas Bronislaw Geremek was the Minister of Foreign Affairs for Poland from 1997 to 2000 and was a courageous advocate for democracy and human rights;

Whereas, in March 1999, Bronislaw Geremek led efforts of the Government of Poland to join the North Atlantic Treaty Organization, saying that ''Poland returns to where she has always belonged: the free world'';

Whereas, in 2001, Bronislaw Geremek was elected to the European Parliament, where he was a member of the Alliance of Liberal and Democrats for Europe;

Whereas Bronislaw Geremek was a member of the Global Leadership Foundation;

Whereas Bronislaw Geremek was a recipient of the Order of the White Eagle, Poland's most prestigious decoration;

Whereas, through his valiant and persistent efforts, Bronislaw Geremek helped consolidate freedom in Eastern Europe and open the door to strong relations with the United States and the West;

Whereas the bravery of Bronislaw Geremek gave hope to those around the world in their own struggles with oppression and tyranny; and

Whereas Bronislaw Geremek made an invaluable contribution to his community, to Poland, and the world: Now, therefore, be it

Resolved, That the Senate—

(1) honors the life and accomplishments of Bronislaw Geremek and expresses its condolences on his passing; and

(2) requests that the Secretary transmit an enrolled copy of this resolution to the family of the deceased and to the Ambassador of Poland to the United States.

Mr. LUGAR. Mr. President, I rise today to offer a resolution honoring the life of Bronislaw Geremek and expressing the condolences of the Senate on his death. I am pleased that Senator BIDEN has agreed to cosponsor this important resolution.

Minister Geremek was a freedom fighter and a former Foreign Minister of Poland. He began his fight for freedom at age seven when he escaped the Warsaw Ghetto and successfully hid from the Nazis through the end of World War II.

Minister Geremek went on to become a professor of history and received honorary degrees from such prestigious institutions as the Sorbonne and Columbia University. In the 1970s, he joined the Gdansk workers' protest movement in Soviet-controlled Poland. With unwavering conviction, he became a leader of the independent trade union ''Solidarity'' and helped usher in a new era that led to the fall of the Soviet Union. His efforts gave hope to many across Eastern Europe and around the world struggling against tyranny and oppression. While he guided his nation towards democracy in Eastern Europe, the political, social, and economic ramifications of his efforts were felt across the world.

On July 13, 2008, this statesman who helped vanquish communism in Europe unexpectedly passed away. His life's work gave millions of people the freedom to choose their government, their economy, and their livelihood. For his sacrifices to Poland, Europe, and the world, he deserves the honor and respect of the United States Senate and our Nation. I ask for the support of my colleagues in passing this important resolution celebrating the life of Bronislaw Geremek.

SENATE RESOLUTION 630—RECOGNIZING THE IMPORTANCE OF CONNECTING FOSTER YOUTH TO THE WORKFORCE THROUGH INTERNSHIP PROGRAMS, AND ENCOURAGING EMPLOYERS TO INCREASE EMPLOYMENT OF FORMER FOSTER YOUTH.

Mrs. CLINTON (for herself, Ms. LANDRIEU, Mr. CASEY, Mrs. BOXER, and Mrs. MURRAY) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions.

S. RES. 630

Whereas, on any given day, there are more than 500,000 youth in foster care in the United States;

Whereas an estimated 26,000 of these youth are discharged from the foster care system or ''age out'' with few or no resources to start their own lives;

Whereas the people of the United States have a sincere appreciation for the circumstances that place children in foster care;

Whereas foster youth possess unique qualities and skills that make them ideal candidates for employment, but compared to youth nationally and youth from low-income families, they are less likely to be employed or employed regularly;

Whereas, when afforded comprehensive support, this resilient population excels in the job market;

Whereas, within 18 months after leaving foster care, 25 percent of foster youth become homeless, and former foster youth comprise more than a quarter of the United States homeless population;

Whereas, without positive intervention, youth who age out of foster care often have bouts of homelessness, criminal activity, and incarceration;

Whereas addressing job readiness early in the transition to adulthood is critical to shaping the future trajectories of these youth; and

Whereas youth who begin connecting to the workforce prior to discharge from foster care maintain the highest probability of employment: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of connecting foster youth to the workforce through internship programs, such as the Orphan Foundation of America's InternAmerica program and other programs, that provide to foster youth the foundation upon which to build their careers and to be successful members of the workforce; and

(2) encourages employers of all sectors and Federal, State, and local governmental agencies to increase employment of the young men and women who have been discharged from foster care in the United States.

Mrs. CLINTON. Mr. President, today I am pleased to introduce a resolution that recognizes the importance of connecting foster youth to internship and employment opportunities. I thank Congressmen CARDOZA, MCDERMOTT, and FATTAH for raising this important

matter in the House of Representatives, and I am proud to give voice to the issue in the Senate.

According to the most recent statistics available, 26,000 youth aged out of foster care in fiscal year 2006. Though many of these youth have characteristics that make them ideal for employment, research shows they have few resources for self-sufficiency and are less likely to be regularly employed than their counterparts in the general population. Because of the instability they experience in foster care, these young adults do not have access to the same kinds of family and community resources that often link young people to jobs and internships.

That is why I am introducing a resolution today recognizing how critical it is for foster youth to be connected to internship and employment opportunities as they transition from foster care to life on their own. This resolution expresses the importance of linking these youth to the workforce through internships and encourages employers to increase their hiring of former foster youth.

Throughout my career, I have been an advocate for foster youth. As First Lady, I worked towards enacting the Foster Care Independence Act of 1999, legislation that doubled funding for the Federal Independent Living Program and helps youth in foster care earn a high school diploma, participate in vocational training or education, and learn daily living skills. The legislation also extends services to youth up to age 21, which enables more of these young adults to obtain a college education and allows states to provide them with financial assistance as they learn skills to enter the workforce. In the Senate, I have introduced legislation addressing the needs of foster youth. Most recently, I introduced the Focusing Investments and Resources for a Safe Transition (FIRST) Act, legislation that enables states to establish Individual Development Accounts for youth aging out of foster care.

Over the years, I have hosted several foster youth interns in my Senate office through programs sponsored by the Orphan Foundation of America and the Congressional Coalition on Adoption Institute. I know firsthand that these individuals have extraordinary talent and potential, and have seen many of them go on to graduate school, law school, and the workforce; flourished by the experience. Without meaningful connections to employment, however, many foster youth will experience obstacles to building successful, independent lives. I encourage my colleagues to participate in the various internship programs that bring these young and talented individuals to work in the Congress and it is my hope that my colleagues will join me in expressing the Senate's support for foster youth as these young adults strive toward bright futures.

SENATE RESOLUTION 631—EXPRESSING THE SENSE OF THE SENATE THAT THE SENATE HAS LOST CONFIDENCE IN THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, STEPHEN L. JOHNSON, THAT THE ADMINISTRATOR SHOULD RESIGN HIS POSITION IMMEDIATELY, AND THAT THE DEPARTMENT OF JUSTICE SHOULD OPEN AN INVESTIGATION INTO THE VERACITY OF HIS CONGRESSIONAL TESTIMONY REGARDING THE CALIFORNIA WAIVER DECISION AND PURSUE ANY PROSECUTORIAL ACTION THE DEPARTMENT DETERMINES TO BE WARRANTED

Mrs. BOXER (for herself, Mr. WHITEHOUSE, Mr. LAUTENBERG, Ms. KLOBUCHAR, and Mr. SANDERS) submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 631

Whereas, for most of its nearly 4-decade history, people of the United States could look to the Environmental Protection Agency for independent leadership, grounded in science and the rule of law, with a sole mission to protect our health and our environment;

Whereas, since Stephen L. Johnson was sworn in as Administrator, the Environmental Protection Agency has failed to carry out its mission, and has issued decision after decision that fails to adequately protect public health and the environment;

Whereas, on the issue of pollution from ozone, the Environmental Protection Agency under Administrator Johnson rejected the recommendations of agency scientists, public health officials, and the agency's own scientific advisory committees, and instead established an ozone standard that fails to protect the public, especially children and the elderly, from the harmful effects of ozone pollution, such as lung disease and asthma;

Whereas, on the issue of pollution from soot, known as ''particulate matter'', Administrator Johnson bowed to pressure from industry and failed to strengthen an outdated standard limiting the annual average levels of soot pollution, despite calls from the agency's own scientific advisory committees and health and medical experts to strengthen that standard to protect public health;

Whereas, on the issue of pollution from lead, Administrator Johnson failed to heed the Environmental Protection Agency's own scientists and proposed a standard that would leave children in harm's way;

Whereas, on the issue of the Toxic Release Inventory, the Agency's decision to weaken the community right-to-know rules for toxic chemicals used and released in communities across the country will quadruple the quantity of toxic pollutants that companies can release before the companies are required to provide to the public detailed information about the releases;

Whereas the Environmental Protection Agency went forward with those changes to the Toxic Release Inventory despite objections from 23 State agencies and attorneys general, and despite concerns raised by the Agency's own science advisory board;

Whereas, on the issue of the toxin perchlorate, the Environmental Protection Agency promulgated a rule revoking the requirement for testing of tap water for perchlorate, a contaminant that has been found in the drinking water of millions of people in 35 States, and which interferes with the thyroid and is especially risky to pregnant women and newborns, and as a result, people in the United States will lack up-to-date information on whether their tap water is contaminated with that toxin;

Whereas, on the issue of vehicle tailpipe emissions, Administrator Johnson denied a waiver that would have allowed California and up to 18 other States to enact strict restrictions on global warming pollution from automobiles, despite the reportedly unanimous recommendations of his professional staff in favor of granting the waiver at least in part, and finding that denying it would very likely be successfully challenged in court;

Whereas, on the issue of global warming pollution, in defiance of the Supreme Court's decision in Massachusetts v. E.P.A. (549 U.S. 497), Administrator Johnson has failed to take action after the Court's ruling that the Environmental Protection Agency has the authority, under the Clean Air Act (42 U.S.C. 7401 et seq.), to regulate greenhouse gas emissions that pollute our air, instead bowing to pressures from the Bush White House to punt the issue to the next administration;

Whereas, under Administrator Johnson, the Environmental Protection Agency has offered legal arguments for its insufficient standards that have provoked ridicule by the courts, which, for example, have accused the agency of employing the ''logic of the Queen of Hearts'' and living in ''a Humpty-Dumpty'' world in attempting to evade the intent of Congress and the clear meaning of the Clean Air Act (42 U.S.C. 7401 et seq.);

Whereas, Administrator Johnson has allowed the Environmental Protection Agency's scientific advisory panels to be infiltrated by the very industries they are meant to regulate and control, while at the same time removing from those panels without justification qualified scientists who opposed industry positions;

Whereas a report issued on April 23, 2008, by the Union of Concerned Scientists, entitled ''Interference at the EPA'', uncovered widespread political influence in the Environmental Protection Agency decisions, noting, for example, that 60 percent of the Environmental Protection Agency career scientists surveyed had personally experienced at least 1 incident of political interference during the past 5 years;

Whereas the Environmental Protection Agency under Administrator Johnson has altered administrative procedures of the agency to allow the White House Office of Management and Budget and Pentagon secret influence over agency decisionmaking, such as through the Integrated Risk Information System process, an action which the Government Accountability Office has found to be ''inconsistent with the principle of sound science that relies on, among other things, transparency'';

Whereas Administrator Johnson's response to widespread criticism that his agency is in crisis, and that he allows White House political operatives and polluting industries to dictate his decisions rather than the law and science, has been to label those who have raised those concerns, many of whom are dedicated career employees of his agency, as ''yammering critics'';

Whereas, in defiance of his charge under the Constitution of the United States, Administrator Johnson has personally and repeatedly refused to cooperate with Congress in its efforts to conduct regular oversight of the Executive branch, refusing to produce documents as part of legitimate oversight investigations, refusing to appear before committees of Congress, and, when he has appeared, refusing to answer questions in a forthright manner;

Whereas there is strong evidence to believe that Administrator Johnson, at a minimum, provided misleading and intentionally incomplete statements to congressional committees regarding the California waiver issue and, at worst, has given false testimony before those committees;

Whereas, for example, Administrator Johnson on numerous occasions testified before the Committee on Environment and Public Works of the Senate that he based his denial of the California waiver request on California's failure to meet the ''compelling and extraordinary'' circumstances criterion under section 209(b) of the Clean Air Act (42 U.S.C. 7543(b)), and that he reached this decision independently;

Whereas, testimony by a former senior Environmental Protection Agency official, Jason Burnett, reveals that in fact Administrator Johnson had determined that California met the requirements for a waiver under that Act and had communicated his plan to partially grant the waiver to the Administration in a meeting at the White House, only to reverse course and deny the waiver after White House officials ''clearly articulated'' President Bush's ''policy preference'' for a single regulatory system, even though the Clean Air Act clearly contemplates a dual system in cases in which the statutory criteria for the waiver are met;

Whereas Mr. Burnett's testimony was that Administrator Johnson was prepared to grant the California waiver until it was ''clearly articulated'' to him that the President preferred a different approach;

Whereas Administrator Johnson's sworn testimony before the Committee on Environment and Public Works of the Senate appears to have been designed to mislead Congress and the people of the United States regarding the extent to which the White House intervened in the decision to deny the California waiver, despite the conclusion of career staff at the Environmental Protection Agency, and evidently of the Administrator himself, that the statutory criteria for granting the waiver under the Clean Air Act had been met; and

Whereas the Environmental Protection Agency is an agency in crisis and is in need of leadership dedicated to tackling the enormous public health and environmental issues faced by our country and our planet, in an independent manner that comports with science and the law and is immune from political interference: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Senate has lost confidence in the Administrator of the Environmental Protection Agency, Stephen L. Johnson;

(2) Administrator Johnson should resign his position immediately; and

(3) the Department of Justice should open an investigation into the veracity of his congressional testimony regarding the California waiver decision and to pursue any prosecutorial action the Department determines to be warranted.

SENATE CONCURRENT RESOLUTION 96—COMMEMORATING IRENA SENDLER, A WOMAN WHOSE BRAVERY SAVED THE LIVES OF THOUSANDS DURING THE HOLOCAUST AND REMEMBERING HER LEGACY OF COURAGE, SELFLESSNESS, AND HOPE.

Mr. REID (for Mr. OBAMA (for himself and Mr. SPECTER)) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 96

Whereas on May 12, 2008, Irena Sendler, a living example of social justice, died at the age of 98;

Whereas Irena Sendler repeatedly risked her life during the Holocaust to rescue over 2,500 Jewish children who lived in the Warsaw ghetto in Poland from Nazi extermination;

Whereas Irena Sendler was inspired by her father, a physician who treated poor Jewish patients, to dedicate her life to others;

Whereas Irena Sendler became an activist at the start of World War II, heading the clandestine group Zegota and driving an underground movement that provided safe passage for Jews from the Warsaw ghetto who faced disease, execution, or deportation to concentration camps;

Whereas Irena Sendler became 1 of the most successful workers within Zegota, taking charge of the children's division and using her senior position with the welfare department in Warsaw to gain access to and from the ghetto to build a network of allies to help ferry Jewish children from the Warsaw ghetto;

Whereas Irena Sendler was arrested by the Gestapo on October 20, 1943, tortured, and sentenced to death by firing squad;

Whereas Irena Sendler never revealed details of her contacts, escaped from Pawiak prison, and continued her invaluable work with Zegota;

Whereas in 1965, Irena Sendler was recognized as ''Righteous Among the Nations'' by the Yad Vashem Holocaust Memorial in Israel;

Whereas in 2006, Irena Sendler was nominated for the Nobel Peace Prize;

Whereas Irena Sendler was awarded the Order of the White Eagle, the highest civilian decoration in Poland;

Whereas ''Tzedek: The Righteous'', a documentary film, and ''Life in a Jar'', a play about the rescue efforts made by Irena Sendler, chronicle the life of Irena Sendler;

Whereas Irena Sendler, a woman who risked everything for the lives of others and whose bravery is unimaginable to many, expressed guilt for not being able to do more for the Jewish people; and

Whereas the story of Irena Sendler reminds citizens of the United States and the world community not only of the horrible cruelty at the time of the Holocaust, but also the incredible difference one person can make: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) mourns the loss of Irena Sendler, a woman whose bravery and heroic efforts saved over 2,500 Jewish children during the Holocaust;

(2) pays respect and extends condolences to the Sendler family;

(3) honors the legacy of courage, selflessness, and hope that Irena Sendler exhibited; and

(4) remembers the life and unwavering dedication to justice and human rights of Irena Sendler.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5250. Mr. DURBIN (for Mr. KENNEDY) submitted an amendment intended to be proposed by Mr. DURBIN to the bill H.R. 4137, to amend and extend the Higher Education Act of 1965, and for other purposes.

SA 5251. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table.

SA 5252. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 3268, supra; which was ordered to lie on the table.

SA 5253. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 3268, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 5250. Mr. DURBIN (for Mr. KENNEDY) submitted an amendment intended to be proposed by Mr. DURBIN to the bill H.R. 4137, to amend and extend the Higher Education Act of 1965, and for other purposes; as follows:

Strike all after the enacting clause, and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Higher Education Amendments of 2007''.

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

SEC. 2. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 3. GENERAL EFFECTIVE DATE.

Except as otherwise provided in this Act or the amendments made by this Act, the

amendments made by this Act shall take effect on the date of enactment of this Act.

TITLE I—GENERAL PROVISIONS

SEC. 101. ADDITIONAL DEFINITIONS.

(a) AMENDMENT.—Section 103 (20 U.S.C. 1003) is amended—

(1) by redesignating paragraphs (9) through (16) as paragraphs (13) through (20); respectively;

(2) by redesignating paragraphs (4) through (8) as paragraphs (7) through (11), respectively;

(3) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (4), and (5), respectively;

(4) by inserting before paragraph (2) (as redesignated by paragraph (2)) the following:

''(1) AUTHORIZING COMMITTEES.—The term 'authorizing committees' means the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives.'';

(5) by inserting after paragraph (2) (as redesignated by paragraph (3)) the following:

''(3) CRITICAL FOREIGN LANGUAGE.—The term 'critical foreign language' means each of the languages contained in the list of critical languages designated by the Secretary in the Federal Register on August 2, 1985 (50 Fed. Reg. 149, 31412; promulgated under the authority of section 212(d) of the Education for Economic Security Act (repealed by section 2303 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988)), except that in the implementation of this definition with respect to a specific title, the Secretary may set priorities according to the purposes of such title and the national security, economic competitiveness, and educational needs of the United States.'';

(6) by inserting after paragraph (5) (as redesignated by paragraph (3)) the following:

''(6) DISTANCE EDUCATION.—

''(A) IN GENERAL.—Except as otherwise provided, the term 'distance education' means education that uses 1 or more of the technologies described in subparagraph (B)—

''(i) to deliver instruction to students who are separated from the instructor; and

''(ii) to support regular and substantive interaction between the students and the instructor, synchronously or asynchronously.

''(B) INCLUSIONS.—For the purposes of subparagraph (A), the technologies used may include—

''(i) the Internet;

''(ii) one-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices;

''(iii) audio conferencing; or

''(iv) video cassette, DVDs, and CD–ROMs, if the cassette, DVDs, and CD–ROMs are used in a course in conjunction with the technologies listed in clauses (i) through (iii).''; and

(7) by inserting after paragraph (11) (as redesignated by paragraph (2)) the following:

''(12) POVERTY LINE.—The term 'poverty line' means the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.''.

(b) CONFORMING AMENDMENTS.—The Act (20 U.S.C. 1001 et seq.) is amended—

(1) in section 131(a)(3)(B) (20 U.S.C. 1015(a)(3)(B)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees'';

(2) in section 141(d)(4)(B) (20 U.S.C. 1018(d)(4)(B)), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees'';

(3) in section 401(f)(3) (20 U.S.C. 1070a(f)(3)), by striking ''to the Committee on Appropriations'' and all that follows through ''House of Representatives'' and inserting ''to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and the authorizing committees'';

(4) in section 428 (20 U.S.C. 1078)—

(A) in subsection (c)(9)(K), by striking ''House Committee on Education and the Workforce and the Senate Committee on Labor and Human Resources'' and inserting ''authorizing committees'';

(B) in the matter following paragraph (2) of subsection (g), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''; and

(C) in subsection (n)(4), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees'';

(5) in section 428A(c) (20 U.S.C. 1078–1(c))—

(A) in the matter preceding subparagraph (A) of paragraph (2), by striking ''Chairperson'' and all that follows through ''House of Representatives'' and inserting ''members of the authorizing committees'';

(B) in paragraph (3), by striking ''Chairperson'' and all that follows through ''House of Representatives'' and inserting ''members of the authorizing committees''; and

(C) in paragraph (5), by striking ''Chairperson'' and all that follows through ''House of Representatives'' and inserting ''members of the authorizing committees'';

(6) in section 432 (20 U.S.C. 1082)—

(A) in subsection (f)(1)(C), by striking ''the Committee on Education and the Workforce of the House of Representatives or the Committee on Labor and Human Resources of the Senate'' and inserting ''either of the authorizing committees''; and

(B) in the matter following subparagraph (D) of subsection (n)(3), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees'';

(7) in section 437(c)(1) (20 U.S.C. 1087(c)(1)), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees'';

(8) in section 439 (20 U.S.C. 1087–2)—

(A) in subsection (d)(1)(E)(iii), by striking ''advise the Chairman'' and all that follows through ''House of Representatives'' and inserting ''advise the members of the authorizing committees'';

(B) in subsection (r)—

(i) in paragraph (3), by striking ''inform the Chairman'' and all that follows through ''House of Representatives,'' and inserting ''inform the members of the authorizing committees'';

(ii) in paragraph (5)(B), by striking ''plan, to the Chairman'' and all that follows through ''Education and Labor'' and inserting ''plan, to the members of the authorizing committees'';

(iii) in paragraph (6)(B)—

(I) by striking ''plan, to the Chairman'' and all that follows through ''House of Representatives'' and inserting ''plan, to the members of the authorizing committees''; and

(II) by striking ''Chairmen and ranking minority members of such Committees'' and inserting ''members of the authorizing committees'';

(iv) in paragraph (8)(C), by striking ''implemented to the Chairman'' and all that follows through ''House of Representatives, and'' and inserting ''implemented to the members of the authorizing committees, and to''; and

(v) in the matter preceding subparagraph (A) of paragraph (10), by striking ''days to the Chairman'' and all that follows through ''Education and Labor'' and inserting ''days to the members of the authorizing committees''; and

(C) in subsection (s)(2)—

(i) in the matter preceding clause (i) of subparagraph (A), by striking ''Treasury and to the Chairman'' and all that follows through ''House of Representatives'' and inserting ''Treasury and to the members of the authorizing committees''; and

(ii) in subparagraph (B), by striking ''Treasury and to the Chairman'' and all that follows through ''House of Representatives'' and inserting ''Treasury and to the members of the authorizing committees'';

(9) in section 455(b)(8)(B) (20 U.S.C. 1087e(b)(8)(B)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees'';

(10) in section 482(d) (20 U.S.C. 1089(d)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives'' and inserting ''authorizing committees'';

(11) in section 483(c) (20 U.S.C. 1090(c)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees'';

(12) in section 485 (20 U.S.C. 1092)—

(A) in subsection (f)(5)(A), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees''; and

(B) in subsection (g)(4)(B), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees'';

(13) in section 486 (20 U.S.C. 1093)—

(A) in subsection (e), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''; and

(B) in subsection (f)(3)—

(i) in the matter preceding clause (i) of subparagraph (A), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''; and

(ii) in the matter preceding clause (i) of subparagraph (B), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees'';

(14) in section 487A(a)(5) (20 U.S.C. 1094a(a)(5)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''; and

(15) in section 498B(d) (20 U.S.C. 1099c–2(d))—

(A) in paragraph (1), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and

the Workforce of the House of Representatives'' and inserting ''authorizing committees''; and

(B) in paragraph (2), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''.

SEC. 102. GENERAL DEFINITION OF INSTITUTION OF HIGHER EDUCATION.

Section 101 (20 U.S.C. 1001) is amended—

(1) in subsection (a)(3), by inserting '', or awards a degree that is acceptable for admission to a graduate or professional degree program, subject to the review and approval by the Secretary'' after ''such a degree''; and

(2) by striking subsection (b)(2) and inserting the following:

''(2) a public or nonprofit private educational institution in any State that, in lieu of the requirement in subsection (a)(1), admits as regular students persons—

''(A) who are beyond the age of compulsory school attendance in the State in which the institution is located; or

''(B) who will be dually or concurrently enrolled in the institution and a secondary school.''.

SEC. 103. DEFINITION OF INSTITUTION OF HIGHER EDUCATION FOR PURPOSES OF TITLE IV PROGRAMS.

Section 102 (20 U.S.C. 1002) is amended—

(1) by striking subclause (II) of subsection (a)(2)(A)(i) and inserting the following:

''(II) the institution has or had a clinical training program that was approved by a State as of January 1, 1992, and has continuously operated a clinical training program in not less than 1 State that is approved by such State;'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (D), by inserting ''and'' after the semicolon;

(ii) in subparagraph (E), by striking ''; and'' and inserting a period; and

(iii) by striking subparagraph (F); and

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

''(2) ADDITIONAL INSTITUTIONS.—The term 'proprietary institution of higher education' also includes a proprietary educational institution in any State that, in lieu of the requirement in section 101(a)(1), admits as regular students persons—

''(A) who are beyond the age of compulsory school attendance in the State in which the institution is located; or

''(B) who will be dually or concurrently enrolled in the institution and a secondary school.''; and

(3) by striking subsection (c)(2) and inserting the following:

''(2) ADDITIONAL INSTITUTIONS.—The term 'postsecondary vocational institution' also includes an educational institution in any State that, in lieu of the requirement in section 101(a)(1), admits as regular students persons—

''(A) who are beyond the age of compulsory school attendance in the State in which the institution is located; or

''(B) who will be dually or concurrently enrolled in the institution and a secondary school.''.

SEC. 104. PROTECTION OF STUDENT SPEECH AND ASSOCIATION RIGHTS.

Section 112 (20 U.S.C. 1011a) is amended—

(1) in subsection (a)—

(A) by inserting ''(1)'' before ''It is the sense''; and

(B) by adding at the end the following:

''(2) It is the sense of Congress that—

''(A) the diversity of institutions and educational missions is one of the key strengths of American higher education;

''(B) individual colleges and universities have different missions and each institution should design its academic program in accordance with its educational goals;

''(C) a college should facilitate the free and open exchange of ideas;

''(D) students should not be intimidated, harassed, discouraged from speaking out, or discriminated against;

''(E) students should be treated equally and fairly; and

''(F) nothing in this paragraph shall be construed to modify, change, or infringe upon any constitutionally protected religious liberty, freedom, expression, or association.''; and

(2) in subsection (b)(1), by inserting '', provided that the imposition of such sanction is done objectively and fairly'' after ''higher education''.

SEC. 105. ACCREDITATION AND INSTITUTIONAL QUALITY AND INTEGRITY ADVISORY COMMITTEE.

(a) IN GENERAL.—Section 114 (20 U.S.C. 1011c) is amended to read as follows:

''SEC. 114. ACCREDITATION AND INSTITUTIONAL QUALITY AND INTEGRITY COMMITTEE.

''(a) ESTABLISHMENT.—There is established in the Department an Accreditation and Institutional Quality and Integrity Advisory Committee (in this section referred to as the 'Committee') to assess the process of accreditation and the institutional eligibility and certification of such institutions under title IV.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The Committee shall have 15 members, of which—

''(A) 5 members shall be appointed by the Secretary;

''(B) 5 members shall be appointed by the Speaker of the House of Representatives upon the recommendation of the majority leader and minority leader of the House of Representatives; and

''(C) 5 members shall be appointed by the President pro tempore of the Senate upon the recommendation of the majority leader and minority leader of the Senate.

''(2) QUALIFICATIONS.—Individuals shall be appointed as members of the Committee on—

''(A) the basis of the individuals' experience, integrity, impartiality, and good judgment;

''(B) from among individuals who are representatives of, or knowledgeable concerning, education and training beyond secondary education, representatives of all sectors and types of institutions of higher education (as defined in section 102); and

''(C) on the basis of the individuals' technical qualifications, professional standing, and demonstrated knowledge in the fields of accreditation and administration in higher education.

''(3) TERMS OF MEMBERS.—The term of office of each member of the Committee shall be for 6 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of such term.

''(4) VACANCY.—A vacancy on the Committee shall be filled in the same manner as the original appointment was made not later than 90 days after the vacancy occurred. If a vacancy occurs in a position to be filled by the Secretary, the Secretary shall publish a Federal Register notice soliciting nominations for the position not later than 30 days after being notified of the vacancy.

''(5) INITIAL TERMS.—The terms of office for the initial members of the Committee shall be—

''(A) 2 years for members appointed under paragraph (1)(A);

''(B) 4 years for members appointed under paragraph (1)(B); and

''(C) 6 years for members appointed under paragraph (1)(C).

''(6) CHAIRPERSON.—The members of the Committee shall select a chairperson from among the members.

''(c) FUNCTIONS.—The Committee shall—

''(1) advise the Secretary with respect to establishment and enforcement of the standards of accrediting agencies or associations under subpart 2 of part H of title IV;

''(2) advise the Secretary with respect to the recognition of a specific accrediting agency or association;

''(3) advise the Secretary with respect to the preparation and publication of the list of nationally recognized accrediting agencies and associations;

''(4) advise the Secretary with respect to the eligibility and certification process for institutions of higher education under title IV, together with recommendations for improvements in such process;

''(5) advise the Secretary with respect to the relationship between—

''(A) accreditation of institutions of higher education and the certification and eligibility of such institutions; and

''(B) State licensing responsibilities with respect to such institutions; and

''(6) carry out such other advisory functions relating to accreditation and institutional eligibility as the Secretary may prescribe in regulation.

''(d) MEETING PROCEDURES.—

''(1) SCHEDULE.—

''(A) BIANNUAL MEETINGS.—The Committee shall meet not less often than twice each year, at the call of the Chairperson.

''(B) PUBLICATION OF DATE.—The Committee shall submit the date and location of each meeting in advance to the Secretary, and the Secretary shall publish such information in the Federal Register not later than 30 days before the meeting.

''(2) AGENDA.—

''(A) ESTABLISHMENT.—The agenda for a meeting of the Committee shall be established by the Chairperson and shall be submitted to the members of the Committee upon notification of the meeting.

''(B) OPPORTUNITY FOR PUBLIC COMMENT.—The agenda shall include, at a minimum, opportunity for public comment during the Committee's deliberations.

''(3) SECRETARY'S DESIGNEE.—

''(A) ATTENDANCE AT MEETING.—The Chairperson shall invite the Secretary's designee to attend all meetings of the Committee.

''(B) ROLE OF DESIGNEE.—The Secretary's designee may be present at a Committee meeting to facilitate the exchange and free flow of information between the Secretary and the Committee. The designee shall have no authority over the agenda of the meeting, the items on that agenda, or on the resolution of any agenda item.

''(4) FEDERAL ADVISORY COMMITTEE ACT.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee, except that section 14 of such Act shall not apply.

''(e) REPORT AND NOTICE.—

''(1) NOTICE.—The Secretary shall annually publish in the Federal Register—

''(A) a list containing, for each member of the Committee—

''(i) the member's name;

''(ii) the date of the expiration of the member's term of office; and

''(iii) the individual described in subsection (b)(1) who appointed the member; and

''(B) a solicitation of nominations for each expiring term of office on the Committee of a member appointed by the Secretary.

''(2) REPORT.—Not later than September 30 of each year, the Committee shall make an

annual report to the Secretary, the authorizing committees, and the public. The annual report shall contain—

''(A) a detailed summary of the agenda and activities of, and the findings and recommendations made by, the Committee during the preceding fiscal year;

''(B) a list of the date and location of each meeting during the preceding fiscal year;

''(C) a list of the members of the Committee and appropriate contact information; and

''(D) a list of the functions of the Committee, including any additional functions established by the Secretary through regulation.

''(f) TERMINATION.—The Committee shall terminate on September 30, 2012.''.

(b) TERMINATION OF NACIQI.—The National Advisory Committee on Institutional Quality and Integrity, established under section 114 of the Higher Education Act of 1965 (as such section was in effect the day before the date of enactment of this Act) shall terminate 30 days after such date.

SEC. 106. DRUG AND ALCOHOL ABUSE PREVENTION.

Section 120(a)(2) (20 U.S.C. 1011i(a)(2)) is amended—

(1) in subparagraph (A), by striking ''and'' after the semicolon;

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

(3) by inserting after subparagraph (A) (as amended by paragraph (1)) the following:

''(B) determine the number of drug and alcohol-related incidents and fatalities that—

''(i) occur on the institution's property or as part of any of the institution's activities; and

''(ii) are reported to the institution;

''(C) determine the number and type of sanctions described in paragraph (1)(E) that are imposed by the institution as a result of drug and alcohol-related incidents and fatalities on the institution's property or as part of any of the institution's activities; and''.

SEC. 107. PRIOR RIGHTS AND OBLIGATIONS.

Section 121(a) (20 U.S.C. 1011j(a)) is amended—

(1) in paragraph (1), by striking ''1999 and for each of the 4 succeeding fiscal years'' and inserting ''2008 and for each succeeding fiscal year''; and

(2) in paragraph (2), by striking ''1999 and for each of the 4 succeeding fiscal years'' and inserting ''2008 and for each succeeding fiscal year''.

SEC. 108. TRANSPARENCY IN COLLEGE TUITION FOR CONSUMERS.

Part C of title I (20 U.S.C. 1015) is amended by adding at the end the following:

''SEC. 132. TRANSPARENCY IN COLLEGE TUITION FOR CONSUMERS.

''(a) NET PRICE.—In this section, the term 'net price' means the average yearly tuition and fees paid by a full-time undergraduate student at an institution of higher education, after discounts and grants from the institution, Federal Government, or a State have been applied to the full price of tuition and fees at the institution.

''(b) HIGHER EDUCATION PRICE INDEX.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, the Commission of the Bureau of Labor Statistics, in consultation with the Commissioner of Education Statistics and representatives of institutions of higher education, shall develop higher education price indices that accurately reflect the annual change in tuition and fees for undergraduate students in the categories of institutions listed in paragraph (2). Such indices shall be updated annually.

''(2) DEVELOPMENT.—The higher education price index under paragraph (1) shall be developed for each of the following categories:

''(A) 4-year public degree-granting institutions of higher education.

''(B) 4-year private degree-granting institutions of higher education.

''(C) 2-year public degree-granting institutions of higher education.

''(D) 2-year private degree-granting institutions of higher education.

''(E) Less than 2-year institutions of higher education.

''(F) All types of institutions described in subparagraphs (A) through (E).

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary.

''(c) REPORTING.—

''(1) IN GENERAL.—The Secretary shall annually report, in a national list and in a list for each State, a ranking of institutions of higher education according to such institutions' change in tuition and fees over the preceding 2 years. The purpose of such lists is to provide consumers with general information on pricing trends among institutions of higher education nationally and in each State.

''(2) COMPILATION.—

''(A) IN GENERAL.—The lists described in paragraph (1) shall be compiled according to the following categories:

''(i) 4-year public institutions of higher education.

''(ii) 4-year private, nonprofit institutions of higher education.

''(iii) 4-year private, for-profit institutions of higher education.

''(iv) 2-year public institutions of higher education.

''(v) 2-year private, nonprofit institutions of higher education.

''(vi) 2-year private, for-profit institutions of higher education.

''(vii) Less than 2-year public institutions of higher education.

''(viii) Less than 2-year private, nonprofit institutions of higher education.

''(ix) Less than 2-year private, for-profit institutions of higher education.

''(B) PERCENTAGE AND DOLLAR CHANGE.—The lists described in paragraph (1) shall include 2 lists for each of the categories under subparagraph (A) as follows:

''(i) 1 list in which data is compiled by percentage change in tuition and fees over the preceding 2 years.

''(ii) 1 list in which data is compiled by dollar change in tuition and fees over the preceding 2 years.

''(3) HIGHER EDUCATION PRICE INCREASE WATCH LISTS.—Upon completion of the development of the higher education price indices described in paragraph (1), the Secretary shall annually report, in a national list, and in a list for each State, a ranking of each institution of higher education whose tuition and fees outpace such institution's applicable higher education price index described in subsection (b). Such lists shall—

''(A) be known as the 'Higher Education Price Increase Watch Lists';

''(B) report the full price of tuition and fees at the institution and the net price;

''(C) where applicable, report the average price of room and board for students living on campus at the institution, except that such price shall not be used in determining whether an institution's cost outpaces such institution's applicable higher education price index; and

''(D) be compiled by the Secretary in a public document to be widely published and disseminated in paper form and through the website of the Department.

''(4) STATE HIGHER EDUCATION APPROPRIATIONS CHART.—The Secretary shall annually report, in charts for each State—

''(A) a comparison of the percentage change in State appropriations per enrolled student in a public institution of higher education in the State to the percentage change in tuition and fees for each public institution of higher education in the State for each of the previous 5 years; and

''(B) the total amount of need-based and merit-based aid provided by the State to students enrolled in a public institution of higher education in the State.

''(5) SHARING OF INFORMATION.—The Secretary shall share the information under paragraphs (1) through (4) with the public, including with private sector college guidebook publishers.

''(d) NET PRICE CALCULATOR.—

''(1) DEVELOPMENT.—Not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall, in consultation with institutions of higher education, develop and make several model net price calculators to help students, families, and consumers determine the net price of an institution of higher education, which institutions of higher education may, at their discretion, elect to use pursuant to paragraph (3).

''(2) CATEGORIES.—The model net price calculators described in paragraph (1) shall be developed for each of the following categories:

''(A) 4-year public institutions of higher education.

''(B) 4-year private, nonprofit institutions of higher education.

''(C) 4-year private, for-profit institutions of higher education.

''(D) 2-year public institutions of higher education.

''(E) 2-year private, nonprofit institutions of higher education.

''(F) 2-year private, for-profit institutions of higher education.

''(G) Less than 2-year public institutions of higher education.

''(H) Less than 2-year private, nonprofit institutions of higher education.

''(I) Less than 2-year private, for-profit institutions of higher education.

''(3) USE OF NET PRICE CALCULATOR BY INSTITUTIONS.—Not later than 3 years after the date of enactment of the Higher Education Amendments of 2007, each institution of higher education that receives Federal funds under this Act shall adopt and use a net price calculator to help students, families, and other consumers determine the net price of such institution of higher education. Such calculator may be—

''(A) based on a model calculator developed by the Department; or

''(B) developed by the institution of higher education.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary.

''(e) NET PRICE REPORTING IN APPLICATION INFORMATION.—An institution of higher education that receives Federal funds under this Act shall include, in the materials accompanying an application for admission to the institution, the most recent information regarding the net price of the institution, calculated for each quartile of students based on the income of either the students' parents or, in the case of independent students (as such term is described in section 480), of the students, for each of the 2 academic years preceding the academic year for which the application is produced.

''(f) ENHANCED COLLEGE INFORMATION WEBSITE.—

''(1) IN GENERAL.—

''(A) IN GENERAL.—Not later than 90 days after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall contract with an independent organization with demonstrated experience in the development of consumer-friendly websites to develop improvements to the website known as the College Opportunities On-Line (COOL) so that it better meets the needs of students, families, and consumers for accurate and appropriate information on institutions of higher education.

''(B) IMPLEMENTATIONS.—Not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall implement the improvements developed by the independent organization described under subparagraph (A) to the college information website.

''(2) UNIVERSITY AND COLLEGE ACCOUNTABILITY NETWORK.—Not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall develop a model document for annually reporting basic information about an institution of higher education that chooses to participate, to be posted on the college information website and made available to institutions of higher education, students, families, and other consumers. Such document shall be known as the 'University and College Accountability Network' (U-CAN), and shall include, the following information about the institution of higher education for the most recent academic year for which the institution has available data, presented in a consumer-friendly manner:

''(A) A statement of the institution's mission and specialties.

''(B) The total number of undergraduate students who applied, were admitted, and enrolled at the institution.

''(C) Where applicable, reading, writing, mathematics, and combined scores on the SAT or ACT for the middle 50 percent range of the institution's freshman class.

''(D) Enrollment of full-time, part-time, and transfer students at the institution, at the undergraduate and (where applicable) graduate levels.

''(E) Percentage of male and female undergraduate students enrolled at the institution.

''(F) Percentage of enrolled undergraduate students from the State in which the institution is located, from other States, and from other countries.

''(G) Percentage of enrolled undergraduate students at the institution by race and ethnic background.

''(H) Retention rates for full-time and part-time first-time first-year undergraduate students enrolled at the institution.

''(I) Average time to degree or certificate completion for first-time, first-year undergraduate students enrolled at the institution.

''(J) Percentage of enrolled undergraduate students who graduate within 2 years (in the case of 2-year institutions), and 4, 5 and 6 years (in the case of 2 and 4-year institutions).

''(K) Number of students who obtained a certificate or an associate's, bachelor's, master's, or doctoral degree at the institution.

''(L) The undergraduate major areas of study with the highest number of degrees awarded.

''(M) The student-faculty ratio, and number of full-time, part-time, and adjunct faculty at the institution.

''(N) Percentage of faculty at the institution with the highest degree in their field.

''(O) The percentage change in total price in tuition and fees and the net price for an undergraduate at the institution in each of the preceding 5 academic years.

''(P) The total average yearly cost of tuition and fees, room and board, and books and other related costs for an undergraduate student enrolled at the institution, for—

''(i) full-time undergraduate students living on campus;

''(ii) full-time undergraduate students living off-campus; and

''(iii) in the case of students attending a public institution of higher education, such costs for in-State and out-of-State students living on and off-campus.

''(Q) The average yearly grant amount (including Federal, State, and institutional aid) for a student enrolled at the institution.

''(R) The average yearly amount of Federal student loans, and other loans provided through the institution, to undergraduate students enrolled at the institution.

''(S) The total yearly grant aid available to undergraduate students enrolled at the institution, from the Federal Government, a State, the institution, and other sources.

''(T) The percentage of undergraduate students enrolled at the institution receiving Federal, State, and institutional grants, student loans, and any other type of student financial assistance provided publicly or through the institution, such as Federal work-study funds.

''(U) The average net price for all undergraduate students enrolled at the institution.

''(V) The percentage of first-year undergraduate students enrolled at the institution who live on campus and off campus.

''(W) Information on the policies of the institution related to transfer of credit from other institutions.

''(X) Information on campus safety required to be collected under section 485(f).

''(Y) Links to the appropriate sections of the institution's website that provide information on student activities offered by the institution, such as intercollegiate sports, student organizations, study abroad opportunities, intramural and club sports, specialized housing options, community service opportunities, cultural and arts opportunities on campus, religious and spiritual life on campus, and lectures and outside learning opportunities.

''(Z) Links to the appropriate sections of the institution's website that provide information on services offered by the institution to students during and after college, such as internship opportunities, career and placement services, and preparation for further education.

''(3) CONSULTATION.—The Secretary shall ensure that current and prospective college students, family members of such students, and institutions of higher education are consulted in carrying out paragraphs (1) and (2).

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary.

''(g) GAO REPORT.—The Comptroller General of the United States shall—

''(1) conduct a study on the time and cost burdens to institutions of higher education associated with completing the Integrated Postsecondary Education Data System (IPEDS), which study shall—

''(A) report on the time and cost burden of completing the IPEDS survey for 4-year, 2-year, and less than 2-year institutions of higher education; and

''(B) present recommendations for reducing such burden;

''(2) not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, submit to Congress a preliminary report regarding the findings of the study described in paragraph (1); and

''(3) not later than 2 years after the date of enactment of the Higher Education Amendments of 2007, submit to Congress a final report regarding such findings.''.

SEC. 109. DATABASES OF STUDENT INFORMATION PROHIBITED.

Part C of title I (20 U.S.C. 1015), as amended by section 108, is further amended by adding at the end the following:

''SEC. 133. DATABASE OF STUDENT INFORMATION PROHIBITED.

''(a) PROHIBITION.—Except as described in (b), nothing in this Act shall be construed to authorize the development, implementation, or maintenance of a Federal database of personally identifiable information on individuals receiving assistance under this Act, attending institutions receiving assistance under this Act, or otherwise involved in any studies or other collections of data under this Act, including a student unit record system, an education bar code system, or any other system that tracks individual students over time.

''(b) EXCEPTION.—The provisions of subsection (a) shall not apply to a system (or a successor system) that is necessary for the operation of programs authorized by title II, IV, or VII that were in use by the Secretary, directly or through a contractor, as of the day before the date of enactment of the Higher Education Amendments of 2007.

''(c) STATE DATABASES.—Nothing in this Act shall prohibit a State or a consortium of States from developing, implementing, or maintaining State-developed databases that track individuals over time, including student unit record systems that contain information related to enrollment, attendance, graduation and retention rates, student financial assistance, and graduate employment outcomes.''.

SEC. 110. CLEAR AND EASY-TO-FIND INFORMATION ON STUDENT FINANCIAL AID.

Part C of title I (as amended by sections 108 and 109) is further amended by adding at the end the following:

''SEC. 134. CLEAR AND EASY-TO-FIND INFORMATION ON STUDENT FINANCIAL AID.

''(a) PROMINENT DISPLAY.—The Secretary shall ensure that a link to current student financial aid information is displayed prominently on the home page of the Department website.

''(b) ENHANCED STUDENT FINANCIAL AID INFORMATION.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall contract with an independent organization with demonstrated expertise in the development of consumer-friendly websites to develop improvements to the usefulness and accessibility of the information provided by the Department on college financial planning and student financial aid.

''(2) IMPLEMENTATION.—Not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall implement the improvements developed by the independent organization described under paragraph (1) to the college financial planning and student financial aid website of the Department.

''(3) DISSEMINATION.—The Secretary shall make the availability of the information on the website widely known through a major media campaign and other forms of communication.''.

SEC. 110A. STATE HIGHER EDUCATION INFORMATION SYSTEM PILOT PROGRAM.

Part C of title I of the Higher Education Act of 1965 (as amended by this title) is further amended by adding at the end the following:

''SEC. 135. STATE HIGHER EDUCATION INFORMATION SYSTEM PILOT PROGRAM.

''(a) PURPOSE.—It is the purpose of this section to carry out a pilot program to assist

not more than 5 States to develop State-level postsecondary student data systems to—

''(1) improve the capacity of States and institutions of higher education to generate more comprehensive and comparable data, in order to develop better-informed educational policy at the State level and to evaluate the effectiveness of institutional performance while protecting the confidentiality of students' personally identifiable information; and

''(2) identify how to best minimize the data-reporting burden placed on institutions of higher education, particularly smaller institutions, and to maximize and improve the information institutions receive from the data systems, in order to assist institutions in improving educational practice and postsecondary outcomes.

''(b) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means—

''(1) a State higher education system; or

''(2) a consortium of State higher education systems, or a consortium of individual institutions of higher education, that is broadly representative of institutions in different sectors and geographic locations.

''(c) COMPETITIVE GRANTS.—

''(1) GRANTS AUTHORIZED.—The Secretary shall award grants, on a competitive basis, to not more than 5 eligible entities to enable the eligible entities to—

''(A) design, test, and implement systems of postsecondary student data that provide the maximum benefits to States, institutions of higher education, and State policymakers; and

''(B) examine the costs and burdens involved in implementing a State-level postsecondary student data system.

''(2) DURATION.—A grant awarded under this section shall be for a period of not more than 3 years.

''(d) APPLICATION REQUIREMENTS.—An eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary determines is necessary, including a description of—

''(1) how the eligible entity will ensure that student privacy is protected and that individually identifiable information about students, the students' achievements, and the students' families remains confidential in accordance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g); and

''(2) how the activities funded by the grant will be supported after the 3-year grant period.

''(e) USE OF FUNDS.—A grant awarded under this section shall be used to—

''(1) design, develop, and implement the components of a comprehensive postsecondary student data system with the capacity to transmit student information within States;

''(2) improve the capacity of institutions of higher education to analyze and use student data;

''(3) select and define common data elements, data quality, and other elements that will enable the data system to—

''(A) serve the needs of institutions of higher education for institutional research and improvement;

''(B) provide students and the students' families with useful information for decision-making about postsecondary education;

''(C) provide State policymakers with improved information to monitor and guide efforts to improve student outcomes and success in higher education;

''(4) estimate costs and burdens at the institutional level for the reporting system for different types of institutions; and

''(5) test the feasibility of protocols and standards for maintaining data privacy and data access.

''(f) EVALUATION; REPORTS.—Not later than 6 months after the end of the projects funded by grants awarded under this section, the Secretary shall—

''(1) conduct a comprehensive evaluation of the pilot program authorized by this section; and

''(2) report the Secretary's findings, as well as recommendations regarding the implementation of State-level postsecondary student data systems to the authorizing committees.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

SEC. 111. PERFORMANCE-BASED ORGANIZATION FOR THE DELIVERY OF FEDERAL STUDENT FINANCIAL ASSISTANCE.

Section 141 (20 U.S.C. 1018) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''operational'' and inserting ''administrative and oversight''; and

(B) in paragraph (2)(D), by striking ''of the operational functions'' and inserting ''and administration'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''the information systems administered by the PBO, and other functions performed by the PBO'' and inserting ''the Federal student financial assistance programs authorized under title IV''; and

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

''(C) assist the Chief Operating Officer in identifying goals for—

''(i) the administration of the systems used to administer the Federal student financial assistance programs authorized under title IV; and

''(ii) the updating of such systems to current technology.''; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''administration of the information and financial systems that support'' and inserting ''the administration of Federal'';

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking ''of the delivery system for Federal student assistance'' and inserting ''for the Federal student assistance programs authorized under title IV'';

(II) by striking clauses (i) and (ii) and inserting the following:

''(i) the collection, processing, and transmission of data to students, institutions, lenders, State agencies, and other authorized parties;

''(ii) the design and technical specifications for software development and procurement for systems supporting the student financial assistance programs authorized under title IV;'';

(III) in clause (iii), by striking ''delivery'' and inserting ''administration'';

(IV) in clause (iv)—

(aa) by inserting ''the'' after ''supporting''; and

(bb) by striking ''and'' after the semicolon;

(V) in clause (v), by striking ''systems that support those programs.'' and inserting ''the administration of the Federal student assistance programs authorized under title IV; and''; and

(VI) by adding at the end the following:

''(vi) ensuring the integrity of the student assistance programs authorized under title IV.''; and

(iii) in subparagraph (B), by striking ''operations and services'' and inserting ''activities and functions''; and

(3) in subsection (c)—

(A) in the subsection heading, by striking ''PERFORMANCE PLAN AND REPORT'' and inserting ''PERFORMANCE PLAN, REPORT, AND BRIEFING'';

(B) in paragraph (1)(C)—

(i) in clause (iii), by striking ''information and delivery''; and

(ii) in clause (iv)—

(I) by striking ''Developing an'' and inserting ''Developing''; and

(II) by striking ''delivery and information system'' and inserting ''systems'';

(C) in paragraph (2)—

(i) in subparagraph (A), by inserting ''the'' after ''PBO and''; and

(ii) in subparagraph (B), by striking ''Officer'' and inserting ''Officers'';

(D) in paragraph (3), by inserting ''students,'' after ''consult with''; and

(E) by adding at the end the following:

''(4) BRIEFING ON ENFORCEMENT OF STUDENT LOAN PROVISIONS.—The Chief Operating Officer shall provide an annual briefing to the members of the authorizing committees on the steps the PBO has taken and is taking to ensure that lenders are providing the information required under clauses (iii) and (iv) of section 428(c)(3)(C) and sections 428(b)(1)(Z) and 428C(b)(1)(F).'';

(4) in subsection (d)—

(A) in paragraph (1), by striking the second sentence; and

(B) in paragraph (5)—

(i) in subparagraph (B), by striking ''paragraph (2)'' and inserting ''paragraph (4)''; and

(ii) in subparagraph (C), by striking ''this'';

(5) in subsection (f)—

(A) in paragraph (2), by striking ''to borrowers'' and inserting ''to students, borrowers,''; and

(B) in paragraph (3)(A), by striking ''(1)(A)'' and inserting ''(1)'';

(6) in subsection (g)(3), by striking ''not more than 25'';

(7) in subsection (h), by striking ''organizational effectiveness'' and inserting ''effectiveness'';

(8) by striking subsection (i);

(9) by redesignating subsection (j) as subsection (i); and

(10) in subsection (i) (as redesignated by paragraph (9)), by striking '', including transition costs''.

SEC. 112. PROCUREMENT FLEXIBILITY.

Section 142 (20 U.S.C. 1018a) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''for information systems supporting the programs authorized under title IV''; and

(ii) by striking ''and'' after the semicolon;

(B) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(3) through the Chief Operating Officer—

''(A) to the maximum extent practicable, utilize procurement systems that streamline operations, improve internal controls, and enhance management; and

''(B) assess the efficiency of such systems and assess such systems' ability to meet PBO requirements.'';

(2) by striking subsection (c)(2) and inserting the following:

''(2) FEE FOR SERVICE ARRANGEMENTS.—The Chief Operating Officer shall, when appropriate and consistent with the purposes of the PBO, acquire services related to the functions set forth in section 141(b)(2) from any entity that has the capability and capacity to meet the requirements set by the PBO.

The Chief Operating Officer is authorized to pay fees that are equivalent to those paid by other entities to an organization that provides services that meet the requirements of the PBO, as determined by the Chief Operating Officer.'';

(3) in subsection (d)(2)(B), by striking ''on Federal Government contracts'';

(4) in subsection (g)—

(A) in paragraph (4)(A)—

(i) in the subparagraph heading, by striking ''SOLE SOURCE.—'' and inserting ''SINGLE-SOURCE BASIS.—''; and

(ii) by striking ''sole-source'' and inserting ''single-source''; and

(B) in paragraph (7), by striking ''sole-source'' and inserting ''single-source'';

(5) in subsection (h)(2)(A), by striking ''sole-source'' and inserting ''single-source''; and

(6) in subsection (l), by striking paragraph (3) and inserting the following:

''(3) SINGLE-SOURCE BASIS.—The term 'single-source basis', with respect to an award of a contract, means that the contract is awarded to a source after soliciting an offer or offers from, and negotiating with, only such source (although such source is not the only source in the marketplace capable of meeting the need) because such source is the most advantageous source for purposes of the award.''.

SEC. 113. INSTITUTION AND LENDER REPORTING AND DISCLOSURE REQUIREMENTS.

Title I (20 U.S.C. 1001 et seq.) is amended by adding at the end the following:

''PART E—LENDER AND INSTITUTION REQUIREMENTS RELATING TO EDUCATIONAL LOANS

''SEC. 151. DEFINITIONS.

''In this part:

''(1) COST OF ATTENDANCE.—The term 'cost of attendance' has the meaning given the term in section 472.

''(2) COVERED INSTITUTION.—The term 'covered institution'—

''(A) means any educational institution that offers a postsecondary educational degree, certificate, or program of study (including any institution of higher education, as such term is defined in section 102) and receives any Federal funding or assistance; and

''(B) includes any employee or agent of the educational institution or any organization or entity affiliated with, or directly or indirectly controlled by, such institution.

''(3) EDUCATIONAL LOAN.—The term 'educational loan' means any loan made, insured, or guaranteed under title IV.

''(4) EDUCATIONAL LOAN ARRANGEMENT.—The term 'educational loan arrangement' means an arrangement or agreement between a lender and a covered institution—

''(A) under which arrangement or agreement a lender provides or otherwise issues educational loans to the students attending the covered institution or the parents of such students; and

''(B) which arrangement or agreement—

''(i) relates to the covered institution recommending, promoting, endorsing, or using educational loans of the lender; and

''(ii) involves the payment of any fee or provision of other material benefit by the lender to the institution or to groups of students who attend the institution.

''(5) LENDER.—The term 'lender'—

''(A) means—

''(i) any lender—

''(I) of a loan made, insured, or guaranteed under part B of title IV; and

''(II) that is a financial institution, as such term is defined in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809); and

''(ii) in the case of any loan issued or provided to a student under part D of title IV, the Secretary; and

''(B) includes any individual, group, or entity acting on behalf of the lender in connection with an educational loan.

''(6) OFFICER.—The term 'officer' includes a director or trustee of an institution.

''SEC. 152. REQUIREMENTS FOR LENDERS AND INSTITUTIONS PARTICIPATING IN EDUCATIONAL LOAN ARRANGEMENTS.

''(a) USE OF LENDER NAME.—A covered institution that enters into an educational loan arrangement shall disclose the name of the lender in documentation related to the loan.

''(b) DISCLOSURES.—

''(1) DISCLOSURES BY LENDERS.—Before a lender issues or otherwise provides an educational loan to a student, the lender shall provide the student, in writing, with the disclosures described in paragraph (2).

''(2) DISCLOSURES.—The disclosures required by this paragraph shall include a clear and prominent statement—

''(A) of the interest rates of the educational loan being offered;

''(B) showing sample educational loan costs, disaggregated by type;

''(C) that describes, with respect to each type of educational loan being offered—

''(i) the types of repayment plans that are available;

''(ii) whether, and under what conditions, early repayment may be made without penalty;

''(iii) when and how often interest on the loan will be capitalized;

''(iv) the terms and conditions of deferments or forbearance;

''(v) all available repayment benefits, the percentage of all borrowers who qualify for such benefits, and the percentage of borrowers who received such benefits in the preceding academic year, for each type of loan being offered;

''(vi) the collection practices in the case of default; and

''(vii) all fees that the borrower may be charged, including late payment penalties and associated fees; and

''(D) of such other information as the Secretary may require in regulations.

''(c) DISCLOSURES TO THE SECRETARY BY LENDER.—

''(1) IN GENERAL.—Each lender shall, on an annual basis, report to the Secretary any reasonable expenses paid or given under section 435(d)(5)(D), 487(a)(21)(A)(ii), or 487(a)(21)(A)(iv) to any employee who is employed in the financial aid office of a covered institution, or who otherwise has responsibilities with respect to educational loans or other financial aid of the institution. Such reports shall include—

''(A) the amount of each specific instance in which the lender provided such reimbursement;

''(B) the name of the financial aid official or other employee to whom the reimbursement was made;

''(C) the dates of the activity for which the reimbursement was made; and

''(D) a brief description of the activity for which the reimbursement was made.

''(2) REPORT TO CONGRESS.—The Secretary shall compile the information in paragraph (1) in a report and transmit such report to the authorizing committees annually.

''SEC. 153. INTEREST RATE REPORT FOR INSTITUTIONS AND LENDERS PARTICIPATING IN EDUCATIONAL LOAN ARRANGEMENTS.

''(a) SECRETARY DUTIES.—

''(1) REPORT AND MODEL FORMAT.—Not later than 180 days after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall—

''(A) prepare a report on the adequacy of the information provided to students and the parents of such students about educational loans, after consulting with students, representatives of covered institutions (including financial aid administrators, registrars, and business officers), lenders, loan servicers, and guaranty agencies;

''(B) include in the report a model format, based on the report's findings, to be used by lenders and covered institutions in carrying out subsections (b) and (c)—

''(i) that provides information on the applicable interest rates and other terms and conditions of the educational loans provided by a lender to students attending the institution, or the parents of such students, disaggregated by each type of educational loans provided to such students or parents by the lender, including—

''(I) the interest rate and terms and conditions of the loans offered by the lender for the upcoming academic year;

''(II) with respect to such loans, any benefits that are contingent on the repayment behavior of the borrower;

''(III) the average amount borrowed from the lender by students enrolled in the institution who obtain loans of such type from the lender for the preceding academic year;

''(IV) the average interest rate on such loans provided to such students for the preceding academic year; and

''(V) the amount that the borrower may repay in interest, based on the standard repayment period of a loan, on the average amount borrowed from the lender by students enrolled in the institution who obtain loans of such type from the lender for the preceding academic year; and

''(ii) which format shall be easily usable by lenders, institutions, guaranty agencies, loan servicers, parents, and students; and

''(C)(i) submit the report and model format to the authorizing committees; and

''(ii) make the report and model format available to covered institutions, lenders, and the public.

''(2) USE OF FORM.—The Secretary shall take such steps as necessary to make the model format available to covered institutions and to encourage—

''(A) lenders subject to subsection (b) to use the model format in providing the information required under subsection (b); and

''(B) covered institutions to use such format in preparing the information report under subsection (c).

''(b) LENDER DUTIES.—Each lender that has an educational loan arrangement with a covered institution shall annually, by a date determined by the Secretary, provide to the covered institution and to the Secretary the information included on the model format for each type of educational loan provided by the lender to students attending the covered institution, or the parents of such students, for the preceding academic year.

''(c) COVERED INSTITUTION DUTIES.—Each covered institution shall—

''(1) prepare and submit to the Secretary an annual report, by a date determined by the Secretary, that includes, for each lender that has an educational loan arrangement with the covered institution and that has submitted to the institution the information required under subsection (b)—

''(A) the information included on the model format for each type of educational loan provided by the lender to students attending the covered institution, or the parents of such students; and

''(B) a detailed explanation of why the covered institution believes the terms and conditions of each type of educational loan provided pursuant to the agreement are beneficial for students attending the covered institution, or the parents of such students; and

''(2) ensure that the report required under paragraph (1) is made available to the public

and provided to students attending or planning to attend the covered institution, and the parents of such students, in time for the student or parent to take such information into account before applying for or selecting an educational loan.''.

SEC. 114. EMPLOYMENT OF POSTSECONDARY EDUCATION GRADUATES.

(a) STUDY, ASSESSMENTS, AND RECOMMENDATIONS.—The Comptroller General of the United States shall—

(1) conduct a study of—

(A) the information that States currently have on the employment of students who have completed postsecondary education programs;

(B) the feasibility of collecting information on students who complete all types of postsecondary education programs (including 2- and 4-year degree, certificate, and professional and graduate programs) at all types of institutions (including public, private nonprofit, and for–profit schools), regarding—

(i) employment, including—

(I) the type of job obtained not later than 6 months after the completion of the degree, certificate, or program;

(II) whether such job was related to the course of study;

(III) the starting salary for such job; and

(IV) the student's satisfaction with the student's preparation for such job and guidance provided with respect to securing the job; and

(ii) for recipients of Federal student aid, the type of assistance received, so that the information can be used to evaluate various education programs;

(C) the evaluation systems used by other industries to identify successful programs and challenges, set priorities, monitor performance, and make improvements;

(D) the best means of collecting information from or regarding recent postsecondary graduates, including—

(i) whether a national website would be the most effective way to collect information;

(ii) whether postsecondary graduates could be encouraged to submit voluntary information by allowing a graduate to access aggregated information about other graduates (such as graduates from the graduate's school, with the graduate's degree, or in the graduate's area) if the graduate completes an online questionnaire;

(iii) whether employers could be encouraged to submit information by allowing an employer to access aggregated information about graduates (such as institutions of higher education attended, degrees, or starting pay) if the employer completes an online questionnaire to evaluate the employer's satisfaction with the graduates the employer hires; and

(iv) whether postsecondary institutions that receive Federal funds or whose students have received Federal student financial aid could be required to submit aggregated information about the graduates of the institutions; and

(E) the best means of displaying employment information; and

(2) provide assessments and recommendations regarding—

(A) whether successful State cooperative relationships between higher education system offices and State agencies responsible for employment statistics can be encouraged and replicated in other States;

(B) whether there is value in collecting additional information from or about the employment experience of individuals who have recently completed a postsecondary educational program;

(C) what are the most promising ways of obtaining and displaying or disseminating such information;

(D) if a website is used for such information, whether the website should be run by a governmental agency or contracted out to an independent education or employment organization;

(E) whether a voluntary information system would work, both from the graduates' and employers' perspectives;

(F) the value of such information to future students, institutions, accrediting agencies or associations, policymakers, and employers, including how the information would be used and the practical applications of the information;

(G) whether the request for such information is duplicative of information that is already being collected; and

(H) whether the National Postsecondary Student Aid Survey conducted by the National Center for Education Statistics could be amended to collect such information.

(b) REPORTS.—

(1) PRELIMINARY REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a preliminary report regarding the study, assessments, and recommendations described in subsection (a).

(2) FINAL REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a final report regarding such study, assessments, and recommendations.

SEC. 115. FOREIGN MEDICAL SCHOOLS.

(a) PERCENTAGE PASS RATE.—

(1) IN GENERAL.—Section 102(a)(2)(A)(i)(I)(bb) (20 U.S.C. 1002(a)(2)(A)(i)(I)(bb)) is amended by striking ''60'' and inserting ''75''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on July 1, 2010.

(b) STUDY.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(A) complete a study that shall examine American students receiving Federal financial aid to attend graduate medical schools located outside of the United States; and

(B) submit to Congress a report setting forth the conclusions of the study.

(2) CONTENTS.—The study conducted under this subsection shall include the following:

(A) The amount of Federal student financial aid dollars that are being spent on graduate medical schools located outside of the United States every year, and the percentage of overall student aid such amount represents.

(B) The percentage of students of such medical schools who pass the examinations administered by the Educational Commission for Foreign Medical Graduates the first time.

(C) The percentage of students of such medical schools who pass the examinations administered by the Educational Commission for Foreign Medical Graduates after taking such examinations multiple times, disaggregated by how many times the students had to take the examinations to pass.

(D) The percentage of recent graduates of such medical schools practicing medicine in the United States, and a description of where the students are practicing and what types of medicine the students are practicing.

(E) The rate of graduates of such medical schools who lose malpractice lawsuits or have the graduates' medical licenses revoked, as compared to graduates of graduate medical schools located in the United States.

(F) Recommendations regarding the percentage passing rate of the examinations administered by the Educational Commission for Foreign Medical Graduates that the United States should require of graduate medical schools located outside of the United States for Federal financial aid purposes.

SEC. 116. DEMONSTRATION AND CERTIFICATION REGARDING THE USE OF CERTAIN FEDERAL FUNDS.

(a) PROHIBITION.—No Federal funds received by an institution of higher education or other postsecondary educational institution may be used to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal action described in subsection (b).

(b) APPLICABILITY.—The prohibition in subsection (a) applies with respect to the following Federal actions:

(1) The awarding of any Federal contract.

(2) The making of any Federal grant.

(3) The making of any Federal loan.

(4) The entering into of any Federal cooperative agreement.

(5) The extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(c) LOBBYING AND EARMARKS.—No Federal student aid funding may be used to hire a registered lobbyist or pay any person or entity for securing an earmark.

(d) DEMONSTRATION AND CERTIFICATION.—Each institution of higher education or other postsecondary educational institution receiving Federal funding, as a condition for receiving such funding, shall annually demonstrate and certify to the Secretary of Education that the requirements of subsections (a) through (c) have been met.

(e) ACTIONS TO IMPLEMENT AND ENFORCE.—The Secretary of Education shall take such actions as are necessary to ensure that the provisions of this section are vigorously implemented and enforced.

TITLE II—TEACHER QUALITY ENHANCEMENT

SEC. 201. TEACHER QUALITY PARTNERSHIP GRANTS.

Part A of title II (20 U.S.C. 1021 et seq.) is amended to read as follows:

''PART A—TEACHER QUALITY PARTNERSHIP GRANTS

''SEC. 201. PURPOSES; DEFINITIONS.

''(a) PURPOSES.—The purposes of this part are to—

''(1) improve student achievement;

''(2) improve the quality of the current and future teaching force by improving the preparation of prospective teachers and enhancing professional development activities;

''(3) hold institutions of higher education accountable for preparing highly qualified teachers; and

''(4) recruit qualified individuals, including minorities and individuals from other occupations, into the teaching force.

''(b) DEFINITIONS.—In this part:

''(1) ARTS AND SCIENCES.—The term 'arts and sciences' means—

''(A) when referring to an organizational unit of an institution of higher education, any academic unit that offers 1 or more academic majors in disciplines or content areas corresponding to the academic subject matter areas in which teachers provide instruction; and

''(B) when referring to a specific academic subject area, the disciplines or content areas in which academic majors are offered by the arts and sciences organizational unit.

''(2) CHILDREN FROM LOW-INCOME FAMILIES.—The term 'children from low-income families' means children as described in section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965.

''(3) CORE ACADEMIC SUBJECTS.—The term 'core academic subjects' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(4) EARLY CHILDHOOD EDUCATION PROGRAM.—The term 'early childhood education program' means—

''(A) a Head Start program or an Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.);

''(B) a State licensed or regulated child care program or school; or

''(C) a State prekindergarten program that serves children from birth through kindergarten and that addresses the children's cognitive (including language, early literacy, and pre-numeracy), social, emotional, and physical development.

''(5) EARLY CHILDHOOD EDUCATOR.—The term 'early childhood educator' means an individual with primary responsibility for the education of children in an early childhood education program.

''(6) EDUCATIONAL SERVICE AGENCY.—The term 'educational service agency' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(7) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means an entity that—

''(A) shall include—

''(i) a high-need local educational agency;

''(ii) a high-need school or a consortium of high-need schools served by the high-need local educational agency or, as applicable, a high-need early childhood education program;

''(iii) a partner institution;

''(iv) a school, department, or program of education within such partner institution; and

''(v) a school or department of arts and sciences within such partner institution; and

''(B) may include any of the following:

''(i) The Governor of the State.

''(ii) The State educational agency.

''(iii) The State board of education.

''(iv) The State agency for higher education.

''(v) A business.

''(vi) A public or private nonprofit educational organization.

''(vii) An educational service agency.

''(viii) A teacher organization.

''(ix) A high-performing local educational agency, or a consortium of such local educational agencies, that can serve as a resource to the partnership.

''(x) A charter school (as defined in section 5210 of the Elementary and Secondary Education Act of 1965).

''(xi) A school or department within the partner institution that focuses on psychology and human development.

''(xii) A school or department within the partner institution with comparable expertise in the disciplines of teaching, learning, and child and adolescent development.

''(8) ESSENTIAL COMPONENTS OF READING INSTRUCTION.—The term 'essential components of reading instruction' has the meaning given such term in section 1208 of the Elementary and Secondary Education Act of 1965.

''(9) EXEMPLARY TEACHER.—The term 'exemplary teacher' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(10) HIGH-NEED EARLY CHILDHOOD EDUCATION PROGRAM.—The term 'high-need early childhood education program' means an early childhood education program serving children from low-income families that is located within the geographic area served by a high-need local educational agency.

''(11) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means a local educational agency—

''(A)(i) for which not less than 20 percent of the children served by the agency are children from low-income families;

''(ii) that serves not fewer than 10,000 children from low-income families; or

''(iii) with a total of less than 600 students in average daily attendance at the schools that are served by the agency and all of whose schools are designated with a school locale code of 6, 7, or 8, as determined by the Secretary; and

''(B)(i) for which there is a high percentage of teachers not teaching in the academic subject areas or grade levels in which the teachers were trained to teach; or

''(ii) for which there is a high teacher turnover rate or a high percentage of teachers with emergency, provisional, or temporary certification or licensure.

''(12) HIGH-NEED SCHOOL.—The term 'high-need school' means a public elementary school or public secondary school that—

''(A) is among the highest 25 percent of schools served by the local educational agency that serves the school, in terms of the percentage of students from families with incomes below the poverty line; or

''(B) is designated with a school locale code of 6, 7, or 8, as determined by the Secretary.

''(13) HIGHLY COMPETENT.—The term 'highly competent', when used with respect to an early childhood educator, means an educator—

''(A) with specialized education and training in development and education of young children from birth until entry into kindergarten;

''(B) with—

''(i) a baccalaureate degree in an academic major in the arts and sciences; or

''(ii) an associate's degree in a related educational area; and

''(C) who has demonstrated a high level of knowledge and use of content and pedagogy in the relevant areas associated with quality early childhood education.

''(14) HIGHLY QUALIFIED.—The term 'highly qualified' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 and, with respect to special education teachers, in section 602 of the Individuals with Disabilities Education Act.

''(15) INDUCTION PROGRAM.—The term 'induction program' means a formalized program for new teachers during not less than the teachers' first 2 years of teaching that is designed to provide support for, and improve the professional performance and advance the retention in the teaching field of, beginning teachers. Such program shall promote effective teaching skills and shall include the following components:

''(A) High-quality teacher mentoring.

''(B) Periodic, structured time for collaboration with teachers in the same department or field, as well as time for information-sharing among teachers, principals, administrators, and participating faculty in the partner institution.

''(C) The application of empirically based practice and scientifically valid research on instructional practices.

''(D) Opportunities for new teachers to draw directly upon the expertise of teacher mentors, faculty, and researchers to support the integration of empirically based practice and scientifically valid research with practice.

''(E) The development of skills in instructional and behavioral interventions derived from empirically based practice and, where applicable, scientifically valid research.

''(F) Faculty who—

''(i) model the integration of research and practice in the classroom; and

''(ii) assist new teachers with the effective use and integration of technology in the classroom.

''(G) Interdisciplinary collaboration among exemplary teachers, faculty, researchers, and other staff who prepare new teachers on the learning process and the assessment of learning.

''(H) Assistance with the understanding of data, particularly student achievement data, and the data's applicability in classroom instruction.

''(I) Regular evaluation of the new teacher.

''(16) LIMITED ENGLISH PROFICIENT.—The term 'limited English proficient' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(17) PARTNER INSTITUTION.—The term 'partner institution' means an institution of higher education, which may include a 2-year institution of higher education offering a dual program with a 4-year institution of higher education, participating in an eligible partnership that has a teacher preparation program—

''(A) whose graduates exhibit strong performance on State-determined qualifying assessments for new teachers through—

''(i) demonstrating that 80 percent or more of the graduates of the program who intend to enter the field of teaching have passed all of the applicable State qualification assessments for new teachers, which shall include an assessment of each prospective teacher's subject matter knowledge in the content area in which the teacher intends to teach; or

''(ii) being ranked among the highest-performing teacher preparation programs in the State as determined by the State—

''(I) using criteria consistent with the requirements for the State report card under section 205(b); and

''(II) using the State report card on teacher preparation required under section 205(b), after the first publication of such report card and for every year thereafter; or

''(B) that requires—

''(i) each student in the program to meet high academic standards and participate in intensive clinical experience;

''(ii) each student in the program preparing to become a teacher to become highly qualified; and

''(iii) each student in the program preparing to become an early childhood educator to meet degree requirements, as established by the State, and become highly competent.

''(18) PRINCIPLES OF SCIENTIFIC RESEARCH.—The term 'principles of scientific research' means research that—

''(A) applies rigorous, systematic, and objective methodology to obtain reliable and valid knowledge relevant to education activities and programs;

''(B) presents findings and makes claims that are appropriate to and supported by the methods that have been employed; and

''(C) includes, appropriate to the research being conducted—

''(i) use of systematic, empirical methods that draw on observation or experiment;

''(ii) use of data analyses that are adequate to support the general findings;

''(iii) reliance on measurements or observational methods that provide reliable and generalizable findings;

''(iv) claims of causal relationships only in research designs that substantially eliminate plausible competing explanations for the obtained results, which may include but shall not be limited to random-assignment experiments;

''(v) presentation of studies and methods in sufficient detail and clarity to allow for replication or, at a minimum, to offer the opportunity to build systematically on the findings of the research;

''(vi) acceptance by a peer-reviewed journal or critique by a panel of independent experts through a comparably rigorous, objective, and scientific review; and

''(vii) use of research designs and methods appropriate to the research question posed.

''(19) PROFESSIONAL DEVELOPMENT.—The term 'professional development' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(20) SCIENTIFICALLY VALID RESEARCH.—The term 'scientifically valid research' includes applied research, basic research, and field-initiated research in which the rationale, design, and interpretation are soundly developed in accordance with accepted principles of scientific research.

''(21) TEACHER MENTORING.—The term 'teacher mentoring' means the mentoring of new or prospective teachers through a new or established program that—

''(A) includes clear criteria for the selection of teacher mentors who will provide role model relationships for mentees, which criteria shall be developed by the eligible partnership and based on measures of teacher effectiveness;

''(B) provides high-quality training for such mentors, including instructional strategies for literacy instruction;

''(C) provides regular and ongoing opportunities for mentors and mentees to observe each other's teaching methods in classroom settings during the day in a high-need school in the high-need local educational agency in the eligible partnership;

''(D) provides mentoring to each mentee by a colleague who teaches in the same field, grade, or subject as the mentee;

''(E) promotes empirically based practice of, and scientifically valid research on, where applicable—

''(i) teaching and learning;

''(ii) assessment of student learning;

''(iii) the development of teaching skills through the use of instructional and behavioral interventions; and

''(iv) the improvement of the mentees' capacity to measurably advance student learning; and

''(F) includes—

''(i) common planning time or regularly scheduled collaboration for the mentor and mentee; and

''(ii) joint professional development opportunities.

''(22) TEACHING SKILLS.—The term 'teaching skills' means skills that enable a teacher to—

''(A) increase student learning, achievement, and the ability to apply knowledge;

''(B) effectively convey and explain academic subject matter;

''(C) employ strategies grounded in the disciplines of teaching and learning that—

''(i) are based on empirically based practice and scientifically valid research, where applicable, on teaching and learning;

''(ii) are specific to academic subject matter; and

''(iii) focus on the identification of students' specific learning needs, particularly students with disabilities, students who are limited English proficient, students who are gifted and talented, and students with low literacy levels, and the tailoring of academic instruction to such needs;

''(D) conduct an ongoing assessment of student learning, which may include the use of formative assessments, performance-based assessments, project-based assessments, or portfolio assessments, that measure higher-order thinking skills, including application, analysis, synthesis, and evaluation;

''(E) effectively manage a classroom;

''(F) communicate and work with parents and guardians, and involve parents and guardians in their children's education; and

''(G) use, in the case of an early childhood educator, age- and developmentally-appropriate strategies and practices for children in early education programs.

''(23) TEACHING RESIDENCY PROGRAM.—The term 'teaching residency program' means a school-based teacher preparation program in which a prospective teacher—

''(A) for 1 academic year, teaches alongside a mentor teacher, who is the teacher of record;

''(B) receives concurrent instruction during the year described in subparagraph (A) from the partner institution, which courses may be taught by local educational agency personnel or residency program faculty, in the teaching of the content area in which the teacher will become certified or licensed;

''(C) acquires effective teaching skills; and

''(D) prior to completion of the program, earns a master's degree, attains full State teacher certification or licensure, and becomes highly qualified.

''SEC. 202. PARTNERSHIP GRANTS.

''(a) PROGRAM AUTHORIZED.—From amounts made available under section 208, the Secretary is authorized to award grants, on a competitive basis, to eligible partnerships, to enable the eligible partnerships to carry out the activities described in subsection (c).

''(b) APPLICATION.—Each eligible partnership desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall contain—

''(1) a needs assessment of all the partners in the eligible partnership with respect to the preparation, ongoing training, professional development, and retention, of general and special education teachers, principals, and, as applicable, early childhood educators;

''(2) a description of the extent to which the program prepares prospective and new teachers with strong teaching skills;

''(3) a description of the extent to which the program will prepare prospective and new teachers to understand research and data and the applicability of research and data in the classroom;

''(4) a description of how the partnership will coordinate strategies and activities assisted under the grant with other teacher preparation or professional development programs, including those funded under the Elementary and Secondary Education Act of 1965 and the Individuals with Disabilities Education Act, and through the National Science Foundation, and how the activities of the partnership will be consistent with State, local, and other education reform activities that promote student achievement;

''(5) a resource assessment that describes the resources available to the partnership, including—

''(A) the integration of funds from other related sources;

''(B) the intended use of the grant funds;

''(C) the commitment of the resources of the partnership to the activities assisted under this section, including financial support, faculty participation, and time commitments, and to the continuation of the activities when the grant ends;

''(6) a description of—

''(A) how the partnership will meet the purposes of this part;

''(B) how the partnership will carry out the activities required under subsection (d) or (e) based on the needs identified in paragraph (1), with the goal of improving student achievement;

''(C) the partnership's evaluation plan under section 204(a);

''(D) how the partnership will align the teacher preparation program with the—

''(i) State early learning standards for early childhood education programs, as appropriate, and with the relevant domains of early childhood development; and

''(ii) the student academic achievement standards and academic content standards under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965, established by the State in which the partnership is located;

''(E) how faculty at the partner institution will work with, during the term of the grant, highly qualified teachers in the classrooms of schools served by the high-need local educational agency in the partnership to provide high-quality professional development activities;

''(F) how the partnership will design, implement, or enhance a year-long, rigorous, and enriching teaching preservice clinical program component;

''(G) the in-service professional development strategies and activities to be supported; and

''(H) how the partnership will collect, analyze, and use data on the retention of all teachers and early childhood educators in schools and early childhood programs located in the geographic area served by the partnership to evaluate the effectiveness of the partnership's teacher and educator support system; and

''(7) with respect to the induction program required as part of the activities carried out under this section—

''(A) a demonstration that the schools and departments within the institution of higher education that are part of the induction program have relevant and essential roles in the effective preparation of teachers, including content expertise and expertise in teaching;

''(B) a demonstration of the partnership's capability and commitment to the use of empirically based practice and scientifically valid research on teaching and learning, and the accessibility to and involvement of faculty;

''(C) a description of how the teacher preparation program will design and implement an induction program to support all new teachers through not less than the first 2 years of teaching in the further development of the new teachers' teaching skills, including the use of mentors who are trained and compensated by such program for the mentors' work with new teachers; and

''(D) a description of how faculty involved in the induction program will be able to substantially participate in an early childhood education program or an elementary or secondary school classroom setting, as applicable, including release time and receiving workload credit for such participation.

''(c) REQUIRED USE OF GRANT FUNDS.—An eligible partnership that receives a grant under this part shall use grant funds to carry out a program for the pre-baccalaureate preparation of teachers under subsection (d), a teaching residency program under subsection (e), or both such programs.

''(d) PARTNERSHIP GRANTS FOR PRE-BACCALAUREATE PREPARATION OF TEACHERS.—An eligible partnership that receives a grant to carry out an effective program for the pre-baccalaureate preparation of teachers shall carry out a program that includes all of the following:

''(1) REFORMS.—

''(A) IN GENERAL.—Implementing reforms, described in subparagraph (B), within each

teacher preparation program and, as applicable, each preparation program for early childhood education programs, of the eligible partnership that is assisted under this section, to hold each program accountable for—

''(i) preparing—

''(I) current or prospective teachers to be highly qualified (including teachers in rural school districts who may teach multiple subjects, special educators, and teachers of students who are limited English proficient who may teach multiple subjects);

''(II) such teachers and, as applicable, early childhood educators, to understand empirically based practice and scientifically valid research on teaching and learning and its applicability, and to use technology effectively, including the use of instructional techniques to improve student achievement; and

''(III) as applicable, early childhood educators to be highly competent; and

''(ii) promoting strong teaching skills and, as applicable, techniques for early childhood educators to improve children's cognitive, social, emotional, and physical development.

''(B) REQUIRED REFORMS.—The reforms described in subparagraph (A) shall include—

''(i) implementing teacher preparation program curriculum changes that improve, evaluate, and assess how well all prospective and new teachers develop teaching skills;

''(ii) using empirically based practice and scientifically valid research, where applicable, about the disciplines of teaching and learning so that all prospective teachers and, as applicable, early childhood educators—

''(I) can understand and implement research-based teaching practices in classroom-based instruction;

''(II) have knowledge of student learning methods;

''(III) possess skills to analyze student academic achievement data and other measures of student learning and use such data and measures to improve instruction in the classroom;

''(IV) possess teaching skills and an understanding of effective instructional strategies across all applicable content areas that enable the teachers and early childhood educators to—

''(aa) meet the specific learning needs of all students, including students with disabilities, students who are limited English proficient, students who are gifted and talented, students with low literacy levels and, as applicable, children in early childhood education programs; and

''(bb) differentiate instruction for such students; and

''(V) can successfully employ effective strategies for reading instruction using the essential components of reading instruction;

''(iii) ensuring collaboration with departments, programs, or units of a partner institution outside of the teacher preparation program in all academic content areas to ensure that new teachers receive training in both teaching and relevant content areas in order to become highly qualified;

''(iv) developing and implementing an induction program; and

''(v) developing admissions goals and priorities with the hiring objectives of the high-need local educational agency in the eligible partnership.

''(2) CLINICAL EXPERIENCE AND INTERACTION.—Developing and improving a sustained and high-quality pre-service clinical education program to further develop the teaching skills of all prospective teachers and, as applicable, early childhood educators, involved in the program. Such program shall do the following:

''(A) Incorporate year-long opportunities for enrichment activity or a combination of activities, including—

''(i) clinical learning in classrooms in high-need schools served by the high-need local educational agency in the eligible partnership and identified by the eligible partnership; and

''(ii) closely supervised interaction between faculty and new and experienced teachers, principals, and other administrators at early childhood education programs (as applicable), elementary schools, or secondary schools, and providing support for such interaction.

''(B) Integrate pedagogy and classroom practice and promote effective teaching skills in academic content areas.

''(C) Provide high-quality teacher mentoring.

''(D)(i) Be offered over the course of a program of teacher preparation;

''(ii) be tightly aligned with course work (and may be developed as a 5th year of a teacher preparation program); and

''(iii) where feasible, allow prospective teachers to learn to teach in the same school district in which the teachers will work, learning the instructional initiatives and curriculum of that district.

''(E) Provide support and training for those individuals participating in an activity for prospective teachers described in this paragraph or paragraph (1) or (2), and for those who serve as mentors for such teachers, based on each individual's experience. Such support may include—

''(i) with respect to a prospective teacher or a mentor, release time for such individual's participation;

''(ii) with respect to a faculty member, receiving course workload credit and compensation for time teaching in the eligible partnership's activities; and

''(iii) with respect to a mentor, a stipend, which may include bonus, differential, incentive, or merit or performance-based pay.

''(3) INDUCTION PROGRAMS FOR NEW TEACHERS.—Creating an induction program for new teachers, or, in the case of an early childhood education program, providing mentoring or coaching for new early childhood educators.

''(4) SUPPORT AND TRAINING FOR PARTICIPANTS IN EARLY CHILDHOOD EDUCATION PROGRAMS.—In the case of an eligible partnership focusing on early childhood educator preparation, implementing initiatives that increase compensation for early childhood educators who attain associate or baccalaureate degrees in early childhood education.

''(5) TEACHER RECRUITMENT.—Developing and implementing effective mechanisms to ensure that the eligible partnership is able to recruit qualified individuals to become highly qualified teachers through the activities of the eligible partnership.

''(e) PARTNERSHIP GRANTS FOR THE ESTABLISHMENT OF TEACHING RESIDENCY PROGRAMS.—

''(1) IN GENERAL.—An eligible partnership receiving a grant to carry out an effective teaching residency program shall carry out a program that includes all of the following activities:

''(A) Supporting a teaching residency program described in paragraph (2) for high-need subjects and areas, as determined by the needs of the high-need local educational agency in the partnership.

''(B) Modifying staffing procedures to provide greater flexibility for local educational agency and school leaders to establish effective school-level staffing in order to facilitate placement of graduates of the teaching residency program in cohorts that facilitate professional collaboration, both among graduates of the teaching residency program and between such graduates and mentor teachers in the receiving school.

''(C) Ensuring that teaching residents that participated in the teaching residency program receive—

''(i) effective preservice preparation as described in paragraph (2);

''(ii) teacher mentoring;

''(iii) induction through the induction program as the teaching residents enter the classroom as new teachers; and

''(iv) the preparation described in subparagraphs (A), (B), and (C) of subsection (d)(2).

''(2) TEACHING RESIDENCY PROGRAMS.—

''(A) ESTABLISHMENT AND DESIGN.—A teaching residency program under this paragraph shall be a program based upon models of successful teaching residencies that serves as a mechanism to prepare teachers for success in the high-need schools in the eligible partnership, and shall be designed to include the following characteristics of successful programs:

''(i) The integration of pedagogy, classroom practice, and teacher mentoring.

''(ii) Engagement of teaching residents in rigorous graduate-level coursework to earn a master's degree while undertaking a guided teaching apprenticeship.

''(iii) Experience and learning opportunities alongside a trained and experienced mentor teacher—

''(I) whose teaching shall complement the residency program so that classroom clinical practice is tightly aligned with coursework;

''(II) who shall have extra responsibilities as a teacher leader of the teaching residency program, as a mentor for residents, and as a teacher coach during the induction program for novice teachers, and for establishing, within the program, a learning community in which all individuals are expected to continually improve their capacity to advance student learning; and

''(III) who may have full relief from teaching duties as a result of such additional responsibilities.

''(iv) The establishment of clear criteria for the selection of mentor teachers based on measures of teacher effectiveness and the appropriate subject area knowledge. Evaluation of teacher effectiveness shall be based on observations of such domains of teaching as the following:

''(I) Planning and preparation, including demonstrated knowledge of content, pedagogy, and assessment, including the use of formative assessments to improve student learning.

''(II) Appropriate instruction that engages students with different learning styles.

''(III) Collaboration with colleagues to improve instruction.

''(IV) Analysis of gains in student learning, based on multiple measures, that, when feasible, may include valid and reliable objective measures of the influence of teachers on the rate of student academic progress.

''(V) In the case of mentor candidates who will be mentoring current or future literacy and mathematics coaches or instructors, appropriate skills in the essential components of reading instruction, teacher training in literacy instructional strategies across core subject areas, and teacher training in mathematics instructional strategies, as appropriate.

''(v) Grouping of teaching residents in cohorts to facilitate professional collaboration among such residents.

''(vi) The development of admissions goals and priorities aligned with the hiring objectives of the local educational agency partnering with the program, as well as the instructional initiatives and curriculum of the agency, in exchange for a commitment by the agency to hire graduates from the teaching residency program.

''(vii) Support for residents, once the teaching residents are hired as teachers of

record, through an induction program, professional development, and networking opportunities to support the residents through not less than the residents' first 2 years of teaching.

''(B) SELECTION OF INDIVIDUALS AS TEACHER RESIDENTS.—

''(i) ELIGIBLE INDIVIDUAL.—In order to be eligible to be a teacher resident in a teaching residency program under this paragraph, an individual shall—

''(I) be a recent graduate of a 4-year institution of higher education or a mid-career professional from outside the field of education possessing strong content knowledge or a record of professional accomplishment; and

''(II) submit an application to the teaching residency program.

''(ii) SELECTION CRITERIA.—An eligible partnership carrying out a teaching residency program under this subparagraph shall establish criteria for the selection of eligible individuals to participate in the teaching residency program based on the following characteristics:

''(I) Strong content knowledge or record of accomplishment in the field or subject area to be taught.

''(II) Strong verbal and written communication skills, which may be demonstrated by performance on appropriate tests.

''(III) Other attributes linked to effective teaching, which may be determined by interviews or performance assessments, as specified by the eligible partnership.

''(C) STIPEND AND SERVICE REQUIREMENT.—

''(i) STIPEND.—A teaching residency program under this paragraph shall provide a 1-year living stipend or salary to teaching residents during the 1-year teaching residency program.

''(ii) SERVICE REQUIREMENT.—As a condition of receiving a stipend under this subparagraph, a teaching resident shall agree to teach in a high-need school served by the high-need local educational agency in the eligible partnership for a period of 3 or more years after completing the 1-year teaching residency program.

''(iii) REPAYMENT.—If a teaching resident who received a stipend under this subparagraph does not complete the service requirement described in clause (ii), such individual shall repay to the high-need local educational agency a pro rata portion of the stipend amount for the amount of teaching time that the individual did not complete.

''(f) ALLOWABLE USE OF GRANT FUNDS.—An eligible partnership that receives a grant under this part may use grant funds provided to carry out the activities described in subsections (d) and (e) to partner with a television public broadcast station, as defined in section 397(6) of the Communications Act of 1934 (47 U.S.C. 397(6)), for the purpose of improving the quality of pre-baccalaureate teacher preparation programs. The partnership may use such funds to enhance the quality of pre-service training for prospective teachers, including through the use of digital educational content and related services.

''(g) CONSULTATION.—

''(1) IN GENERAL.—Members of an eligible partnership that receives a grant under this section shall engage in regular consultation throughout the development and implementation of programs and activities under this section.

''(2) REGULAR COMMUNICATION.—To ensure timely and meaningful consultation, regular communication shall occur among all members of the eligible partnership, including the high-need local educational agency. Such communication shall continue throughout the implementation of the grant and the assessment of programs and activities under this section.

''(3) WRITTEN CONSENT.—The Secretary may approve changes in grant activities of a grant under this section only if a written consent signed by all members of the eligible partnership is submitted to the Secretary.

''(h) CONSTRUCTION.—Nothing in this section shall be construed to prohibit an eligible partnership from using grant funds to coordinate with the activities of eligible partnerships in other States or on a regional basis through Governors, State boards of education, State educational agencies, State agencies responsible for early childhood education, local educational agencies, or State agencies for higher education.

''(i) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out activities under this section.

''SEC. 203. ADMINISTRATIVE PROVISIONS.

''(a) DURATION; NUMBER OF AWARDS; PAYMENTS.—

''(1) DURATION.—A grant awarded under this part shall be awarded for a period of 5 years.

''(2) NUMBER OF AWARDS.—An eligible partnership may not receive more than 1 grant during a 5-year period. Nothing in this title shall be construed to prohibit an individual member, that can demonstrate need, of an eligible partnership that receives a grant under this title from entering into another eligible partnership consisting of new members and receiving a grant with such other eligible partnership before the 5-year period described in the preceding sentence applicable to the eligible partnership with which the individual member has first partnered has expired.

''(3) PAYMENTS.—The Secretary shall make annual payments of grant funds awarded under this part.

''(b) PEER REVIEW.—

''(1) PANEL.—The Secretary shall provide the applications submitted under this part to a peer review panel for evaluation. With respect to each application, the peer review panel shall initially recommend the application for funding or for disapproval.

''(2) PRIORITY.—In recommending applications to the Secretary for funding under this part, the panel shall give priority—

''(A) to applications from broad-based eligible partnerships that involve businesses and community organizations; and

''(B) to eligible partnerships so that the awards promote an equitable geographic distribution of grants among rural and urban areas.

''(3) SECRETARIAL SELECTION.—The Secretary shall determine, based on the peer review process, which applications shall receive funding and the amounts of the grants. In determining the grant amount, the Secretary shall take into account the total amount of funds available for all grants under this part and the types of activities proposed to be carried out by the eligible partnership.

''(c) MATCHING REQUIREMENTS.—

''(1) IN GENERAL.—Each eligible partnership receiving a grant under this part shall provide, from non-Federal sources, an amount equal to 100 percent of the amount of the grant, which may be provided in cash or in-kind, to carry out the activities supported by the grant.

''(2) WAIVER.—The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for an eligible partnership, if the Secretary determines that applying the matching requirement to the eligible partnership would result in serious hardship or an inability to carry out the authorized activities described in this part.

''(d) LIMITATION ON ADMINISTRATIVE EXPENSES.—An eligible partnership that receives a grant under this part may use not more than 2 percent of the grant funds for purposes of administering the grant.

''SEC. 204. ACCOUNTABILITY AND EVALUATION.

''(a) ELIGIBLE PARTNERSHIP EVALUATION.—Each eligible partnership submitting an application for a grant under this part shall establish and include in such application, an evaluation plan that includes strong performance objectives. The plan shall include objectives and measures for increasing—

''(1) student achievement for all students as measured by the eligible partnership;

''(2) teacher retention in the first 3 years of a teacher's career;

''(3) improvement in the pass rates and scaled scores for initial State certification or licensure of teachers; and

''(4)(A) the percentage of highly qualified teachers hired by the high-need local educational agency participating in the eligible partnership;

''(B) the percentage of such teachers who are members of under represented groups;

''(C) the percentage of such teachers who teach high-need academic subject areas (such as reading, mathematics, science, and foreign language, including less commonly taught languages and critical foreign languages);

''(D) the percentage of such teachers who teach in high-need areas (including special education, language instruction educational programs for limited English proficient students, and early childhood education);

''(E) the percentage of such teachers in high-need schools, disaggregated by the elementary, middle, and high school levels; and

''(F) as applicable, the percentage of early childhood education program classes in the geographic area served by the eligible partnership taught by early childhood educators who are highly competent.

''(b) INFORMATION.—An eligible partnership receiving a grant under this part shall ensure that teachers, principals, school superintendents, and faculty and leadership at institutions of higher education located in the geographic areas served by the eligible partnership under this part are provided information about the activities carried out with funds under this part, including through electronic means.

''(c) REVOCATION OF GRANT.—If the Secretary determines that an eligible partnership receiving a grant under this part is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, of the grant by the end of the third year of a grant under this part, then the Secretary shall require such eligible partnership to submit a revised application that identifies the steps the partnership will take to make substantial progress to meet the purposes, goals, objectives, and measures, as appropriate, of this part.

''(d) EVALUATION AND DISSEMINATION.—The Secretary shall evaluate the activities funded under this part and report the Secretary's findings regarding the activities to the authorizing committees. The Secretary shall broadly disseminate—

''(1) successful practices developed by eligible partnerships under this part; and

''(2) information regarding such practices that were found to be ineffective.

''SEC. 205. ACCOUNTABILITY FOR PROGRAMS THAT PREPARE TEACHERS.

''(a) INSTITUTIONAL AND PROGRAM REPORT CARDS ON THE QUALITY OF TEACHER PREPARATION.—

''(1) REPORT CARD.—Each institution of higher education that conducts a traditional teacher preparation program or alternative routes to State certification or licensure

program and that enrolls students receiving Federal assistance under this Act shall report annually to the State and the general public, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, both for traditional teacher preparation programs and alternative routes to State certification or licensure programs, the following information:

''(A) PASS RATES AND SCALED SCORES.—For the most recent year for which the information is available for those students who took the assessments and are enrolled in the traditional teacher preparation program or alternative routes to State certification or licensure program, and for those who have taken the assessments and have completed the traditional teacher preparation program or alternative routes to State certification or licensure program during the 2-year period preceding such year, for each of the assessments used for teacher certification or licensure by the State in which the program is located—

''(i) the percentage of students who have completed 100 percent of the nonclinical coursework and taken the assessment who pass such assessment;

''(ii) the percentage of all such students who passed each such assessment;

''(iii) the percentage of students taking an assessment who completed the teacher preparation program after enrolling in the program, which shall be made available widely and publicly by the State;

''(iv) the average scaled score for all students who took each such assessment;

''(v) a comparison of the program's pass rates with the average pass rates for programs in the State; and

''(vi) a comparison of the program's average scaled scores with the average scaled scores for programs in the State.

''(B) PROGRAM INFORMATION.—The criteria for admission into the program, the number of students in the program (disaggregated by race and gender), the average number of hours of supervised clinical experience required for those in the program, the number of full-time equivalent faculty and students in the supervised clinical experience, and the total number of students who have been certified or licensed as teachers, disaggregated by subject and area of certification or licensure.

''(C) STATEMENT.—In States that require approval or accreditation of teacher preparation programs, a statement of whether the institution's program is so approved or accredited, and by whom.

''(D) DESIGNATION AS LOW-PERFORMING.—Whether the program has been designated as low-performing by the State under section 207(a).

''(E) USE OF TECHNOLOGY.—A description of the activities that prepare teachers to effectively integrate technology into curricula and instruction and effectively use technology to collect, manage, and analyze data in order to improve teaching, learning, and decisionmaking for the purpose of increasing student academic achievement.

''(2) REPORT.—Each eligible partnership receiving a grant under section 202 shall report annually on the progress of the eligible partnership toward meeting the purposes of this part and the objectives and measures described in section 204(a).

''(3) FINES.—The Secretary may impose a fine not to exceed $25,000 on an institution of higher education for failure to provide the information described in this subsection in a timely or accurate manner.

''(4) SPECIAL RULE.—In the case of an institution of higher education that conducts a traditional teacher preparation program or alternative routes to State certification or licensure program and has fewer than 10 scores reported on any single initial teacher certification or licensure assessment during an academic year, the institution shall collect and publish information, as required under paragraph (1)(A), with respect to an average pass rate and scaled score on each State certification or licensure assessment taken over a 3-year period.

''(b) STATE REPORT CARD ON THE QUALITY OF TEACHER PREPARATION.—

''(1) IN GENERAL.—Each State that receives funds under this Act shall provide to the Secretary, annually, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, a State report card on the quality of teacher preparation in the State, both for traditional teacher preparation programs and for alternative routes to State certification or licensure programs, which shall include not less than the following:

''(A) A description of reliability and validity of the teacher certification and licensure assessments, and any other certification and licensure requirements, used by the State.

''(B) The standards and criteria that prospective teachers must meet in order to attain initial teacher certification or licensure and to be certified or licensed to teach particular academic subject areas or in particular grades within the State.

''(C) A description of how the assessments and requirements described in subparagraph (A) are aligned with the State's challenging academic content standards required under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 and State early learning standards for early childhood education programs.

''(D) For each of the assessments used by the State for teacher certification or licensure—

''(i) for each institution of higher education located in the State and each entity located in the State that offers an alternative route for teacher certification or licensure, the percentage of students at such institution or entity who have completed 100 percent of the nonclinical coursework and taken the assessment who pass such assessment;

''(ii) the percentage of all such students at all such institutions taking the assessment who pass such assessment; and

''(iii) the percentage of students taking an assessment who completed the teacher preparation program after enrolling in the program, which shall be made available widely and publicly by the State.

''(E) A description of alternative routes to State certification or licensure in the State (including any such routes operated by entities that are not institutions of higher education), if any, including, for each of the assessments used by the State for teacher certification or licensure—

''(i) the percentage of individuals participating in such routes, or who have completed such routes during the 2-year period preceding the date of the determination, who passed each such assessment; and

''(ii) the average scaled score of individuals participating in such routes, or who have completed such routes during the period preceding the date of the determination, who took each such assessment.

''(F) A description of the State's criteria for assessing the performance of teacher preparation programs within institutions of higher education in the State. Such criteria shall include indicators of the academic content knowledge and teaching skills of students enrolled in such programs.

''(G) For each teacher preparation program in the State, the criteria for admission into the program, the number of students in the program, disaggregated by race and gender (except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student), the average number of hours of supervised clinical experience required for those in the program, and the number of full-time equivalent faculty, adjunct faculty, and students in supervised clinical experience.

''(H) For the State as a whole, and for each teacher preparation program in the State, the number of teachers prepared, in the aggregate and reported separately by—

''(i) area of certification or licensure;

''(ii) academic major; and

''(iii) subject area for which the teacher has been prepared to teach.

''(I) Using the data generated under subparagraphs (G) and (H), a description of the extent to which teacher preparation programs are helping to address shortages of highly qualified teachers, by area of certification or licensure, subject, and specialty, in the State's public schools.

''(J) A description of the activities that prepare teachers to effectively integrate technology into curricula and instruction and effectively use technology to collect, manage, and analyze data in order to improve teaching, learning, and decisionmaking for the purpose of increasing student academic achievement.

''(2) PROHIBITION AGAINST CREATING A NATIONAL LIST.—The Secretary shall not create a national list or ranking of States, institutions, or schools using the scaled scores provided under this subsection.

''(c) REPORT OF THE SECRETARY ON THE QUALITY OF TEACHER PREPARATION.—

''(1) REPORT CARD.—The Secretary shall provide to Congress, and publish and make widely available, a report card on teacher qualifications and preparation in the United States, including all the information reported in subparagraphs (A) through (J) of subsection (b)(1). Such report shall identify States for which eligible partnerships received a grant under this part. Such report shall be so provided, published, and made available annually.

''(2) REPORT TO CONGRESS.—The Secretary shall prepare and submit a report to Congress that contains the following:

''(A) A comparison of States' efforts to improve the quality of the current and future teaching force.

''(B) A comparison of eligible partnerships' efforts to improve the quality of the current and future teaching force.

''(C) The national mean and median scaled scores and pass rate on any standardized test that is used in more than 1 State for teacher certification or licensure.

''(3) SPECIAL RULE.—In the case of a teacher preparation program with fewer than 10 scores reported on any single initial teacher certification or licensure assessment during an academic year, the Secretary shall collect and publish information, and make publicly available, with respect to an average pass rate and scaled score on each State certification or licensure assessment taken over a 3-year period.

''(d) COORDINATION.—The Secretary, to the extent practicable, shall coordinate the information collected and published under this part among States for individuals who took State teacher certification or licensure assessments in a State other than the State in which the individual received the individual's most recent degree.

''SEC. 205A. TEACHER DEVELOPMENT.

''(a) ANNUAL GOALS.—As a condition of receiving assistance under title IV, each institution of higher education that conducts a

traditional teacher preparation program or alternative routes to State certification or licensure program and that enrolls students receiving Federal assistance under this Act shall set annual quantifiable goals for—

''(1) increasing the number of prospective teachers trained in teacher shortage areas designated by the Secretary, including mathematics, science, special education, and instruction of limited English proficient students; and

''(2) more closely linking the training provided by the institution with the needs of schools and the instructional decisions new teachers face in the classroom.

''(b) ASSURANCE.—As a condition of receiving assistance under title IV, each institution described in subsection (a) shall provide an assurance to the Secretary that—

''(1) training provided to prospective teachers responds to the identified needs of the local educational agencies or States where the institution's graduates are likely to teach, based on past hiring and recruitment trends;

''(2) prospective special education teachers receive coursework in core academic subjects and receive training in providing instruction in core academic subjects;

''(3) regular education teachers receive training in providing instruction to diverse populations, including children with disabilities, limited English proficient students, and children from low-income families; and

''(4) prospective teachers receive training on how to effectively teach in urban and rural schools.

''(c) PUBLIC REPORTING.—As part of the annual report card required under section 205(a)(1), an institution of higher education described in subsection (a) shall publicly report whether the goals established under such subsection have been met.

''SEC. 206. STATE FUNCTIONS.

''(a) STATE ASSESSMENT.—In order to receive funds under this Act, a State shall have in place a procedure to identify and assist, through the provision of technical assistance, low-performing programs of teacher preparation. Such State shall provide the Secretary an annual list of such low-performing teacher preparation programs that includes an identification of those programs at risk of being placed on such list. Such levels of performance shall be determined solely by the State and may include criteria based on information collected pursuant to this part. Such assessment shall be described in the report under section 205(b).

''(b) TERMINATION OF ELIGIBILITY.—Any program of teacher preparation from which the State has withdrawn the State's approval, or terminated the State's financial support, due to the low performance of the program based upon the State assessment described in subsection (a)—

''(1) shall be ineligible for any funding for professional development activities awarded by the Department;

''(2) shall not be permitted to accept or enroll any student that receives aid under title IV in the institution's teacher preparation program; and

''(3) shall provide transitional support, including remedial services if necessary, for students enrolled at the institution at the time of termination of financial support or withdrawal of approval.

''(c) NEGOTIATED RULEMAKING.—If the Secretary develops any regulations implementing subsection (b)(2), the Secretary shall submit such proposed regulations to a negotiated rulemaking process, which shall include representatives of States, institutions of higher education, and educational and student organizations.

''(d) APPLICATION OF THE REQUIREMENTS.—The requirements of this section shall apply to both traditional teacher preparation programs and alternative routes to State certification and licensure programs.

''SEC. 207. GENERAL PROVISIONS.

''(a) METHODS.—In complying with sections 205 and 206, the Secretary shall ensure that States and institutions of higher education use fair and equitable methods in reporting and that the reporting methods do not allow identification of individuals.

''(b) SPECIAL RULE.—For each State that does not use content assessments as a means of ensuring that all teachers teaching in core academic subjects within the State are highly qualified, as required under section 1119 of the Elementary and Secondary Education Act of 1965 and in accordance with the State plan submitted or revised under section 1111 of such Act, and that each person employed as a special education teacher in the State who teaches elementary school, middle school, or secondary school is highly qualified by the deadline, as required under section 612(a)(14)(C) of the Individuals with Disabilities Education Act,—

''(1) the Secretary shall, to the extent practicable, collect data comparable to the data required under this part from States, local educational agencies, institutions of higher education, or other entities that administer such assessments to teachers or prospective teachers; and

''(2) notwithstanding any other provision of this part, the Secretary shall use such data to carry out requirements of this part related to assessments, pass rates, and scaled scores.

''(c) RELEASE OF INFORMATION TO TEACHER PREPARATION PROGRAMS.—

''(1) IN GENERAL.—For the purpose of improving teacher preparation programs, a State educational agency that receives funds under this Act, or that participates as a member of a partnership, consortium, or other entity that receives such funds, shall provide to a teacher preparation program, upon the request of the teacher preparation program, any and all pertinent education-related information that—

''(A) may enable the teacher preparation program to evaluate the effectiveness of the program's graduates or the program itself; and

''(B) is possessed, controlled, or accessible by the State educational agency.

''(2) CONTENT OF INFORMATION.—The information described in paragraph (1)—

''(A) shall include an identification of specific individuals who graduated from the teacher preparation program to enable the teacher preparation program to evaluate the information provided to the program from the State educational agency with the program's own data about the specific courses taken by, and field experiences of, the individual graduates; and

''(B) may include—

''(i) kindergarten through grade 12 academic achievement and demographic data, without revealing personally identifiable information about an individual student, for students who have been taught by graduates of the teacher preparation program; and

''(ii) teacher effectiveness evaluations for teachers who graduated from the teacher preparation program.

''SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

SEC. 202. GENERAL PROVISIONS.

Title II (20 U.S.C. 1021 et seq.) is amended by adding at the end the following:

''PART C—GENERAL PROVISIONS

''SEC. 231. LIMITATIONS.

''(a) FEDERAL CONTROL PROHIBITED.—Nothing in this title shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to prohibit private, religious, or home schools from participation in programs or services under this title.

''(b) NO CHANGE IN STATE CONTROL ENCOURAGED OR REQUIRED.—Nothing in this title shall be construed to encourage or require any change in a State's treatment of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law.

''(c) NATIONAL SYSTEM OF TEACHER CERTIFICATION OR LICENSURE PROHIBITED.—Nothing in this title shall be construed to permit, allow, encourage, or authorize the Secretary to establish or support any national system of teacher certification or licensure.''.

TITLE III—INSTITUTIONAL AID

SEC. 301. PROGRAM PURPOSE.

Section 311 (20 U.S.C. 1057) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''351'' and inserting ''391''; and

(B) in paragraph (3)(F), by inserting '', including services that will assist in the education of special populations'' before the period; and

(2) in subsection (c)—

(A) in paragraph (6), by inserting '', including innovative, customized, remedial education and English language instruction courses designed to help retain students and move the students rapidly into core courses and through program completion'' before the period;

(B) by redesignating paragraphs (7) through (12) as paragraphs (8) through (13), respectively;

(C) by inserting after paragraph (6) the following:

''(7) Education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents.'';

(D) in paragraph (12) (as redesignated by subparagraph (B)), by striking ''distance learning academic instruction capabilities'' and inserting ''distance education technologies''; and

(E) in the matter preceding subparagraph (A) of paragraph (13) (as redesignated by subparagraph (B)), by striking ''subsection (c)'' and inserting ''subsection (b) and section 391''.

SEC. 302. DEFINITIONS; ELIGIBILITY.

Section 312 (20 U.S.C. 1058) is amended—

(1) in subsection (b)(1)(A), by striking ''subsection (c) of this section'' and inserting ''subsection (d)''; and

(2) in subsection (d)(2), by striking ''subdivision'' and inserting ''paragraph''.

SEC. 303. AMERICAN INDIAN TRIBALLY CONTROLLED COLLEGES AND UNIVERSITIES.

Section 316 (20 U.S.C. 1059c) is amended—

(1) by striking subsection (b)(3) and inserting the following:

''(3) TRIBAL COLLEGE OR UNIVERSITY.—The term 'Tribal College or University' means an institution that—

''(A) qualifies for funding under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) or the Navajo Community College Assistance Act of 1978 (25 U.S.C. 640a note); or

''(B) is cited in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note).'';

(2) in subsection (c)(2)—

(A) in subparagraph (B), by inserting before the semicolon at the end the following: ''and the acquisition of real property adjacent to the campus of the institution'';

(B) by redesignating subparagraphs (G), (H), (I), (J), (K), and (L) as subparagraphs (H), (I), (J), (K), (L), and (N), respectively;

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

''(G) education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents;'';

(D) in subparagraph (L) (as redesignated by subparagraph (B)), by striking ''and'' after the semicolon;

(E) by inserting after subparagraph (L) (as redesignated by subparagraph (B)) the following:

''(M) developing or improving facilities for Internet use or other distance education technologies; and''; and

(F) in subparagraph (N) (as redesignated by subparagraph (B)), by striking ''subparagraphs (A) through (K)'' and inserting ''subparagraphs (A) through (M)''; and

(3) by striking subsection (d) and inserting the following:

''(d) APPLICATION, PLAN, AND ALLOCATION.—

''(1) INSTITUTIONAL ELIGIBILITY.—To be eligible to receive assistance under this section, a Tribal College or University shall be an eligible institution under section 312(b).

''(2) APPLICATION.—

''(A) IN GENERAL.—A Tribal College or University desiring to receive assistance under this section shall submit an application to the Secretary at such time, and in such manner, as the Secretary may reasonably require.

''(B) STREAMLINED PROCESS.—The Secretary shall establish application requirements in such a manner as to simplify and streamline the process for applying for grants.

''(3) ALLOCATIONS TO INSTITUTIONS.—

''(A) CONSTRUCTION GRANTS.—

''(i) IN GENERAL.—Of the amount appropriated to carry out this section for any fiscal year, the Secretary may reserve 30 percent for the purpose of awarding 1-year grants of not less than $1,000,000 to address construction, maintenance, and renovation needs at eligible institutions.

''(ii) PREFERENCE.—In providing grants under clause (i), the Secretary shall give preference to eligible institutions that have not yet received an award under this section.

''(B) ALLOTMENT OF REMAINING FUNDS.—

''(i) IN GENERAL.—Except as provided in clause (ii), the Secretary shall distribute the remaining funds appropriated for any fiscal year to each eligible institution as follows:

''(I) 60 percent of the remaining appropriated funds shall be distributed among the eligible Tribal Colleges and Universities on a pro rata basis, based on the respective Indian student counts (as defined in section 2(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)) of the Tribal Colleges and Universities; and

''(II) the remaining 40 percent shall be distributed in equal shares to the eligible Tribal Colleges and Universities.

''(ii) MINIMUM GRANT.—The amount distributed to a Tribal College or University under clause (i) shall not be less than $500,000.

''(4) SPECIAL RULES.—

''(A) CONCURRENT FUNDING.—For the purposes of this part, no Tribal College or University that is eligible for and receives funds under this section shall concurrently receive funds under other provisions of this part or part B.

''(B) EXEMPTION.—Section 313(d) shall not apply to institutions that are eligible to receive funds under this section.''.

SEC. 304. ALASKA NATIVE AND NATIVE HAWAIIAN-SERVING INSTITUTIONS.

Section 317(c)(2) (20 U.S.C. 1059d(c)(2)) is amended—

(1) in subparagraph (G), by striking ''and'' after the semicolon;

(2) in subparagraph (H), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(I) education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents.''.

SEC. 305. NATIVE AMERICAN-SERVING, NONTRIBAL INSTITUTIONS.

(a) GRANT PROGRAM AUTHORIZED.—Part A of title III (20 U.S.C. 1057 et seq.) is amended by adding at the end the following:

''SEC. 318. NATIVE AMERICAN-SERVING, NONTRIBAL INSTITUTIONS.

''(a) PROGRAM AUTHORIZED.—The Secretary shall provide grants and related assistance to Native American-serving, nontribal institutions to enable such institutions to improve and expand their capacity to serve Native Americans.

''(b) DEFINITIONS.—In this section:

''(1) NATIVE AMERICAN.—The term 'Native American' means an individual who is of a tribe, people, or culture that is indigenous to the United States.

''(2) NATIVE AMERICAN-SERVING, NONTRIBAL INSTITUTION.—The term 'Native American-serving, nontribal institution' means an institution of higher education that, at the time of application—

''(A) has an enrollment of undergraduate students that is not less than 10 percent Native American students; and

''(B) is not a Tribal College or University (as defined in section 316).

''(c) AUTHORIZED ACTIVITIES.—

''(1) TYPES OF ACTIVITIES AUTHORIZED.—Grants awarded under this section shall be used by Native American-serving, nontribal institutions to assist such institutions to plan, develop, undertake, and carry out activities to improve and expand such institutions' capacity to serve Native Americans.

''(2) EXAMPLES OF AUTHORIZED ACTIVITIES.—Such programs may include—

''(A) the purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes;

''(B) renovation and improvement in classroom, library, laboratory, and other instructional facilities;

''(C) support of faculty exchanges, and faculty development and faculty fellowships to assist faculty in attaining advanced degrees in the faculty's field of instruction;

''(D) curriculum development and academic instruction;

''(E) the purchase of library books, periodicals, microfilm, and other educational materials;

''(F) funds and administrative management, and acquisition of equipment for use in strengthening funds management;

''(G) the joint use of facilities such as laboratories and libraries; and

''(H) academic tutoring and counseling programs and student support services.

''(d) APPLICATION PROCESS.—

''(1) INSTITUTIONAL ELIGIBILITY.—A Native American-serving, nontribal institution desiring to receive assistance under this section shall submit to the Secretary such enrollment data as may be necessary to demonstrate that the institution is a Native American-serving, nontribal institution, along with such other information and data as the Secretary may by regulation require.

''(2) APPLICATIONS.—

''(A) PERMISSION TO SUBMIT APPLICATIONS.—Any institution that is determined by the Secretary to be a Native American-serving, nontribal institution may submit an application for assistance under this section to the Secretary.

''(B) SIMPLIFIED AND STREAMLINED FORMAT.—The Secretary shall, to the extent possible, prescribe a simplified and streamlined format for applications under this section that takes into account the limited number of institutions that are eligible for assistance under this section.

''(C) CONTENT.—An application submitted under subparagraph (A) shall include—

''(i) a 5-year plan for improving the assistance provided by the Native American-serving, nontribal institution to Native Americans; and

''(ii) such other information and assurances as the Secretary may require.

''(3) SPECIAL RULES.—

''(A) ELIGIBILITY.—No Native American-serving, nontribal institution that receives funds under this section shall concurrently receive funds under other provisions of this part or part B.

''(B) EXEMPTION.—Section 313(d) shall not apply to institutions that are eligible to receive funds under this section.

''(C) DISTRIBUTION.—In awarding grants under this section, the Secretary shall, to the extent possible and consistent with the competitive process under which such grants are awarded, ensure maximum and equitable distribution among all eligible institutions.''.

(b) MINIMUM GRANT AMOUNT.—Section 399 (20 U.S.C. 1068h) is amended by adding at the end the following:

''(c) MINIMUM GRANT AMOUNT.—The minimum amount of a grant under this title shall be $200,000.''.

SEC. 306. PART B DEFINITIONS.

Section 322(4) (20 U.S.C. 1061(4)) is amended by inserting '', in consultation with the Commissioner for Education Statistics'' before ''and the Commissioner''.

SEC. 307. GRANTS TO INSTITUTIONS.

Section 323(a) (20 U.S.C. 1062(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''360(a)(2)'' and inserting ''399(a)(2)'';

(2) by redesignating paragraphs (7) through (12) as paragraphs (8) through (13), respectively; and

(3) by inserting after paragraph (6) the following:

''(7) Education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents.''.

SEC. 308. ALLOTMENTS TO INSTITUTIONS.

Section 324 (20 U.S.C. 1063) is amended by adding at the end the following:

''(h) SPECIAL RULE ON ELIGIBILITY.—Notwithstanding any other provision of this section, a part B institution shall not receive an allotment under this section unless the part B institution provides, on an annual basis, data indicating that the part B institution—

''(1) enrolled Federal Pell Grant recipients in the preceding academic year;

''(2) in the preceding academic year, has graduated students from a program of academic study that is licensed or accredited by a nationally recognized accrediting agency or association recognized by the Secretary pursuant to part H of title IV where appropriate; and

''(3) where appropriate, has graduated students who, within the past 5 years, enrolled in graduate or professional school.''.

SEC. 309. PROFESSIONAL OR GRADUATE INSTITUTIONS.

Section 326 (20 U.S.C. 1063b) is amended—

(1) in subsection (c)—

(A) in paragraph (2), by inserting '', and for the acquisition and development of real property that is adjacent to the campus for such construction, maintenance, renovation, or improvement'' after ''services'';

(B) by redesignating paragraphs (5) through (7) as paragraphs (7) through (9), respectively;

(C) by inserting after paragraph (4) the following:

''(5) tutoring, counseling, and student service programs designed to improve academic success;

''(6) education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents;'';

(D) in paragraph (7) (as redesignated by subparagraph (B)), by striking ''establish or improve'' and inserting ''establishing or improving'';

(E) in paragraph (8) (as redesignated by subparagraph (B))—

(i) by striking ''assist'' and inserting ''assisting''; and

(ii) by striking ''and'' after the semicolon;

(F) in paragraph (9) (as redesignated by subparagraph (B)), by striking the period and inserting ''; and''; and

(G) by adding at the end the following:

''(10) other activities proposed in the application submitted under subsection (d) that—

''(A) contribute to carrying out the purposes of this part; and

''(B) are approved by the Secretary as part of the review and acceptance of such application.'';

(2) in subsection (e)—

(A) in paragraph (1)—

(i) by inserting a colon after ''the following'';

(ii) in subparagraph (Q), by striking ''and'' at the end;

(iii) in subparagraph (R), by striking the period and inserting a semicolon; and

(iv) by adding at the end the following:

''(S) Alabama State University qualified graduate program;

''(T) Coppin State University qualified graduate program;

''(U) Prairie View A & M University qualified graduate program;

''(V) Fayetteville State University qualified graduate program;

''(W) Delaware State University qualified graduate program;

''(X) Langston University qualified graduate program;

''(Y) West Virginia State University qualified graduate program;

''(Z) Kentucky State University qualified graduate program; and

''(AA) Grambling State University qualified graduate program.'';

(B) in paragraph (2)(A)—

(i) by inserting ''in law or'' after ''instruction''; and

(ii) by striking ''mathematics, or'' and inserting ''mathematics, psychometrics, or'';

(C) in paragraph (3)—

(i) by striking ''1998'' and inserting ''2007''; and

(ii) by striking ''(Q) and (R)'' and inserting ''(S), (T), (U), (V), (W), (X), (Y), (Z), and (AA)'';

(3) in subsection (f)—

(A) in paragraph (1), by striking ''(P)'' and inserting ''(R)'';

(B) in paragraph (2), by striking ''(Q) and (R)'' and inserting ''(S), (T), (U), (V), (W), (X), (Y), (Z), and (AA)''; and

(C) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking ''(R)'' and inserting ''(AA)'';

(ii) by striking subparagraphs (A) and (B) and inserting the following:

''(A) The amount of non-Federal funds for the fiscal year for which the determination is made that the institution or program listed in subsection (e)—

''(i) allocates from institutional resources;

''(ii) secures from non-Federal sources, including amounts appropriated by the State and amounts from the private sector; and

''(iii) will utilize to match Federal funds awarded for the fiscal year for which the determination is made under this section to the institution or program.

''(B) The number of students enrolled in the qualified graduate programs of the eligible institution or program, for which the institution or program received and allocated funding under this section in the preceding year.'';

(iii) in subparagraph (C), by striking ''(or the equivalent) enrolled in the eligible professional or graduate school'' and all that follows through the period and inserting ''enrolled in the qualified programs or institutions listed in paragraph (1).'';

(iv) in subparagraph (D)—

(I) by striking ''students'' and inserting ''Black American students or minority students''; and

(II) by striking ''institution'' and inserting ''institution or program''; and

(v) by striking subparagraph (E) and inserting the following:

''(E) The percentage that the total number of Black American students and minority students who receive their first professional, master's, or doctoral degrees from the institution or program in the academic year preceding the academic year for which the determination is made, represents of the total number of Black American students and minority students in the United States who receive their first professional, master's, or doctoral degrees in the professions or disciplines related to the course of study at such institution or program, respectively, in the preceding academic year.''; and

(4) in subsection (g), by striking ''1998'' and inserting ''2007''.

SEC. 310. AUTHORITY OF THE SECRETARY.

Section 345 (20 U.S.C. 1066d) is amended—

(1) in paragraph (6), by striking ''and'' after the semicolon;

(2) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(8) not later than 90 days after the date of enactment of the Higher Education Amendments of 2007, shall submit to the authorizing committees a report on the progress of the Department in implementing the recommendations made by the Government Accountability Office in October 2006 for improving the Historically Black College and Universities Capital Financing Program.''.

SEC. 311. AUTHORIZATION OF APPROPRIATIONS.

Subsection (a) of section 399 (20 U.S.C. 1068h) is amended to read as follows:

''(a) AUTHORIZATIONS.—

''(1) PART A.—(A) There are authorized to be appropriated to carry out part A (other than sections 316, 317, and 318) such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(B) There are authorized to be appropriated to carry out section 316 such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(C) There are authorized to be appropriated to carry out section 317 such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(D) There are authorized to be appropriated to carry out section 318 such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(2) PART B.—(A) There are authorized to be appropriated to carry out part B (other than section 326) such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(B) There are authorized to be appropriated to carry out section 326 such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(3) PART C.—There are authorized to be appropriated to carry out part C such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(4) PART D.—(A) There are authorized to be appropriated to carry out part D (other than section 345(7), but including section 347) such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(B) There are authorized to be appropriated to carry out section 345(7) such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(5) PART E.—There are authorized to be appropriated to carry out part E such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

SEC. 312. TECHNICAL CORRECTIONS.

Title III (20 U.S.C. 1051 et seq.) is further amended—

(1) in section 342(5)(C) (20 U.S.C. 1066a(5)(C)), by striking ''.,'' and inserting ''.'';

(2) in section 343(e) (20 U.S.C. 1066b(e)), by inserting ''SALE OF QUALIFIED BONDS.—'' before ''Notwithstanding'';

(3) in the matter preceding clause (i) of section 365(9)(A) (20 U.S.C. 1067k(9)(A)), by striking ''support'' and inserting ''supports'';

(4) in section 391(b)(7)(E) (20 U.S.C. 1068(b)(7)(E)), by striking ''subparagraph (E)'' and inserting ''subparagraph (D)'';

(5) in the matter preceding subparagraph (A) of section 392(b)(2) (20 U.S.C. 1068a(b)(2)), by striking ''eligible institutions under part A institutions'' and inserting ''eligible institutions under part A''; and

(6) in the matter preceding paragraph (1) of section 396 (20 U.S.C. 1068e), by striking ''360'' and inserting ''399''.

TITLE IV—STUDENT ASSISTANCE

PART A—GRANTS TO STUDENTS IN ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION

SEC. 401. FEDERAL PELL GRANTS.

(a) AMENDMENTS.—Section 401 (20 U.S.C. 1070a) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the first sentence, by striking ''2004'' and inserting ''2013''; and

(ii) in the second sentence, by striking ''.,'' and inserting ''.''; and

(B) in paragraph (3), by striking ''this subpart'' and inserting ''this section'';

(2) in subsection (b)—

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

''(2)(A) The amount of the Federal Pell Grant for a student eligible under this part shall be—

''(i) $5,400 for academic year 2008–2009;

''(ii) $5,700 for academic year 2009–2010;

''(iii) $6,000 for academic year 2010–2011; and

''(iv) $6,300 for academic year 2011–2012,

less an amount equal to the amount determined to be the expected family contribution with respect to that student for that year.'';

(B) by striking paragraph (3);

(C) in paragraph (5), by striking ''$400, except'' and all that follows through the period and inserting ''10 percent of the maximum basic grant level specified in the appropriate Appropriation Act for such academic year, except that a student who is eligible for a Federal Pell Grant in an amount that is equal to or greater than 5 percent of such level but less than 10 percent of such level shall be awarded a Federal Pell grant in the amount of 10 percent of such level.''; and

(D) by striking paragraph (6) and inserting the following:

''(6) In the case of a student who is enrolled, on at least a half-time basis and for a

period of more than 1 academic year in a single award year in a 2-year or 4-year program of instruction for which an institution of higher education awards an associate or baccalaureate degree, the Secretary shall award such student not more than 2 Federal Pell Grants during that award year to permit such student to accelerate the student's progress toward a degree. In the case of a student receiving more than 1 Federal Pell Grant in a single award year, the total amount of Federal Pell Grants awarded to such student for the award year may exceed the maximum basic grant level specified in the appropriate appropriations Act for such award year.''; and

(3) in subsection (c), by adding at the end the following:

''(5) The period of time during which a student may receive Federal Pell Grants shall not exceed 18 semesters, or an equivalent period of time as determined by the Secretary pursuant to regulations, which period shall—

''(A) be determined without regard to whether the student is enrolled on a full-time basis during any portion of the period of time; and

''(B) include any period of time for which the student received a Federal Pell Grant prior to July 1, 2008.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on July 1, 2008.

SEC. 402. ACADEMIC COMPETITIVENESS GRANTS.

Section 401A (20 U.S.C. 1070a–1) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) ACADEMIC COMPETITIVENESS GRANT PROGRAM AUTHORIZED.—The Secretary shall award grants, in the amounts specified in subsection (d)(1), to eligible students to assist the eligible students in paying their college education expenses.'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''academic''; and

(B) in paragraph (2), by striking ''third or fourth academic'' and inserting ''third, fourth, or fifth'';

(3) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''full-time'' and all that follows through ''is made'' and inserting ''student who'';

(B) by striking paragraph (1) and inserting the following:

''(1) is eligible for a Federal Pell Grant for the award year in which the determination of eligibility is made for a grant under this section;'';

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

''(2) is enrolled or accepted for enrollment in an institution of higher education on not less than a half-time basis; and''; and

(D) in paragraph (3)—

(i) by striking subparagraph (A) and inserting the following:

''(A) the first year of a program of undergraduate education at a 2- or 4-year degree-granting institution of higher education (including a program of not less than 1 year for which the institution awards a certificate), has successfully completed, after January 1, 2006, a rigorous secondary school program of study established by a State or local educational agency and recognized as such by the Secretary;'';

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking ''academic'' and all that follows through ''higher education'' and inserting ''year of a program of undergraduate education at a 2- or 4-year degree-granting institution of higher education (including a program of not less than 2 years for which the institution awards a certificate)''; and

(II) in clause (ii)—

(aa) by striking ''academic''; and

(bb) by striking ''or'' after the semicolon at the end;

(iii) in subparagraph (C)—

(I) by striking ''academic'';

(II) by striking ''four'' and inserting ''4'';

(III) by striking clause (i)(II) and inserting the following:

''(II) a critical foreign language; and''; and

(IV) in clause (ii), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

''(D) the third or fourth year of a program of undergraduate education at an institution of higher education (as defined in section 101(a)) that demonstrates, to the satisfaction of the Secretary, that the institution—

''(i) offers a single liberal arts curriculum leading to a baccalaureate degree, under which students are not permitted by the institution to declare a major in a particular subject area, and those students—

''(I) study, in such years, a subject described in subparagraph (C)(i) that is at least equal to the requirements for an academic major at an institution of higher education that offers a baccalaureate degree in such subject, as certified by an appropriate official from the institution; or

''(II) are required, as part of their degree program, to undertake a rigorous course of study in mathematics, biology, chemistry, and physics, which consists of at least—

''(aa) 4 years of study in mathematics; and

''(bb) 3 years of study in the sciences, with a laboratory component in each of those years; and

''(ii) offered such curriculum prior to February 8, 2006; or

''(E) the fifth year of a program of undergraduate education that requires 5 full years of coursework for which a baccalaureate degree is awarded by a degree-granting institution of higher education, as certified by the appropriate official of such institution—

''(i) is pursuing a major in—

''(I) the physical, life, or computer sciences, mathematics, technology, or engineering (as determined by the Secretary pursuant to regulations); or

''(II) a critical foreign language; and

''(ii) has obtained a cumulative grade point average of at least 3.0 (or the equivalent, as determined under regulations prescribed by the Secretary) in the coursework required for the major described in clause (i).'';

(4) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking ''The'' and inserting ''IN GENERAL.—The'';

(II) in clause (ii), by striking ''or'' after the semicolon at the end;

(III) in clause (iii), by striking ''subsection (c)(3)(C).'' and inserting ''subparagraph (C) or (D) of subsection (c)(3), for each of the 2 years described in such subparagraphs; or''; and

(IV) by adding at the end the following:

''(iv) $4,000 for an eligible student under subsection (c)(3)(E).''; and

(ii) in subparagraph (B)—

(I) by striking ''Notwithstanding'' and inserting ''LIMITATION; RATABLE REDUCTION.—Notwithstanding'';

(II) by redesignating clauses (i), (ii), and (iii), as clauses (ii), (iii), and (iv), respectively; and

(III) by inserting before clause (ii), as redesignated under subclause (II), the following:

''(i) in any case in which a student attends an institution of higher education on less than a full-time basis, the amount of the grant that such student may receive shall be reduced in the same manner as a Federal Pell Grant is reduced under section 401(b)(2)(B);'';

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

''(2) LIMITATIONS.—

''(A) NO GRANTS FOR PREVIOUS CREDIT.—The Secretary may not award a grant under this section to any student for any year of a program of undergraduate education for which the student received credit before the date of enactment of the Higher Education Reconciliation Act of 2005.

''(B) NUMBER OF GRANTS.—

''(i) FIRST YEAR.—In the case of a student described in subsection (c)(3)(A), the Secretary may not award more than 1 grant to such student for such first year of study.

''(ii) SECOND YEAR.—In the case of a student described in subsection (c)(3)(B), the Secretary may not award more than 1 grant to such student for such second year of study.

''(iii) THIRD AND FOURTH YEARS.—In the case of a student described in subparagraph (C) or (D) of subsection (c)(3), the Secretary may not award more than 1 grant to such student for each of the third and fourth years of study.

''(iv) FIFTH YEAR.—In the case of a student described in subsection (c)(3)(E), the Secretary may not award more than 1 grant to such student for such fifth year of study.''; and

(C) by adding at the end the following:

''(3) CALCULATION OF GRANT PAYMENTS.—An institution of higher education shall make payments of a grant awarded under this section in the same manner, using the same payment periods, as such institution makes payments for Federal Pell Grants under section 401.'';

(5) by striking subsection (e)(2) and inserting the following:

''(2) AVAILABILITY OF FUNDS.—Funds made available under paragraph (1) for a fiscal year shall remain available for the succeeding fiscal year.'';

(6) in subsection (f)—

(A) by striking ''at least one'' and inserting ''not less than 1''; and

(B) by striking ''subsection (c)(3)(A) and (B)'' and inserting ''subparagraphs (A) and (B) of subsection (c)(3)''; and

(7) in subsection (g), by striking ''academic'' and inserting ''award''.

SEC. 403. FEDERAL TRIO PROGRAMS.

(a) PROGRAM AUTHORITY; AUTHORIZATION OF APPROPRIATIONS.—Section 402A (20 U.S.C. 1070a–11) is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''4'' and inserting ''5'';

(ii) by striking subparagraph (A); and

(iii) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(B) by striking paragraph (3) and inserting the following:

''(3) MINIMUM GRANTS.—Unless the institution or agency requests a smaller amount, an individual grant authorized under this chapter shall be awarded in an amount that is not less than $200,000, except that an individual grant authorized under section 402G shall be awarded in an amount that is not less than $170,000.'';

(2) in subsection (c)—

(A) in paragraph (2), by striking ''service delivery'' and inserting ''high quality service delivery, as determined under subsection (f),'';

(B) in paragraph (3)(B), by striking ''is not required to'' and inserting ''shall not''; and

(C) in paragraph (5), by striking ''campuses'' and inserting ''different campuses'';

(3) in subsection (e), by striking ''(g)(2)'' each place the term occurs and inserting ''(h)(4)'';

(4) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(5) by inserting after subsection (e) the following:

''(f) OUTCOME CRITERIA.—

''(1) USE FOR PRIOR EXPERIENCE DETERMINATION.—The Secretary shall use the outcome criteria described in paragraphs (2) and (3) to evaluate the programs provided by a recipient of a grant under this chapter, and the Secretary shall determine an eligible entity's prior experience of high quality service delivery, as required under subsection (c)(2), based on the outcome criteria.

''(2) DISAGGREGATION OF RELEVANT DATA.—The outcome criteria under this subsection shall be disaggregated by low-income students, first generation college students, and individuals with disabilities, in the schools and institutions of higher education served by the program to be evaluated.

''(3) CONTENTS OF OUTCOME CRITERIA.—The outcome criteria under this subsection shall measure, annually and for longer periods, the quality and effectiveness of programs authorized under this chapter and shall include the following:

''(A) For programs authorized under section 402B, the extent to which the eligible entity met or exceeded the entity's objectives established in the entity's application for such program regarding—

''(i) the delivery of service to a total number of students served by the program;

''(ii) the continued secondary school enrollment of such students;

''(iii) the graduation of such students from secondary school;

''(iv) the enrollment of such students in an institution of higher education; and

''(v) to the extent practicable, the postsecondary education completion of such students.

''(B) For programs authorized under section 402C, the extent to which the eligible entity met or exceeded the entity's objectives for such program regarding—

''(i) the delivery of service to a total number of students served by the program, as agreed upon by the entity and the Secretary for the period;

''(ii) such students' school performance, as measured by the grade point average, or its equivalent;

''(iii) such students' academic performance, as measured by standardized tests, including tests required by the students' State;

''(iv) the retention in, and graduation from, secondary school of such students; and

''(v) the enrollment of such students in an institution of higher education.

''(C) For programs authorized under section 402D—

''(i) the extent to which the eligible entity met or exceeded the entity's objectives regarding the retention in postsecondary education of the students served by the program;

''(ii)(I) in the case of an entity that is an institution of higher education offering a baccalaureate degree, the extent to which the entity met or exceeded the entity's objectives regarding such students' completion of the degree programs in which such students were enrolled; or

''(II) in the case of an entity that is an institution of higher education that does not offer a baccalaureate degree, the extent to which the entity met or exceeded the entity's objectives regarding—

''(aa) the completion of a degree or certificate by such students; and

''(bb) the transfer of such students to institutions of higher education that offer baccalaureate degrees;

''(iii) the extent to which the entity met or exceeded the entity's objectives regarding the delivery of service to a total number of students, as agreed upon by the entity and the Secretary for the period; and

''(iv) the extent to which the entity met or exceeded the entity's objectives regarding such students remaining in good academic standing.

''(D) For programs authorized under section 402E, the extent to which the entity met or exceeded the entity's objectives for such program regarding—

''(i) the delivery of service to a total number of students, as agreed upon by the entity and the Secretary for the period;

''(ii) the provision of appropriate scholarly and research activities for the students served by the program;

''(iii) the acceptance and enrollment of such students in graduate programs; and

''(iv) the continued enrollment of such students in graduate study and the attainment of doctoral degrees by former program participants.

''(E) For programs authorized under section 402F, the extent to which the entity met or exceeded the entity's objectives for such program regarding—

''(i) the enrollment of students without a secondary school diploma or its recognized equivalent, who were served by the program, in programs leading to such diploma or equivalent;

''(ii) the enrollment of secondary school graduates who were served by the program in programs of postsecondary education;

''(iii) the delivery of service to a total number of students, as agreed upon by the entity and the Secretary for the period; and

''(iv) the provision of assistance to students served by the program in completing financial aid applications and college admission applications.

''(4) MEASUREMENT OF PROGRESS.—In order to determine the extent to which an outcome criterion described in paragraphs (2) or (3) is met or exceeded, an eligible entity receiving assistance under this chapter shall compare the eligible entity's target for the criterion, as established in the eligible entity's application, with the results for the criterion, measured as of the last day of the applicable time period for the determination.'';

(6) in subsection (g) (as redesignated by paragraph (4))—

(A) in the first sentence, by striking ''$700,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''; and

(B) by striking the fourth sentence; and

(7) in subsection (h) (as redesignated by paragraph (4))—

(A) by redesignating paragraphs (1) through (4) as paragraphs (3) through (6), respectively;

(B) by inserting before paragraph (3) (as redesignated by subparagraph (A)) the following:

''(1) DIFFERENT CAMPUS.—The term 'different campus' means a site of an institution of higher education that—

''(A) is geographically apart from the main campus of the institution;

''(B) is permanent in nature; and

''(C) offers courses in educational programs leading to a degree, certificate, or other recognized educational credential.

''(2) DIFFERENT POPULATION.—The term 'different population' means a group of individuals, with respect to whom an eligible entity desires to serve through an application for a grant under this chapter, that—

''(A) is separate and distinct from any other population that the entity has applied for a grant under this chapter to serve; or

''(B) while sharing some of the same needs as another population that the eligible entity has applied for a grant under this chapter to serve, has distinct needs for specialized services.'';

(C) in paragraph (5) (as redesignated by subparagraph (A))—

(i) in subparagraph (A), by striking ''or'' after the semicolon;

(ii) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(iii) by adding at the end the following:

''(C) was a member of a reserve component of the Armed Forces called to active duty for a period of more than 180 days.''; and

(D) in paragraph (6), by striking ''subparagraph (A) or (B) of paragraph (3)'' and inserting ''subparagraph (A), (B), or (C) of paragraph (5)''.

(b) TALENT SEARCH.—Section 402B (20 U.S.C. 1070a–12) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''to identify qualified youths with potential for education at the postsecondary level and to encourage such youths'' and inserting ''to encourage eligible youths'';

(B) in paragraph (2), by inserting '', and facilitate the application for,'' after ''the availability of''; and

(C) in paragraph (3), by striking '', but who have the ability to complete such programs, to reenter'' and inserting ''to enter or reenter, and complete'';

(2) by redesignating subsection (c) as subsection (d);

(3) by striking subsection (b) and inserting the following:

''(b) REQUIRED SERVICES.—Any project assisted under this section shall provide—

''(1) academic tutoring, or connections to high quality academic tutoring services, to enable students to complete secondary or postsecondary courses, which may include instruction in reading, writing, study skills, mathematics, science, and other subjects;

''(2) advice and assistance in secondary course selection and, if applicable, initial postsecondary course selection;

''(3) assistance in preparing for college entrance examinations and completing college admission applications;

''(4)(A) information on both the full range of Federal student financial aid programs (including Federal Pell Grant awards and loan forgiveness) and resources for locating public and private scholarships; and

''(B) assistance in completing financial aid applications, including the Free Application for Federal Student Aid described in section 483(a);

''(5) guidance on and assistance in—

''(A) secondary school reentry;

''(B) alternative education programs for secondary school dropouts that lead to the receipt of a regular secondary school diploma;

''(C) entry into general educational development (GED) programs; or

''(D) postsecondary education; and

''(6) education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents, including financial planning for postsecondary education.

''(c) PERMISSIBLE SERVICES.—Any project assisted under this section may provide services such as—

''(1) personal and career counseling or activities;

''(2) information and activities designed to acquaint youths with the range of career options available to the youths;

''(3) exposure to the campuses of institutions of higher education, as well as cultural events, academic programs, and other sites or activities not usually available to disadvantaged youth;

''(4) workshops and counseling for families of students served;

''(5) mentoring programs involving elementary or secondary school teachers or counselors, faculty members at institutions of higher education, students, or any combination of such persons; and

''(6) programs and activities as described in subsection (b) or paragraphs (1) through (5) of this subsection that are specially designed for students who are limited English proficient, students with disabilities, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), or students who are in foster care or are aging out of the foster care system.''; and

(4) in the matter preceding paragraph (1) of subsection (d) (as redesignated by paragraph (2)), by striking ''talent search projects under this chapter'' and inserting ''projects under this section''.

(c) UPWARD BOUND.—Section 402C (20 U.S.C. 1070a–13) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) REQUIRED SERVICES.—Any project assisted under this section shall provide—

''(1) academic tutoring to enable students to complete secondary or postsecondary courses, which may include instruction in reading, writing, study skills, mathematics, science, and other subjects;

''(2) advice and assistance in secondary and postsecondary course selection;

''(3) assistance in preparing for college entrance examinations and completing college admission applications;

''(4)(A) information on both the full range of Federal student financial aid programs (including Federal Pell Grant awards and loan forgiveness) and resources for locating public and private scholarships; and

''(B) assistance in completing financial aid applications, including the Free Application for Federal Student Aid described in section 483(a);

''(5) guidance on and assistance in—

''(A) secondary school reentry;

''(B) alternative education programs for secondary school dropouts that lead to the receipt of a regular secondary school diploma;

''(C) entry into general educational development (GED) programs; or

''(D) postsecondary education; and

''(6) education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents, including financial planning for postsecondary education.'';

(2) in subsection (c)—

(A) in the subsection heading, by striking ''REQUIRED SERVICES'' and inserting ''ADDITIONAL REQUIRED SERVICES FOR MULTIPLE-YEAR GRANT RECIPIENTS''; and

(B) by striking ''upward bound project assisted under this chapter'' and inserting ''project assisted under this section'';

(3) by redesignating subsections (d) and (e) as subsections (f) and (g), respectively;

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

''(d) PERMISSIBLE SERVICES.—Any project assisted under this section may provide such services as—

''(1) exposure to cultural events, academic programs, and other activities not usually available to disadvantaged youth;

''(2) information, activities and instruction designed to acquaint youths participating in the project with the range of career options available to the youths;

''(3) on-campus residential programs;

''(4) mentoring programs involving elementary school or secondary school teachers or counselors, faculty members at institutions of higher education, students, or any combination of such persons;

''(5) work-study positions where youth participating in the project are exposed to careers requiring a postsecondary degree;

''(6) special services to enable veterans to make the transition to postsecondary education; and

''(7) programs and activities as described in subsection (b), subsection (c), or paragraphs (1) through (6) of this subsection that are specially designed for students who are limited English proficient, students with disabilities, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), or students who are in foster care or are aging out of the foster care system.

''(e) PRIORITY.—In providing assistance under this section the Secretary—

''(1) shall give priority to projects assisted under this section that select not less than 30 percent of all first-time participants in the projects from students who have a high academic risk for failure; and

''(2) shall not deny participation in a project assisted under this section to a student because the student will enter the project after the 9th grade.'';

(5) in the matter preceding paragraph (1) of subsection (f) (as redesignated by paragraph (3)), by striking ''upward bound projects under this chapter'' and inserting ''projects under this section''; and

(6) in subsection (g) (as redesignated by paragraph (3))—

(A) by striking ''during June, July, and August'' each place the term occurs and inserting ''during the summer school recess, for a period not to exceed 3 months''; and

(B) by striking ''(b)(10)'' and inserting ''(d)(5)''.

(7) by adding at the end the following:

''(h) ADDITIONAL FUNDS.—

''(1) AUTHORIZATION.—There are authorized to be appropriated for the upward bound program under this chapter, in addition to any amounts appropriated under section 402A(g), $57,000,000 for each of the fiscal years 2008 through 2011 for the Secretary to carry out paragraph (2), except that any amounts that remain unexpended for such purpose for each of such fiscal years may be available for technical assistance and administration costs for the upward bound program under this chapter.

''(2) USE OF FUNDS.—

''(A) IN GENERAL.—The amounts made available by paragraph (1) for a fiscal year shall be available to provide assistance to applicants for an upward bound project under this chapter for such fiscal year that—

''(i) did not apply for assistance, or applied but did not receive assistance, under this section in fiscal year 2007; and

''(ii) receive a grant score above 70 on the applicant's application.

''(B) 4-YEAR GRANTS.—The assistance described in subparagraph (A) shall be made available in the form of 4-year grants.''.

(d) STUDENT SUPPORT SERVICES.—Section 402D (20 U.S.C. 1070a–14) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''and'' after the semicolon;

(B) by striking paragraph (3) and inserting the following:

''(3) to foster an institutional climate supportive of the success of low-income and first generation college students, students with disabilities, students who are limited English proficient, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), and students who are in foster care or are aging out of the foster care system.''; and

(C) by adding at the end the following:

''(4) to improve the financial literacy and economic literacy of students, including—

''(A) basic personal income, household money management, and financial planning skills; and

''(B) basic economic decisionmaking skills.'';

(2) by redesignating subsections (c) and (d) as subsections (d) and (e);

(3) by striking subsection (b) and inserting the following:

''(b) REQUIRED SERVICES.—A project assisted under this section shall provide—

''(1) academic tutoring to enable students to complete postsecondary courses, which may include instruction in reading, writing, study skills, mathematics, science, and other subjects;

''(2) advice and assistance in postsecondary course selection;

''(3)(A) information on both the full range of Federal student financial aid programs (including Federal Pell Grant awards and loan forgiveness) and resources for locating public and private scholarships; and

''(B) assistance in completing financial aid applications, including the Free Application for Federal Student Aid described in section 483(a);

''(4) education or counseling services designed to improve the financial literacy and economic literacy of students, including financial planning for postsecondary education;

''(5) activities designed to assist students participating in the project in securing college admission and financial assistance for enrollment in graduate and professional programs; and

''(6) activities designed to assist students enrolled in 2-year institutions of higher education in securing admission and financial assistance for enrollment in a 4-year program of postsecondary education.

''(c) PERMISSIBLE SERVICES.—A project assisted under this section may provide services such as—

''(1) consistent, individualized personal, career, and academic counseling, provided by assigned counselors;

''(2) information, activities, and instruction designed to acquaint youths participating in the project with the range of career options available to the students;

''(3) exposure to cultural events and academic programs not usually available to disadvantaged students;

''(4) activities designed to acquaint students participating in the project with the range of career options available to the students;

''(5) mentoring programs involving faculty or upper class students, or a combination thereof;

''(6) securing temporary housing during breaks in the academic year for students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)) or were formerly homeless children and youths and students who are in foster care or are aging out of the foster care system; and

''(7) programs and activities as described in subsection (b) or paragraphs (1) through (5) of this subsection that are specially designed for students who are limited English proficient, students with disabilities, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)) or were formerly homeless children and youths, or students who are in foster care or are aging out of the foster care system.'';

(4) in subsection (d)(1) (as redesignated by paragraph (2)), by striking ''subsection (b)'' and inserting ''subsection (c)''; and

(5) in the matter preceding paragraph (1) of subsection (e) (as redesignated by paragraph (2)), by striking ''student support services projects under this chapter'' and inserting ''projects under this section''.

(e) POSTBACCALAUREATE ACHIEVEMENT PROGRAM AUTHORITY.—Section 402E (20 U.S.C. 1070a–15) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by inserting ''REQUIRED'' before ''SERVICES'';

(B) in the matter preceding paragraph (1), by striking ''A postbaccalaureate achievement project assisted under this section may provide services such as—'' and inserting ''A project assisted under this section shall provide—'';

(C) in paragraph (5), by inserting ''and'' after the semicolon;

(D) in paragraph (6), by striking the semicolon and inserting a period; and

(E) by striking paragraphs (7) and (8);

(2) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively;

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

''(c) PERMISSIBLE SERVICES.—A project assisted under this section may provide services such as—

''(1) education or counseling services designed to improve the financial literacy and economic literacy of students, including financial planning for postsecondary education;

''(2) mentoring programs involving faculty members at institutions of higher education, students, or any combination of such persons; and

''(3) exposure to cultural events and academic programs not usually available to disadvantaged students.'';

(4) in the matter preceding paragraph (1) of subsection (d) (as redesignated by paragraph (2)), by striking ''postbaccalaureate achievement'';

(5) in the matter preceding paragraph (1) of subsection (f) (as redesignated by paragraph (2)), by striking ''postbaccalaureate achievement project'' and inserting ''project under this section''; and

(6) in subsection (g) (as redesignated by paragraph (2))—

(A) by striking ''402A(f)'' and inserting ''402A(g)''; and

(B) by striking ''1993 through 1997'' and inserting ''2007 through 2012''.

(f) EDUCATIONAL OPPORTUNITY CENTERS.—Section 402F (20 U.S.C. 1070a–16) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''and'' after the semicolon;

(B) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(3) to improve the financial literacy and economic literacy of students, including—

''(A) basic personal income, household money management, and financial planning skills; and

''(B) basic economic decisionmaking skills.''; and

(2) in subsection (b)—

(A) by redesignating paragraphs (5) through (10) as paragraphs (6) through (11), respectively;

(B) by inserting after paragraph (4) the following:

''(5) education or counseling services designed to improve the financial literacy and economic literacy of students;'';

(C) by striking paragraph (7) (as redesignated by subparagraph (A)) and inserting the following:

''(7) individualized personal, career, and academic counseling;''; and

(D) by striking paragraph (11) (as redesignated by subparagraph (A)) and inserting the following:

''(11) programs and activities as described in paragraphs (1) through (10) that are specially designed for students who are limited English proficient, students with disabilities, or students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), or programs and activities for students who are in foster care or are aging out of the foster care system.''.

(g) STAFF DEVELOPMENT ACTIVITIES.—Section 402G(b)(3) (20 U.S.C. 1070a–17(b)(3)) is amended by inserting '', including strategies for recruiting and serving students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)) and students who are in foster care or are aging out of the foster care system'' before the period at the end.

(h) REPORTS, EVALUATIONS, AND GRANTS FOR PROJECT IMPROVEMENT AND DISSEMINATION.—Section 402H (20 U.S.C. 1070a–18) is amended—

(1) by striking the section heading and inserting ''**REPORTS, EVALUATIONS, AND GRANTS FOR PROJECT IMPROVEMENT AND DISSEMINATION**.'';

(2) by redesignating subsections (a) through (c) as subsections (b) through (d), respectively;

(3) by inserting before subsection (b) (as redesignated by paragraph (2)) the following:

''(a) REPORTS TO THE AUTHORIZING COMMITTEES.—The Secretary shall submit annually, to the authorizing committees, a report that documents the performance of all programs funded under this chapter. The report shall—

''(1) be submitted not later than 24 months after the eligible entities receiving funds under this chapter are required to report their performance to the Secretary;

''(2) focus on the programs' performance on the relevant outcome criteria determined under section 402A(f)(4);

''(3) aggregate individual project performance data on the outcome criteria in order to provide national performance data for each program;

''(4) include, when appropriate, descriptive data, multi-year data, and multi-cohort data; and

''(5) include comparable data on the performance nationally of low-income students, first-generation students, and students with disabilities.''; and

(4) in subsection (b) (as redesignated by paragraph (2)), by striking paragraph (2) and inserting the following:

''(2) PRACTICES.—

''(A) IN GENERAL.—The evaluations described in paragraph (1) shall identify institutional, community, and program or project practices that are particularly effective in—

''(i) enhancing the access of low-income individuals and first-generation college students to postsecondary education;

''(ii) the preparation of the individuals and students for postsecondary education; and

''(iii) fostering the success of the individuals and students in postsecondary education.

''(B) PRIMARY PURPOSE.—Any evaluation conducted under this chapter shall have as its primary purpose the identification of particular practices that further the achievement of the outcome criteria determined under section 402A(f)(4).

''(C) DISSEMINATION AND USE OF EVALUATION FINDINGS.—The Secretary shall disseminate to eligible entities and make available to the public the practices identified under subparagraph (B). The practices may be used by eligible entities that receive assistance under this chapter after the dissemination.

''(3) RECRUITMENT.—The Secretary shall not require an eligible entity desiring to receive assistance under this chapter to recruit students to serve as a control group for purposes of evaluating any program or project assisted under this chapter.''.

(i) ADDITIONAL AMENDMENT TO POSTBACCALAUREATE ACHIEVEMENT PROGRAM.—Section 402E(d)(2) (as redesignated by subsection (e)(2)) (20 U.S.C. 1070a–15(d)(2)) is further amended by inserting '', including Native Hawaiians, as defined in section 7207 of the Elementary and Secondary Education Act of 1965, and Pacific Islanders'' after ''graduate education''.

SEC. 404. GAINING EARLY AWARENESS AND READINESS FOR UNDERGRADUATE PROGRAMS.

(a) EARLY INTERVENTION AND COLLEGE AWARENESS PROGRAM AUTHORIZED.—Section 404A (20 U.S.C. 1070a–21) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) PROGRAM AUTHORIZED.—The Secretary is authorized, in accordance with the requirements of this chapter, to establish a program that encourages eligible entities to provide support to eligible low-income students to assist the students in obtaining a secondary school diploma (or its recognized equivalent) and to prepare for and succeed in postsecondary education, by providing—

''(1) financial assistance, academic support, additional counseling, mentoring, outreach, and supportive services to middle school and secondary school students to reduce—

''(A) the risk of such students dropping out of school; or

''(B) the need for remedial education for such students at the postsecondary level; and

''(2) information to students and their parents about the advantages of obtaining a postsecondary education and the college financing options for the students and their parents.'';

(2) by striking subsection (b)(2)(A) and inserting the following:

''(A) give priority to eligible entities that have a prior, demonstrated commitment to early intervention leading to college access through collaboration and replication of successful strategies;''; and

(3) in subsection (b), by adding at the end the following:

''(3) CARRY OVER.—An eligible entity that receives a grant under this chapter may carry over any unspent grant funds from the final year of the grant period into the following year.'';

(4) by striking subsection (c)(2) and inserting the following:

''(2) a partnership—

''(A) consisting of—

''(i) 1 or more local educational agencies; and

''(ii) 1 or more degree granting institutions of higher education; and

''(B) which may include not less than 2 other community organizations or entities, such as businesses, professional organizations, State agencies, institutions or agencies sponsoring programs authorized under subpart 4, or other public or private agencies or organizations.''.

(b) REQUIREMENTS.—Section 404B (20 U.S.C. 1070a–22) is amended—

(1) by striking subsection (a) and inserting the following: —

''(a) FUNDING RULES.—

''(1) DISTRIBUTION.—In awarding grants from the amount appropriated under section 404G for a fiscal year, the Secretary shall take into consideration—

''(A) the geographic distribution of such awards; and

''(B) the distribution of such awards between urban and rural applicants.

''(2) SPECIAL RULE.—The Secretary shall annually reevaluate the distribution of funds described in paragraph (1) based on number, quality, and promise of the applications.'';

(2) by striking subsections (b), (e), and (f);

(3) by redesignating subsections (c), (d), and (g) as subsections (b), (c), and (d), respectively; and

(4) by adding at the end the following:

''(e) SUPPLEMENT, NOT SUPPLANT.—Grant funds awarded under this chapter shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out activities assisted under this chapter.''.

(c) APPLICATION.—Section 404C (20 U.S.C. 1070a–23) is amended—

(1) in the section heading, by striking ''**ELIGIBLE ENTITY PLANS**'' and inserting ''**APPLICATIONS**'';

(2) in subsection (a)—

(A) in the subsection heading, by striking ''PLAN'' and inserting ''APPLICATION'';

(B) in paragraph (1)—

(i) by striking ''a plan'' and inserting ''an application''; and

(ii) by striking the second sentence; and

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

''(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall be in such form, contain or be accompanied by such information or assurances, and be submitted at such time as the Secretary may require. Each such application shall, at a minimum—

''(A) describe the activities for which assistance under this chapter is sought, including how the eligible entity will carry out the required activities described in section 404D(a);

''(B) describe how the eligible agency will meet the requirements of section 404E;

''(C) provide assurances that adequate administrative and support staff will be responsible for coordinating the activities described in section 404D;

''(D) ensure that activities assisted under this chapter will not displace an employee or eliminate a position at a school assisted under this chapter, including a partial displacement such as a reduction in hours, wages or employment benefits;

''(E) describe, in the case of an eligible entity described in section 404A(c)(2), how the eligible entity will define the cohorts of the students served by the eligible entity pursuant to section 404B(d), and how the eligible entity will serve the cohorts through grade 12, including—

''(i) how vacancies in the program under this chapter will be filled; and

''(ii) how the eligible entity will serve students attending different secondary schools;

''(F) describe how the eligible entity will coordinate programs with other existing Federal, State, or local programs to avoid duplication and maximize the number of students served;

''(G) provide such additional assurances as the Secretary determines necessary to ensure compliance with the requirements of this chapter; and

''(H) provide information about the activities that will be carried out by the eligible entity to support systemic changes from which future cohorts of students will benefit.'';

(3) in the matter preceding subparagraph (A) of subsection (b)(1)—

(A) by striking ''a plan'' and inserting ''an application''; and

(B) by striking ''such plan'' and inserting ''such application''; and

(4) in subsection (c)(1), by striking ''paid to students from State, local, institutional, or private funds under this chapter'' and inserting ''obligated to students from State, local, institutional, or private funds under this chapter, including pre-existing non-Federal financial assistance programs,'';

(5) in subsection (c)(1), by striking the semicolon at the end and inserting ''including—

''(A) the amount contributed to a student scholarship fund established under section 404E; and

''(B) the amount of the costs of administering the scholarship program under section 404E;''.

(6) in subsection (c)—

(A) in paragraph (2), by striking ''and'' after the semicolon;

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(4) other resources recognized by the Secretary, including equipment and supplies, cash contributions from non-Federal sources, transportation expenses, in-kind or discounted program services, indirect costs, and facility usage.''.

(d) ACTIVITIES.—Section 404D (20 U.S.C. 1070a–24) is amended to read as follows:

''SEC. 404D. ACTIVITIES.

''(a) REQUIRED ACTIVITIES.—Each eligible entity receiving a grant under this chapter shall carry out the following:

''(1) Provide information regarding financial aid for postsecondary education to participating students in the cohort described in subsection 404B(d)(1)(A).

''(2) Encourage student enrollment in rigorous and challenging curricula and coursework, in order to reduce the need for remedial coursework at the postsecondary level.

''(3) Support activities designed to improve the number of participating students who—

''(A) obtain a secondary school diploma; and

''(B) complete applications for and enroll in a program of postsecondary education.

''(4) In the case of an eligible entity described in section 404A(c)(1), provide for the scholarships described in section 404E.

''(b) OPTIONAL ACTIVITIES FOR STATES AND PARTNERSHIPS.—An eligible entity that receives a grant under this chapter may use grant funds to carry out 1 or more of the following activities:

''(1) Providing tutoring and supporting mentors, including adults or former participants of a program under this chapter, for eligible students.

''(2) Conducting outreach activities to recruit priority students described in subsection (d) to participate in program activities.

''(3) Providing supportive services to eligible students.

''(4) Supporting the development or implementation of rigorous academic curricula, which may include college preparatory, Advanced Placement, or International Baccalaureate programs, and providing participating students access to rigorous core courses that reflect challenging State academic standards.

''(5) Supporting dual or concurrent enrollment programs between the secondary school and institution of higher education partners of an eligible entity described in section 404A(c)(2), and other activities that support participating students in—

''(A) meeting challenging academic standards;

''(B) successfully applying for postsecondary education;

''(C) successfully applying for student financial aid; and

''(D) developing graduation and career plans.

''(6) Providing support for scholarships described in section 404E.

''(7) Introducing eligible students to institutions of higher education, through trips and school-based sessions.

''(8) Providing an intensive extended school day, school year, or summer program that offers—

''(A) additional academic classes; or

''(B) assistance with college admission applications.

''(9) Providing other activities designed to ensure secondary school completion and postsecondary education enrollment of at-risk children, such as—

''(A) the identification of at-risk children;

''(B) after-school and summer tutoring;

''(C) assistance to at-risk children in obtaining summer jobs;

''(D) academic counseling;

''(E) volunteer and parent involvement;

''(F) encouraging former or current participants of a program under this chapter to serve as peer counselors;

''(G) skills assessments;

''(H) personal counseling;

''(I) family counseling and home visits;

''(J) staff development; and

''(K) programs and activities described in this subsection that are specially designed for students who are limited English proficient.

''(10) Enabling eligible students to enroll in Advanced Placement or International Baccalaureate courses, or college entrance examination preparation courses.

''(11) Providing services to eligible students in the participating cohort described in section 404B(d)(1)(A), through the first year of attendance at an institution of higher education.

''(12) Fostering and improving parent and family involvement in elementary and secondary education by promoting the advantages of a college education, and emphasizing academic admission requirements and the need to take college preparation courses, through parent engagement and leadership activities.

''(13) Disseminating information that promotes the importance of higher education, explains college preparation and admissions requirements, and raises awareness of the resources and services provided by the eligible entities to eligible students, their families, and communities.

''(c) ADDITIONAL OPTIONAL ACTIVITIES FOR STATES.—In addition to the required activities described in subsection (a) and the optional activities described in subsection (b), an eligible entity described in section 404A(c)(1) receiving funds under this chapter may use grant funds to carry out 1 or more of the following activities:

''(1) Providing technical assistance to—

''(A) middle schools or secondary schools that are located within the State; or

''(B) partnerships described in section 404A(c)(2) that are located within the State.

''(2) Providing professional development opportunities to individuals working with eligible cohorts of students described in section 404B(d)(1)(A).

''(3) Providing strategies and activities that align efforts in the State to prepare eligible students for attending and succeeding in postsecondary education, which may include the development of graduation and career plans.

''(4) Disseminating information on the use of scientifically based research and best practices to improve services for eligible students.

''(5)(A) Disseminating information on effective coursework and support services that

assist students in obtaining the goals described in subparagraph (B)(ii).

''(B) Identifying and disseminating information on best practices with respect to—

''(i) increasing parental involvement; and

''(ii) preparing students, including students with disabilities and students who are limited English proficient, to succeed academically in, and prepare financially for, postsecondary education.

''(6) Working to align State academic standards and curricula with the expectations of postsecondary institutions and employers.

''(7) Developing alternatives to traditional secondary school that give students a head start on attaining a recognized postsecondary credential (including an industry certificate, an apprenticeship, or an associate's or a bachelor's degree), including school designs that give students early exposure to college-level courses and experiences and allow students to earn transferable college credits or an associate's degree at the same time as a secondary school diploma.

''(8) Creating community college programs for drop-outs that are personalized drop-out recovery programs that allow drop-outs to complete a regular secondary school diploma and begin college-level work.

''(d) PRIORITY STUDENTS.—For eligible entities not using a cohort approach, the eligible entity shall treat as priority students any student in middle or secondary school who is eligible—

''(1) to be counted under section 1124(c) of the Elementary and Secondary Education Act of 1965;

''(2) for free or reduced price meals under the Richard B. Russell National School Lunch Act;

''(3) for assistance under a State program funded under part A or E of title IV of the Social Security Act (42 U.S.C. 601 et seq., 670 et seq.); or

''(4) for assistance under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.).

''(e) ALLOWABLE PROVIDERS.—In the case of eligible entities described in section 404A(c)(1), the activities required by this section may be provided by service providers such as community-based organizations, schools, institutions of higher education, public and private agencies, nonprofit and philanthropic organizations, businesses, institutions and agencies sponsoring programs authorized under subpart 4, and other organizations the State determines appropriate.''.

(e) SCHOLARSHIP COMPONENT.—Section 404E (20 U.S.C. 1070a–25) is amended—

(1) by striking subsections (e) and (f);

(2) by redesignating subsections (b), (c), and (d) as subsections (d), (f), and (g), respectively;

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

''(b) LIMITATION.—

''(1) IN GENERAL.—Subject to paragraph (2), each eligible entity described in section 404A(c)(1) that receives a grant under this chapter shall use not less than 25 percent and not more than 50 percent of the grant funds for activities described in section 404D (except for the activity described in subsection (a)(4) of such section), with the remainder of such funds to be used for a scholarship program under this section in accordance with such subsection.

''(2) EXCEPTION.—Notwithstanding paragraph (1), the Secretary may allow an eligible entity to use more than 50 percent of grant funds received under this chapter for such activities, if the eligible entity demonstrates that the eligible entity has another means of providing the students with the financial assistance described in this section and describes such means in the application submitted under section 404C.

''(c) NOTIFICATION OF ELIGIBILITY.—Each eligible entity providing scholarships under this section shall provide information on the eligibility requirements for the scholarships to all participating students upon the students' entry into the programs assisted under this chapter.'';

(4) in subsection (d) (as redesignated by paragraph (2)), by striking ''the lesser of'' and all that follows through the period at the end of paragraph (2) and inserting ''the minimum Federal Pell Grant award under section 401 for such award year.'';

(5) by inserting after subsection (d) (as redesignated by paragraph (2) and amended by paragraph (4)) the following:

''(e) PORTABILITY OF ASSISTANCE.—

''(1) IN GENERAL.—Each eligible entity described in section 404A(c)(1) that receives a grant under this chapter shall create or organize a trust for each cohort described in section 404B(d)(1)(A) for which the grant is sought in the application submitted by the entity, which trust shall be an amount that is not less than the minimum scholarship amount described in subsection (d), multiplied by the number of students participating in the cohort.

''(2) REQUIREMENT FOR PORTABILITY.—Funds contributed to the trust for a cohort shall be available to a student in the cohort when the student has—

''(A) completed a secondary school diploma, its recognized equivalent, or other recognized alternative standard for individuals with disabilities; and

''(B) enrolled in an institution of higher education.

''(3) QUALIFIED EDUCATIONAL EXPENSES.—Funds available to an eligible student from a trust may be used for—

''(A) tuition, fees, books, supplies, and equipment required for the enrollment or attendance of the eligible student at an institution of higher education; and

''(B) in the case of an eligible student with special needs, expenses for special needs services which are incurred in connection with such enrollment or attendance.

''(4) RETURN OF FUNDS.—

''(A) REDISTRIBUTION.—

''(i) IN GENERAL.—Trust funds that are not used by an eligible student within 6 years of the student's scheduled completion of secondary school may be redistributed by the eligible entity to other eligible students.

''(ii) RETURN OF EXCESS TO THE SECRETARY.—If, after meeting the requirements of paragraph (1) and, if applicable, redistributing excess funds in accordance with clause (i), an eligible entity has funds remaining, the eligible entity shall return excess funds to the Secretary for distribution to other grantees under this chapter.

''(B) NONPARTICIPATING ENTITY.—Notwithstanding subparagraph (A), in the case of an eligible entity described in section 404A(c)(1)(A) that does not receive assistance under this subpart for 6 fiscal years, the eligible entity shall return any trust funds not awarded or obligated to eligible students to the Secretary for distribution to other grantees under this chapter.''; and

(6) in subsection (g) (as redesignated by paragraph (2))—

(A) in paragraph (2), by striking ''1993'' and inserting ''2001''; and

(B) in paragraph (4), by striking ''early intervention component required under section 404D'' and inserting ''activities required under section 404D(a)''.

(f) REPEAL OF 21ST CENTURY SCHOLAR CERTIFICATES.—Chapter 2 of subpart 2 of part A of title IV (20 U.S.C. 1070a–21 et seq.) is further amended—

(1) by striking section 404F; and

(2) by redesignating sections 404G and 404H as sections 404F and 404G, respectively.

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 404G (as redesignated by subsection (f)) (20 U.S.C. 1070a–28) is amended by striking ''$200,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

(h) CONFORMING AMENDMENTS.—Chapter 2 of subpart 2 of part A of title IV (20 U.S.C. 1070a–21 et seq.) is further amended—

(1) in section 404A(b)(1), by striking ''404H'' and inserting ''404G'';

(2) in section 404B(a)(1), by striking ''404H'' and inserting ''404G''; and

(3) in section 404F(c) (as redesignated by subsection (f)(2)), by striking ''404H'' and inserting ''404G''.

SEC. 405. ACADEMIC ACHIEVEMENT INCENTIVE SCHOLARSHIPS.

Chapter 3 of subpart 2 of part A of title IV (20 U.S.C. 1070a–31 et seq.) is repealed.

SEC. 406. FEDERAL SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS.

(a) APPROPRIATIONS AUTHORIZED.—Section 413A(b)(1) (20 U.S.C. 1070b(b)(1)) is amended by striking ''$675,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

(b) ALLOCATION OF FUNDS.—

(1) ALLOCATION OF FUNDS.—Section 413D (20 U.S.C. 1070b–3) is amended—

(A) by striking subsection (a)(4); and

(B) in subsection (c)(3)(D), by striking ''$450'' and inserting ''$600''.

(2) TECHNICAL CORRECTION.—Section 413D(a)(1) (20 U.S.C. 1070b–3(a)(1)) is amended by striking ''such institution'' and all that follows through the period and inserting ''such institution received under subsections (a) and (b) of this section for fiscal year 1999 (as such subsections were in effect with respect to allocations for such fiscal year).''.

SEC. 407. LEVERAGING EDUCATIONAL ASSISTANCE PARTNERSHIP PROGRAM.

(a) APPROPRIATIONS AUTHORIZED.—Section 415A(b)(1) (20 U.S.C. 1070c(b)(1)) is amended to read as follows:

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this subpart such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

(b) APPLICATIONS.—Section 415C(b) (20 U.S.C. 1070c–2(b)) is amended—

(1) in the matter preceding subparagraph (A) of paragraph (2), by striking ''not in excess of $5,000 per academic year'' and inserting ''not to exceed the lesser of $12,500 or the student's cost of attendance per academic year''; and

(2) by striking paragraph (10) and inserting the following:

''(10) provides notification to eligible students that such grants are—

''(A) Leveraging Educational Assistance Partnership grants; and

''(B) funded by the Federal Government, the State, and other contributing partners.''.

(c) GRANTS FOR ACCESS AND PERSISTENCE.—Section 415E (20 U.S.C. 1070c–3a) is amended to read as follows:

''SEC. 415E. GRANTS FOR ACCESS AND PERSISTENCE.

''(a) PURPOSE.—It is the purpose of this section to expand college access and increase college persistence by making allotments to States to enable the States to—

''(1) expand and enhance partnerships with institutions of higher education, early information and intervention, mentoring, or outreach programs, private corporations, philanthropic organizations, and other interested parties in order to—

''(A) carry out activities under this section; and

''(B) provide coordination and cohesion among Federal, State, and local governmental and private efforts that provide financial assistance to help low-income students attend an institution of higher education;

''(2) provide need-based grants for access and persistence to eligible low-income students;

''(3) provide early notification to low-income students of the students' eligibility for financial aid; and

''(4) encourage increased participation in early information and intervention, mentoring, or outreach programs.

''(b) ALLOTMENTS TO STATES.—

''(1) IN GENERAL.—

''(A) AUTHORIZATION.—From sums reserved under section 415A(b)(2) for each fiscal year, the Secretary shall make an allotment to each State that submits an application for an allotment in accordance with subsection (c) to enable the State to pay the Federal share, as described in paragraph (2), of the cost of carrying out the activities under subsection (d).

''(B) DETERMINATION OF ALLOTMENT.—In making allotments under subparagraph (A), the Secretary shall consider the following:

''(i) CONTINUATION OF AWARD.—If a State continues to meet the specifications established in such State's application under subsection (c), the Secretary shall make an allotment to such State that is not less than the allotment made to such State for the previous fiscal year.

''(ii) PRIORITY.—The Secretary shall give priority in making allotments to States that meet the requirements described in paragraph (2)(A)(ii).

''(2) FEDERAL SHARE.—

''(A) IN GENERAL.—The Federal share under this section shall be determined in accordance with the following:

''(i) If a State applies for an allotment under this section in partnership with—

''(I) any number of degree granting institutions of higher education in the State whose combined full-time enrollment represents less than a majority of all students attending institutions of higher education in the State; and

''(II)(aa) philanthropic organizations that are located in, or that provide funding in, the State; or

''(bb) private corporations that are located in, or that do business in, the State,

then the Federal share of the cost of carrying out the activities under subsection (d) shall be equal to 50 percent.

''(ii) If a State applies for an allotment under this section in partnership with—

''(I) any number of degree granting institutions of higher education in the State whose combined full-time enrollment represents a majority of all students attending institutions of higher education in the State; and

''(II)(aa) philanthropic organizations that are located in, or that provide funding in, the State; or

''(bb) private corporations that are located in, or that do business in, the State,

then the Federal share of the cost of carrying out the activities under subsection (d) shall be equal to 57 percent.

''(B) NON-FEDERAL SHARE.—

''(i) IN GENERAL.—The non-Federal share under this section may be provided in cash or in kind, fully evaluated and in accordance with this subparagraph.

''(ii) IN KIND CONTRIBUTION.—For the purpose of calculating the non-Federal share under this section, an in kind contribution is a non-cash award that has monetary value, such as provision of room and board and transportation passes, and that helps a student meet the cost of attendance.

''(iii) EFFECT ON NEED ANALYSIS.—For the purpose of calculating a student's need in accordance with part F of this title, an in-kind contribution described in clause (ii) shall not be considered an asset or income.

''(c) APPLICATION FOR ALLOTMENT.—

''(1) IN GENERAL.—

''(A) SUBMISSION.—A State that desires to receive an allotment under this section on behalf of a partnership described in paragraph (3) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(B) CONTENT.—An application submitted under subparagraph (A) shall include the following:

''(i) A description of the State's plan for using the allotted funds.

''(ii) Assurances that the State will provide the non-Federal share from State, institutional, philanthropic, or private funds, of not less than the required share of the cost of carrying out the activities under subsection (d), as determined under subsection (b), in accordance with the following:

''(I) The State shall specify the methods by which non-Federal share funds will be paid, and include provisions designed to ensure that funds provided under this section will be used to supplement, and not supplant, Federal and non-Federal funds available for carrying out the activities under this title.

''(II) A State that uses non-Federal funds to create or expand existing partnerships with nonprofit organizations or community-based organizations in which such organizations match State funds for student scholarships, may apply such matching funds from such organizations toward fulfilling the State's non-Federal share obligation under this clause.

''(iii) Assurances that early information and intervention, mentoring, or outreach programs exist within the State or that there is a plan to make such programs widely available.

''(iv) A description of the organizational structure that the State has in place to administer the activities under subsection (d), including a description of the system the State will use to track the participation of students who receive grants under this section to degree completion.

''(v) Assurances that the State has a method in place, such as acceptance of the automatic zero expected family contribution determination described in section 479, to identify eligible low-income students and award State grant aid to such students.

''(vi) Assurances that the State will provide notification to eligible low-income students that grants under this section are—

''(I) Leveraging Educational Assistance Partnership Grants; and

''(II) funded by the Federal Government, the State, and other contributing partners.

''(2) STATE AGENCY.—The State agency that submits an application for a State under section 415C(a) shall be the same State agency that submits an application under paragraph (1) for such State.

''(3) PARTNERSHIP.—In applying for an allotment under this section, the State agency shall apply for the allotment in partnership with—

''(A) not less than 1 public and 1 private degree granting institution of higher education that are located in the State, if applicable;

''(B) new or existing early information and intervention, mentoring, or outreach programs located in the State; and

''(C) not less than 1—

''(i) philanthropic organization located in, or that provides funding in, the State; or

''(ii) private corporation located in, or that does business in, the State.

''(4) ROLES OF PARTNERS.—

''(A) STATE AGENCY.—A State agency that is in a partnership receiving an allotment under this section—

''(i) shall—

''(I) serve as the primary administrative unit for the partnership;

''(II) provide or coordinate non-Federal share funds, and coordinate activities among partners;

''(III) encourage each institution of higher education in the State to participate in the partnership;

''(IV) make determinations and early notifications of assistance as described under subsection (d)(2); and

''(V) annually report to the Secretary on the partnership's progress in meeting the purpose of this section; and

''(ii) may provide early information and intervention, mentoring, or outreach programs.

''(B) DEGREE GRANTING INSTITUTIONS OF HIGHER EDUCATION.—A degree granting institution of higher education that is in a partnership receiving an allotment under this section—

''(i) shall—

''(I) recruit and admit participating qualified students and provide such additional institutional grant aid to participating students as agreed to with the State agency;

''(II) provide support services to students who receive grants for access and persistence under this section and are enrolled at such institution; and

''(III) assist the State in the identification of eligible students and the dissemination of early notifications of assistance as agreed to with the State agency; and

''(ii) may provide funding for early information and intervention, mentoring, or outreach programs or provide such services directly.

''(C) PROGRAMS.—An early information and intervention, mentoring, or outreach program that is in a partnership receiving an allotment under this section shall provide direct services, support, and information to participating students.

''(D) PHILANTHROPIC ORGANIZATION OR PRIVATE CORPORATION.—A philanthropic organization or private corporation that is in a partnership receiving an allotment under this section shall provide funds for grants for access and persistence for participating students, or provide funds or support for early information and intervention, mentoring, or outreach programs.

''(d) AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—

''(A) ESTABLISHMENT OF PARTNERSHIP.—Each State receiving an allotment under this section shall use the funds to establish a partnership to award grants for access and persistence to eligible low-income students in order to increase the amount of financial assistance such students receive under this subpart for undergraduate education expenses.

''(B) AMOUNT OF GRANTS.—

''(i) PARTNERSHIPS WITH INSTITUTIONS SERVING LESS THAN A MAJORITY OF STUDENTS IN THE STATE.—

''(I) IN GENERAL.—In the case where a State receiving an allotment under this section is in a partnership described in subsection (b)(2)(A)(i), the amount of a grant for access and persistence awarded to a student by such State shall be not less than the amount that is equal to the average undergraduate tuition and mandatory fees at 4-year public institutions of higher education in the State where the student resides (less any amounts of other Federal or State sponsored grants, work study, and scholarships received by the

student), and such grant for access and persistence shall be used toward the cost of attendance at an institution of higher education located in the State.

''(II) COST OF ATTENDANCE.—A State that has a program, apart from the partnership under this section, of providing eligible low-income students with grants that are equal to the average undergraduate tuition and mandatory fees at 4-year public institutions of higher education in the State, may increase the amount of grants for access and persistence awarded to students by such State up to an amount that is equal to the average cost of attendance at 4-year public institutions of higher education in the State (less any amounts of other Federal or State sponsored grants, work study, and scholarships received by the student).

''(ii) PARTNERSHIPS WITH INSTITUTIONS SERVING THE MAJORITY OF STUDENTS IN THE STATE.—In the case where a State receiving an allotment under this section is in a partnership described in subsection (b)(2)(A)(ii), the amount of a grant for access and persistence awarded to a student by such State shall be not more than an amount that is equal to the average cost of attendance at 4-year public institutions of higher education in the State where the student resides (less any amounts of other Federal or State sponsored grants, work study, and scholarships received by the student), and such grant for access and persistence shall be used by the student to attend an institution of higher education located in the State.

''(C) SPECIAL RULES.—

''(i) PARTNERSHIP INSTITUTIONS.—A State receiving an allotment under this section may restrict the use of grants for access and persistence under this section by awarding the grants only to students attending institutions of higher education that are participating in the partnership.

''(ii) OUT-OF-STATE INSTITUTIONS.—If a State provides grants through another program under this subpart to students attending institutions of higher education located in another State, such agreement may also apply to grants awarded under this section.

''(2) EARLY NOTIFICATION.—

''(A) IN GENERAL.—Each State receiving an allotment under this section shall annually notify low-income students, such as students who are eligible to receive a free lunch under the school lunch program established under the Richard B. Russell National School Lunch Act, in grade 7 through grade 12 in the State, of the students' potential eligibility for student financial assistance, including a grant for access and persistence, to attend an institution of higher education.

''(B) CONTENT OF NOTICE.—The notification under subparagraph (A)—

''(i) shall include—

''(I) information about early information and intervention, mentoring, or outreach programs available to the student;

''(II) information that a student's eligibility for a grant for access and persistence is enhanced through participation in an early information and intervention, mentoring, or outreach program;

''(III) an explanation that student and family eligibility for, and participation in, other Federal means-tested programs may indicate eligibility for a grant for access and persistence and other student aid programs;

''(IV) a nonbinding estimate of the total amount of financial aid that a low-income student with a similar income level may expect to receive, including an estimate of the amount of a grant for access and persistence and an estimate of the amount of grants, loans, and all other available types of aid from the major Federal and State financial aid programs;

''(V) an explanation that in order to be eligible for a grant for access and persistence, at a minimum, a student shall—

''(aa) meet the requirement under paragraph (3);

''(bb) graduate from secondary school; and

''(cc) enroll at an institution of higher education that is a partner in the partnership or qualifies under subsection (d)(1)(C)(ii);

''(VI) information on any additional requirements (such as a student pledge detailing student responsibilities) that the State may impose for receipt of a grant for access and persistence under this section; and

''(VII) instructions on how to apply for a grant for access and persistence and an explanation that a student is required to file a Free Application for Federal Student Aid authorized under section 483(a) to be eligible for such grant and assistance from other Federal and State financial aid programs; and

''(ii) may include a disclaimer that grant awards for access and persistence are contingent upon—

''(I) a determination of the student's financial eligibility at the time of the student's enrollment at an institution of higher education that is a partner in the partnership or qualifies under subsection (d)(1)(C)(ii);

''(II) annual Federal and State appropriations; and

''(III) other aid received by the student at the time of the student's enrollment at such institution of higher education.

''(3) ELIGIBILITY.—In determining which students are eligible to receive grants for access and persistence, the State shall ensure that each such student meets not less than 1 of the following:

''(A) Meets not less than 2 of the following criteria, with priority given to students meeting all of the following criteria:

''(i) Has an expected family contribution equal to zero (as described in section 479) or a comparable alternative based upon the State's approved criteria in section 415C(b)(4).

''(ii) Has qualified for a free lunch, or at the State's discretion a reduced price lunch, under the school lunch program established under the Richard B. Russell National School Lunch Act.

''(iii) Qualifies for the State's maximum undergraduate award, as authorized under section 415C(b).

''(iv) Is participating in, or has participated in, a Federal, State, institutional, or community early information and intervention, mentoring, or outreach program, as recognized by the State agency administering activities under this section.

''(B) Is receiving, or has received, a grant for access and persistence under this section, in accordance with paragraph (5).

''(4) GRANT AWARD.—Once a student, including those students who have received early notification under paragraph (2) from the State, applies for admission to an institution that is a partner in the partnership, files a Free Application for Federal Student Aid and any related existing State form, and is determined eligible by the State under paragraph (3), the State shall—

''(A) issue the student a preliminary award certificate for a grant for access and persistence with tentative award amounts; and

''(B) inform the student that payment of the grant for access and persistence award amounts is subject to certification of enrollment and award eligibility by the institution of higher education.

''(5) DURATION OF AWARD.—An eligible student that receives a grant for access and persistence under this section shall receive such grant award for each year of such student's undergraduate education in which the student remains eligible for assistance under this title, including pursuant to section 484(c), and remains financially eligible as determined by the State, except that the State may impose reasonable time limits to degree completion.

''(e) USE OF FUNDS FOR ADMINISTRATIVE COSTS PROHIBITED.—A State that receives an allotment under this section shall not use any of the allotted funds to pay administrative costs associated with any of the authorized activities described in subsection (d).

''(f) STATUTORY AND REGULATORY RELIEF FOR INSTITUTIONS OF HIGHER EDUCATION.—The Secretary may grant, upon the request of an institution of higher education that is in a partnership described in subsection (b)(2)(A)(ii) and that receives an allotment under this section, a waiver for such institution from statutory or regulatory requirements that inhibit the ability of the institution to successfully and efficiently participate in the activities of the partnership.

''(g) APPLICABILITY RULE.—The provisions of this subpart which are not inconsistent with this section shall apply to the program authorized by this section.

''(h) MAINTENANCE OF EFFORT REQUIREMENT.—Each State receiving an allotment under this section for a fiscal year shall provide the Secretary with an assurance that the aggregate amount expended per student or the aggregate expenditures by the State, from funds derived from non-Federal sources, for the authorized activities described in subsection (d) for the preceding fiscal year were not less than the amount expended per student or the aggregate expenditure by the State for the activities for the second preceding fiscal year.

''(i) SPECIAL RULE.—Notwithstanding subsection (h), for purposes of determining a State's share of the cost of the authorized activities described in subsection (d), the State shall consider only those expenditures from non-Federal sources that exceed the State's total expenditures for need-based grants, scholarships, and work-study assistance for fiscal year 1999 (including any such assistance provided under this subpart).

''(j) CONTINUATION AND TRANSITION.—For the 2-year period that begins on the date of enactment of the Higher Education Amendments of 2007, the Secretary shall continue to award grants under section 415E of the Higher Education Act of 1965 as such section existed on the day before the date of enactment of such Act to States that choose to apply for grants under such predecessor section.

''(k) REPORTS.—Not later than 3 years after the date of enactment of the Higher Education Amendments of 2007 and annually thereafter, the Secretary shall submit a report describing the activities and the impact of the partnerships under this section to the authorizing committees.''.

SEC. 408. SPECIAL PROGRAMS FOR STUDENTS WHOSE FAMILIES ARE ENGAGED IN MIGRANT AND SEASONAL FARMWORK.

Section 418A (20 U.S.C. 1070d–2) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(B)(i), by striking ''parents'' and inserting ''immediate family'';

(B) in paragraph (3)(B), by inserting ''(including preparation for college entrance examinations)'' after ''college program'';

(C) in paragraph (5), by striking ''weekly'';

(D) in paragraph (7), by striking ''and'' after the semicolon;

(E) in paragraph (8)—

(i) by inserting ''(such as transportation and child care)'' after ''services''; and

(ii) by striking the period at the end and inserting ''; and''; and

(F) by adding at the end the following:

''(9) other activities to improve persistence and retention in postsecondary education.'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''parents'' and inserting ''immediate family''; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by inserting ''to improve placement, persistence, and retention in postsecondary education,'' after ''services''; and

(II) in clause (i), by striking ''and career'' and inserting ''career, and economic education or personal finance'';

(iii) in subparagraph (E), by striking ''and'' after the semicolon;

(iv) by redesignating subparagraph (F) as subparagraph (G);

(v) by inserting after subparagraph (E) the following:

''(F) internships; and''; and

(vi) in subparagraph (G) (as redesignated by clause (iv)), by striking ''support services'' and inserting ''essential supportive services (such as transportation and child care)'' ; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''and'' after the semicolon;

(ii) in subparagraph (B), by striking the period at the end and inserting '', and coordinating such services, assistance, and aid with other non-program services, assistance, and aid, including services, assistance, and aid provided by community-based organizations, which may include mentoring and guidance; and''; and

(iii) by adding at the end the following:

''(C) for students attending 2-year institutions of higher education, encouraging the students to transfer to 4-year institutions of higher education, where appropriate, and monitoring the rate of transfer of such students.'';

(3) in subsection (e), by striking ''section 402A(c)(1)'' and inserting ''section 402A(c)(2)'';

(4) in subsection (f)—

(A) in paragraph (1), by striking ''$150,000'' and inserting ''$180,000''; and

(B) in paragraph (2), by striking ''$150,000'' and inserting ''$180,000'';

(5) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively;

(6) by inserting after subsection (f) the following:

''(g) RESERVATION OF FUNDS.—From the amounts made available under subsection (i), the Secretary may reserve not more than a total of ½ of 1 percent for outreach activities, technical assistance, and professional development programs relating to the programs under subsection (a).'';

(7) by striking subsection (h) (as redesignated by paragraph (5)) and inserting the following:

''(h) DATA COLLECTION.—The Commissioner for Education Statistics shall—

''(1) annually collect data on persons receiving services authorized under this subpart regarding such persons' rates of secondary school graduation, entrance into postsecondary education, and completion of postsecondary education;

''(2) not less often than once every 2 years, prepare and submit a report based on the most recently available data under paragraph (1) to the authorizing committees; and

''(3) make such report available to the public.''; and

(8) in subsection (i) (as redesignated by paragraph (5))—

(A) in paragraph (1), by striking ''$15,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''; and

(B) in paragraph (2), by striking ''$5,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

SEC. 409. ROBERT C. BYRD HONORS SCHOLARSHIP PROGRAM.

(a) ELIGIBILITY OF SCHOLARS.—Section 419F(a) (20 U.S.C. 1070d–36(a)) is amended by inserting ''(or a home school, whether treated as a home school or a private school under State law)'' after ''public or private secondary school''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 419K (20 U.S.C. 1070d–41) is amended by striking ''$45,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

SEC. 410. CHILD CARE ACCESS MEANS PARENTS IN SCHOOL.

(a) MINIMUM GRANT.—Section 419N(b)(2)(B) (20 U.S.C. 1070e(b)(2)(B)) is amended—

(1) by striking ''A grant'' and inserting the following:

''(i) IN GENERAL.—Except as provided in clause (ii), a grant''; and

(2) by adding at the end the following:

''(ii) INCREASE TRIGGER.—For any fiscal year for which the amount appropriated under the authority of subsection (g) is equal to or greater than $20,000,000, a grant under this section shall be awarded in an amount that is not less than $30,000.''.

(b) DEFINITION OF LOW-INCOME STUDENT.—Paragraph (7) of section 419N(b) (20 U.S.C. 1070e(b)) is amended to read as follows:

''(7) DEFINITION OF LOW-INCOME STUDENT.—For the purpose of this section, the term 'low-income student' means a student who—

''(A) is eligible to receive a Federal Pell Grant for the award year for which the determination is made; or

''(B) would otherwise be eligible to receive a Federal Pell Grant for the award year for which the determination is made, except that the student fails to meet the requirements of—

''(i) section 401(c)(1) because the student is enrolled in a graduate or first professional course of study; or

''(ii) section 484(a)(5) because the student is in the United States for a temporary purpose.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 419N(g) (20 U.S.C. 1070e(g)) is amended by striking ''$45,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

SEC. 411. LEARNING ANYTIME ANYWHERE PARTNERSHIPS.

Subpart 8 of part A of title IV (20 U.S.C. 1070f et seq.) is repealed.

PART B—FEDERAL FAMILY EDUCATION LOAN PROGRAM

SEC. 421. FEDERAL PAYMENTS TO REDUCE STUDENT INTEREST COSTS.

Section 428 (as amended by this Act) (20 U.S.C. 1078) is further amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (X), by striking ''and'' after the semicolon;

(ii) in subparagraph (Y)—

(I) by striking clause (i) and inserting the following:

''(i) the lender shall determine the eligibility of a borrower for a deferment described in subparagraph (M)(i) based on—

''(I) receipt of a request for deferment from the borrower and documentation of the borrower's eligibility for the deferment;

''(II) receipt of a newly completed loan application that documents the borrower's eligibility for a deferment;

''(III) receipt of student status information received by the lender that the borrower is enrolled on at least a half-time basis; or

''(IV) the lender's confirmation of the borrower's half-time enrollment status through use of the National Student Loan Data System, if the confirmation is requested by the institution of higher education.''; and

(II) in clause (ii), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(Z) provides that the lender shall, at the time the lender grants a deferment to a borrower who received a loan under section 428H and is eligible for a deferment under section 428(b)(1)(M), provide information to the borrower to enable the borrower to understand the impact of capitalization of interest on the borrower's loan principal and total amount of interest to be paid during the life of the loan.'';

(B) in paragraph (2)(F)—

(i) in clause (i)—

(I) in subclause (III), by striking ''and'' after the semicolon;

(II) in subclause (IV), by striking ''and'' after the semicolon; and

(III) by adding at the end the following:

''(V) the effective date of the transfer;

''(VI) the date the current servicer will stop accepting payments; and

''(VII) the date at which the new servicer will begin accepting payments.''; and

(C) by striking paragraph (3) and inserting the following:

''(3) RESTRICTIONS ON INDUCEMENTS, PAYMENTS, MAILINGS, AND ADVERTISING.—A guaranty agency shall not—

''(A) offer, directly or indirectly, premiums, payments, stock or other securities, prizes, travel, entertainment expenses, tuition repayment, or other inducements to—

''(i) any institution of higher education or the employees of an institution of higher education in order to secure applicants for loans made under this part; or

''(ii) any lender, or any agent, employee, or independent contractor of any lender or guaranty agency, in order to administer or market loans made under this part (other than a loan made under section 428H or a loan made as part of the guaranty agency's lender-of-last-resort program pursuant to section 439(q)) for the purpose of securing the designation of the guaranty agency as the insurer of such loans;

''(B) conduct unsolicited mailings, by postal or electronic means, of educational loan application forms to students enrolled in secondary school or postsecondary educational institutions, or to the parents of such students, except that applications may be mailed, by postal or electronic means, to students or borrowers who have previously received loans guaranteed under this part by the guaranty agency;

''(C) perform, for an institution of higher education participating in a program under this title, any function that the institution is required to perform under part B, D, or G;

''(D) pay, on behalf of the institution of higher education, another person to perform any function that the institution of higher education is required to perform under part B, D, or G; or

''(E) conduct fraudulent or misleading advertising concerning loan availability, terms, or conditions.

It shall not be a violation of this paragraph for a guaranty agency to provide technical assistance to institutions of higher education comparable to the technical assistance provided to institutions of higher education by the Department.''; and

(2) in subsection (c)—

(A) in paragraph (2)(H)(i), by striking ''preclaims'' and inserting ''default aversion''; and

(B) in paragraph (3)(D)—

(i) in clause (i), by striking ''and'' after the comma at the end;

(ii) in clause (ii), by striking the period and inserting a semicolon; and

(iii) by inserting after clause (ii) the following:

''(iii) the lender shall, at the time of granting a borrower forbearance, provide information to the borrower to enable the borrower to understand the impact of capitalization of interest on the borrower's loan principal and total amount of interest to be paid during the life of the loan; and

''(iv) the lender shall contact the borrower not less often than once every 180 days during the period of forbearance to inform the borrower of—

''(I) the amount of unpaid principal and the amount of interest that has accrued since the last statement of such amounts provided to the borrower by the lender;

''(II) the fact that interest will accrue on the loan for the period of forbearance;

''(III) the amount of interest that will be capitalized, and the date on which capitalization will occur;

''(IV) the ability of the borrower to pay the interest that has accrued before the interest is capitalized; and

''(V) the borrower's option to discontinue the forbearance at any time.''.

SEC. 422. FEDERAL CONSOLIDATION LOANS.

(a) AMENDMENTS.—Section 428C(b)(1) (20 U.S.C. 1078–3(b)(1)) is amended—

(1) in subparagraph (E), by striking ''and'' after the semicolon;

(2) by redesignating subparagraph (F) as subparagraph (H); and

(3) by inserting after subparagraph (E) the following:

''(F) that the lender will disclose, in a clear and conspicuous manner, to borrowers who consolidate loans made under part E of this title—

''(i) that once the borrower adds the borrower's Federal Perkins Loan to a Federal Consolidation Loan, the borrower will lose all interest-free periods that would have been available, such as those periods when no interest accrues on the Federal Perkins Loan while the borrower is enrolled in school at least half-time, during the grace period, and during periods when the borrower's student loan repayments are deferred;

''(ii) that the borrower will no longer be eligible for loan cancellation of Federal Perkins Loans under any provision of section 465; and

''(iii) the occupations described in section 465(a)(2), individually and in detail, for which the borrower will lose eligibility for Federal Perkins Loan cancellation; and

''(G) that the lender shall, upon application for a consolidation loan, provide the borrower with information about the possible impact of loan consolidation, including—

''(i) the total interest to be paid and fees to be paid on the consolidation loan, and the length of repayment for the loan;

''(ii) whether consolidation would result in a loss of loan benefits under this part or part D, including loan forgiveness, cancellation, and deferment;

''(iii) in the case of a borrower that plans to include a Federal Perkins Loan under part E in the consolidation loan, that once the borrower adds the borrower's Federal Perkins Loan to a consolidation loan—

''(I) the borrower will lose all interest–free periods that would have been available for such loan under part E, such as the periods during which no interest accrues on the Federal Perkins Loan while the borrower is enrolled in school at least half-time, the grace period, and the periods during which the borrower's student loan repayments are deferred under section 464(c)(2); and

''(II) the borrower will no longer be eligible for cancellation of part or all of a Federal Perkins loan under section 465(a);

''(iv) the ability of the borrower to prepay the consolidation loan, pay such loan on a shorter schedule, and to change repayment plans;

''(v) that borrower benefit programs for a consolidation loan may vary among different lenders;

''(vi) the consequences of default on the consolidation loan; and

''(vii) that by applying for a consolidation loan, the borrower is not obligated to agree to take the consolidation loan; and''.

(b) CONFORMING AMENDMENT.—Section 455(g) (20 U.S.C. 1087e(g)) is amended by striking ''428C(b)(1)(F)'' and inserting ''428C(b)(1)(H)''.

SEC. 423. DEFAULT REDUCTION PROGRAM.

Section 428F (20 U.S.C. 1078–6) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A), by adding at the end the following: ''Upon the sale of the loan to an eligible lender, the guaranty agency, and any prior holder of the loan, shall request any consumer reporting agency to which the guaranty agency or holder, as applicable, reported the default of the loan, to remove the record of default from the borrower's credit history.''; and

(B) by adding at the end the following:

''(5) LIMITATION.—A borrower may obtain the benefits available under this subsection with respect to rehabilitating a loan only one time per loan.''; and

(2) by adding at the end the following:

''(c) FINANCIAL AND ECONOMIC LITERACY.—Where appropriate as determined by the institution of higher education in which a borrower is enrolled, each program described in subsection (b) shall include making available financial and economic education materials for the borrower, including making the materials available before, during, or after rehabilitation of a loan.''.

SEC. 424. REPORTS TO CONSUMER REPORTING AGENCIES AND INSTITUTIONS OF HIGHER EDUCATION.

Section 430A (20 U.S.C. 1080a) is amended—

(1) in the section heading, by striking ''credit bureaus'' and inserting ''**CONSUMER REPORTING AGENCIES**''; and

(2) in subsection (a)—

(A) in the first sentence, by striking ''with credit bureau organizations'' and inserting ''with each consumer reporting agency that compiles and maintains files on consumers on a nationwide basis (as defined in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p))'';

(B) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (4), and (5), respectively;

(C) by inserting before paragraph (2) (as redesignated by subparagraph (B)), the following:

''(1) the type of loan made, insured, or guaranteed under this title;'';

(D) by inserting after paragraph (2) (as redesignated by subparagraph (B)), the following:

''(3) information concerning the repayment status of the loan, which information shall be included in the file of the borrower, except that nothing in this subsection shall be construed to affect any otherwise applicable provision of the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.)'';

(E) in paragraph (4) (as redesignated by subparagraph (B)), by striking ''and'' after the semicolon;

(F) in paragraph (5) (as redesignated by subparagraph (B)), by striking the period and inserting ''; and''; and

(G) by adding at the end the following:

''(6) any other information required to be reported by Federal law.''.

SEC. 425. COMMON FORMS AND FORMATS.

Section 432(m)(1)(D)(i) (20 U.S.C. 1082(m)(1)(D)(i)) is amended by adding at the end the following: ''Unless otherwise notified by the Secretary, each institution of higher education that participates in the program under this part or part D may use a master promissory note for loans under this part and part D.''.

SEC. 426. STUDENT LOAN INFORMATION BY ELIGIBLE LENDERS.

Section 433 (20 U.S.C. 1083) is amended by adding at the end the following:

''(f) BORROWER INFORMATION AND PRIVACY.—Each entity participating in a program under this part that is subject to subtitle A of title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.) shall only use, release, disclose, sell, transfer, or give student information, including the name, address, social security number, or amount borrowed by a borrower or a borrower's parent, in accordance with the provisions of such subtitle.

''(g) LOAN BENEFIT DISCLOSURES.—

''(1) IN GENERAL.—Each eligible lender, holder, or servicer of a loan made, insured, or guaranteed under this part shall provide the borrower with information on the loan benefit repayment options the lender, holder, or servicer offer, including information on reductions in interest rates—

''(A) by repaying the loan by automatic payroll or checking account deduction;

''(B) by completing a program of on-time repayment; and

''(C) under any other interest rate reduction program.

''(2) INFORMATION.—Such borrower information shall include—

''(A) any limitations on such options;

''(B) explicit information on the reasons a borrower may lose eligibility for such an option;

''(C) examples of the impact the interest rate reductions will have on a borrower's time for repayment and amount of repayment;

''(D) upon the request of the borrower, the effect the reductions in interest rates will have with respect to the borrower's payoff amount and time for repayment; and

''(E) information on borrower recertification requirements.''.

SEC. 427. CONSUMER EDUCATION INFORMATION.

Part B (20 U.S.C. 1071 et seq.) is amended by inserting after section 433 (20 U.S.C. 1083) the following:

''SEC. 433A. CONSUMER EDUCATION INFORMATION.

''Each guaranty agency participating in a program under this part, working with the institutions of higher education served by such guaranty agency (or in the case of an institution of higher education that provides loans exclusively through part D, the institution working with a guaranty agency or with the Secretary), shall develop and make available a high-quality educational program and materials to provide training for students in budgeting and financial management, including debt management and other aspects of financial literacy, such as the cost of using very high interest loans to pay for postsecondary education, particularly as budgeting and financial management relates to student loan programs authorized by this title. Nothing in this section shall be construed to prohibit a guaranty agency from using an existing program or existing materials to meet the requirement of this section. The activities described in this section shall be considered default reduction activities for the purposes of section 422.''.

SEC. 428. DEFINITION OF ELIGIBLE LENDER.

Section 435(d) (20 U.S.C. 1085(d)) is amended—

(1) in paragraph (5)—

(A) by redesignating subparagraphs (C) and (D) as subparagraphs (H) and (I), respectively; and

(B) by striking subparagraphs (A) and (B) and inserting the following:

''(A) offered, directly or indirectly, points, premiums, payments (including payments for referrals and for processing or finder fees), prizes, stock or other securities, travel, entertainment expenses, tuition repayment, the provision of information technology equipment at below-market value, additional financial aid funds, or other inducements to any institution of higher education or any employee of an institution of higher education in order to secure applicants for loans under this part;

''(B) conducted unsolicited mailings, by postal or electronic means, of student loan application forms to students enrolled in secondary school or postsecondary institutions, or to parents of such students, except that applications may be mailed, by postal or electronic means, to students or borrowers who have previously received loans under this part from such lender;

''(C) entered into any type of consulting arrangement, or other contract to provide services to a lender, with an employee who is employed in the financial aid office of an institution of higher education, or who otherwise has responsibilities with respect to student loans or other financial aid of the institution;

''(D) compensated an employee who is employed in the financial aid office of an institution of higher education, or who otherwise has responsibilities with respect to educational loans or other financial aid of the institution, and who is serving on an advisory board, commission, or group established by a lender or group of lenders for providing such service, except that the eligible lender may reimburse such employee for reasonable expenses incurred in providing such service;

''(E) performed for an institution of higher education any function that the institution of higher education is required to carry out under part B, D, or G;

''(F) paid, on behalf of an institution of higher education, another person to perform any function that the institution of higher education is required to perform under part B, D, or G;

''(G) provided payments or other benefits to a student at an institution of higher education to act as the lender's representative to secure applications under this title from individual prospective borrowers, unless such student—

''(i) is also employed by the lender for other purposes; and

''(ii) made all appropriate disclosures regarding such employment;''; and

(2) by adding at the end the following:

''(8) SUNSET OF AUTHORITY FOR SCHOOL AS LENDER PROGRAM.—

''(A) SUNSET.—The authority provided under subsection (d)(1)(E) for an institution to serve as an eligible lender, and under paragraph (7) for an eligible lender to serve as a trustee for an institution of higher education or an organization affiliated with an institution of higher education, shall expire on June 30, 2012.

''(B) APPLICATION TO EXISTING INSTITUTIONAL LENDERS.—An institution that was an eligible lender under this subsection, or an eligible lender that served as a trustee for an institution of higher education or an organization affiliated with an institution of higher education under paragraph (7), before June 30, 2012, shall—

''(i) not issue any new loans in such a capacity under part B after June 30, 2012; and

''(ii) continue to carry out the institution's responsibilities for any loans issued by the institution under part B on or before June 30, 2012, except that, beginning on June 30, 2011, the eligible institution or trustee may, notwithstanding any other provision of this Act, sell or otherwise dispose of such loans if all profits from the divestiture are used for need-based grant programs at the institution.

''(C) AUDIT REQUIREMENT.—All institutions serving as an eligible lender under subsection (d)(1)(E) and all eligible lenders serving as a trustee for an institution of higher education or an organization affiliated with an institution of higher education shall annually complete and submit to the Secretary a compliance audit to determine whether—

''(i) the institution or lender is using all proceeds from special allowance payments and interest payments from borrowers, interest subsidies received from the Department, and any proceeds from the sale or other disposition of loans, for need-based aid programs, in accordance with section 435(d)(2)(A)(viii);

''(ii) the institution or lender is using no more than a reasonable portion of the proceeds described in section 435(d)(2)(A)(viii) for direct administrative expenses; and

''(iii) the institution or lender is ensuring that the proceeds described in section 435(d)(2)(A)(viii) are being used to supplement, and not to supplant, non-Federal funds that would otherwise be used for need-based grant programs.''.

SEC. 429. DISCHARGE AND CANCELLATION RIGHTS IN CASES OF DISABILITY.

(a) FFEL AND DIRECT LOANS.—Section 437(a) (20 U.S.C. 1087) is amended—

(1) by inserting '', or if a student borrower who has received such a loan is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death, has lasted for a continuous period of not less than 60 months, or can be expected to last for a continuous period of not less than 60 months'' after ''of the Secretary),''; and

(2) by adding at the end the following: ''The Secretary may develop such safeguards as the Secretary determines necessary to prevent fraud and abuse in the discharge of liability under this subsection. Notwithstanding any other provision of this subsection, the Secretary may promulgate regulations to resume collection on loans discharged under this subsection in any case in which—

''(1) a borrower received a discharge of liability under this subsection and after the discharge the borrower—

''(A) receives a loan made, insured or guaranteed under this title; or

''(B) has earned income in excess of the poverty line; or

''(2) the Secretary determines necessary.''.

(b) PERKINS.—Section 464(c) (20 U.S.C. 1087dd(c)) is amended—

(1) in paragraph (1)(F)—

(A) by striking ''or if he'' and inserting ''if the borrower''; and

(B) by inserting '', or if the borrower is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death, has lasted for a continuous period of not less than 60 months, or can be expected to last for a continuous period of not less than 60 months'' after ''the Secretary''; and

(2) by adding at the end the following:

''(8) The Secretary may develop such additional safeguards as the Secretary determines necessary to prevent fraud and abuse in the cancellation of liability under paragraph (1)(F). Notwithstanding paragraph (1)(F), the Secretary may promulgate regulations to resume collection on loans cancelled under paragraph (1)(F) in any case in which—

''(A) a borrower received a cancellation of liability under paragraph (1)(F) and after the cancellation the borrower—

''(i) receives a loan made, insured or guaranteed under this title; or

''(ii) has earned income in excess of the poverty line; or

''(B) the Secretary determines necessary.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on July 1, 2008.

PART C—FEDERAL WORK-STUDY PROGRAMS

SEC. 441. AUTHORIZATION OF APPROPRIATIONS.

Section 441(b) (42 U.S.C. 2751(b)) is amended by striking ''$1,000,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

SEC. 442. ALLOWANCE FOR BOOKS AND SUPPLIES.

Section 442(c)(4)(D) (42 U.S.C. 2752(c)(4)(D)) is amended by striking ''$450'' and inserting ''$600''.

SEC. 443. GRANTS FOR FEDERAL WORK-STUDY PROGRAMS.

Section 443(b)(2) (42 U.S.C. 2753(b)(2)) is amended—

(1) by striking subparagraph (A);

(2) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(3) in subparagraph (A) (as redesignated by paragraph (2)), by striking ''this subparagraph if'' and all that follows through ''institution;'' and inserting ''this subparagraph if—

''(i) the Secretary determines that enforcing this subparagraph would cause hardship for students at the institution; or

''(ii) the institution certifies to the Secretary that 15 percent or more of its total full-time enrollment participates in community service activities described in section 441(c) or tutoring and literacy activities described in subsection (d) of this section;''.

SEC. 444. JOB LOCATION AND DEVELOPMENT PROGRAMS.

Section 446(a)(1) (42 U.S.C. 2756(a)(1)) is amended by striking ''$50,000'' and inserting ''$75,000''.

SEC. 445. WORK COLLEGES.

Section 448 (42 U.S.C. 2756b) is amended—

(1) in subsection (a), by striking ''work-learning'' and inserting ''work-learning-service'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''under subsection (f)'' and inserting ''for this section under section 441(b)''; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''pursuant to subsection (f)'' and inserting ''for this section under section 441(b)'';

(ii) in subparagraph (A), by striking ''work-learning program'' and inserting ''comprehensive work-learning-service program'';

(iii) by redesignating subparagraphs (C) through (F) as subparagraphs (D) through (G), respectively;

(iv) by inserting after subparagraph (B) the following:

''(C) support existing and new model student volunteer community service projects associated with local institutions of higher education, such as operating drop-in resource centers that are staffed by students and that link people in need with the resources and opportunities necessary to become self-sufficient; and'';

(v) in subparagraph (E) (as redesignated by clause (iii)), by striking ''work-learning'' each place the term occurs and inserting ''work-learning-service''; and

(vi) in subparagraph (F) (as redesignated by clause (iii)), by striking ''work service learning'' and inserting ''work-learning-service'';

(3) in subsection (c), by striking ''by subsection (f) to use funds under subsection (b)(1)'' and inserting ''for this section under section 441(b) or to use funds under subsection (b)(1),'';

(4) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting ''4-year, degree-granting'' after ''nonprofit'';

(ii) in subparagraph (B), by striking ''work-learning'' and inserting ''work-learning-service'';

(iii) by striking subparagraph (C) and inserting the following:

''(C) requires all resident students, including at least ½ of all resident students who are enrolled on a full-time basis, to participate in a comprehensive work-learning-service program for not less than 5 hours each week, or not less than 80 hours during each period of enrollment except summer school, unless the student is engaged in a study abroad or externship program that is organized or approved by the institution; and''; and

(iv) in subparagraph (D), by striking ''work-learning'' and inserting ''work-learning-service''; and

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

''(2) the term 'comprehensive work-learning-service program' means a student work-learning-service program that—

''(A) is an integral and stated part of the institution's educational philosophy and program;

''(B) requires participation of all resident students for enrollment and graduation;

''(C) includes learning objectives, evaluation, and a record of work performance as part of the student's college record;

''(D) provides programmatic leadership by college personnel at levels comparable to traditional academic programs;

''(E) recognizes the educational role of work-learning-service supervisors; and

''(F) includes consequences for nonperformance or failure in the work-learning-service program similar to the consequences for failure in the regular academic program.''; and

(5) by striking subsection (f).

PART D—FEDERAL PERKINS LOANS

SEC. 451. PROGRAM AUTHORITY.

Section 461(b)(1) (20 U.S.C. 1087aa(b)(1)) is amended by striking ''$250,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for each of the fiscal years 2008 through 2012.''.

SEC. 451A. ALLOWANCE FOR BOOKS AND SUPPLIES.

Section 462(c)(4)(D) (20 U.S.C. 1087bb(c)(4)(D)) is amended by striking ''$450'' and inserting ''$600''.

SEC. 451B. PERKINS LOAN FORBEARANCE.

Section 464 (20 U.S.C. 1087dd) is amended—

(1) in subsection (e)—

(A) in the matter preceding paragraph (1), by striking '', upon written request,'' and inserting '', as documented in accordance with paragraph (2),'';

(B) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(C) by inserting ''(1)'' after ''FORBEARANCE.—''; and

(D) by adding at the end the following:

''(2) For the purpose of paragraph (1), the terms of forbearance agreed to by the parties shall be documented by—

''(A) confirming the agreement of the borrower by notice to the borrower from the institution of higher education; and

''(B) recording the terms in the borrower's file.''; and

(2) in subsection (j), by striking ''(e)(3)'' and inserting ''(e)(1)(C)''.

SEC. 452. CANCELLATION OF LOANS FOR CERTAIN PUBLIC SERVICE.

Section 465(a) (20 U.S.C. 1087ee(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B), by striking ''Head Start Act which'' and inserting ''Head Start Act, or in a prekindergarten or child care program that is licensed or regulated by the State, that'';

(B) in subparagraph (H), by striking ''or'' after the semicolon;

(C) in subparagraph (I), by striking the period and inserting a semicolon; and

(D) by inserting before the matter following subparagraph (I) (as amended by subparagraph (C)) the following:

''(J) as a full-time faculty member at a Tribal College or University, as that term is defined in section 316;

''(K) as a librarian, if the librarian has a master's degree in library science and is employed in—

''(i) an elementary school or secondary school that is eligible for assistance under title I of the Elementary and Secondary Education Act of 1965; or

''(ii) a public library that serves a geographic area that contains 1 or more schools eligible for assistance under title I of the Elementary and Secondary Education Act of 1965; or

''(L) as a full-time speech language therapist, if the therapist has a master's degree and is working exclusively with schools that are eligible for assistance under title I of the Elementary and Secondary Education Act of 1965.''; and

(2) in paragraph (3)(A)—

(A) in clause (i)—

(i) by inserting ''(D),'' after ''(C),''; and

(ii) by striking ''or (I)'' and inserting ''(I), (J), (K), or (L)'';

(B) in clause (ii), by inserting ''or'' after the semicolon;

(C) by striking clause (iii); and

(D) by redesignating clause (iv) as clause (iii).

PART E—NEED ANALYSIS

SEC. 461. COST OF ATTENDANCE.

(a) AMENDMENTS.—Section 472(3) (20 U.S.C. 1087kk(3)) is amended—

(1) in subparagraph (B), by striking ''and'' after the semicolon;

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

(3) by inserting after subparagraph (B), as amended by paragraph (1), the following:

''(C) for students who live in housing located on a military base or for which a basic allowance is provided under section 403(b) of title 37, United States Code, shall be an allowance based on the expenses reasonably incurred by such students for board but not for room; and''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on July 1, 2008.

SEC. 462. DEFINITIONS.

(a) AMENDMENT.—Section 480(b)(6) (20 U.S.C. 1087vv(b)(6)) is amended by inserting '', except that the value of on-base military housing or the value of basic allowance for housing determined under section 403(b) of title 37, United States Code, received by the parents, in the case of a dependent student, or the student or student's spouse, in the case of an independent student, shall be excluded'' before the semicolon.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 1, 2008.

PART F—GENERAL PROVISIONS RELATING TO STUDENT ASSISTANCE

SEC. 471. DEFINITIONS.

Section 481(a)(2)(B) (20 U.S.C. 1088(a)(2)(B)) is amended by inserting ''and that measures program length in credit hours or clock hours'' after ''baccalaureate degree''.

SEC. 472. COMPLIANCE CALENDAR.

Section 482 (20 U.S.C. 1089) is amended by adding at the end the following:

''(e) COMPLIANCE CALENDAR.—Prior to the beginning of each award year, the Secretary shall provide to institutions of higher education a list of all the reports and disclosures required under this Act. The list shall include—

''(1) the date each report or disclosure is required to be completed and to be submitted, made available, or disseminated;

''(2) the required recipients of each report or disclosure;

''(3) any required method for transmittal or dissemination of each report or disclosure;

''(4) a description of the content of each report or disclosure sufficient to allow the institution to identify the appropriate individuals to be assigned the responsibility for such report or disclosure;

''(5) references to the statutory authority, applicable regulations, and current guidance issued by the Secretary regarding each report or disclosure; and

''(6) any other information which is pertinent to the content or distribution of the report or disclosure.''.

SEC. 473. FORMS AND REGULATIONS.

Section 483 (20 U.S.C. 1090) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

''(a) COMMON FINANCIAL AID FORM DEVELOPMENT AND PROCESSING.—

''(1) IN GENERAL.—

''(A) COMMON FORMS.—The Secretary, in cooperation with representatives of agencies and organizations involved in student financial assistance, shall produce, distribute, and process free of charge common financial reporting forms as described in this subsection to be used to determine the need and eligibility of a student for financial assistance under parts A through E of this title (other than under subpart 4 of part A). The forms shall be made available to applicants in both paper and electronic formats.

''(B) FAFSA.—The common financial reporting forms described in this subsection (excluding the form described in paragraph (2)(B)), shall be referred to collectively as the 'Free Application for Federal Student Aid', or 'FAFSA'.

''(2) PAPER FORMAT.—

''(A) IN GENERAL.—The Secretary shall encourage applicants to file the electronic versions of the forms described in paragraph (3), but shall develop, make available, and process—

''(i) a paper version of EZ FAFSA, as described in subparagraph (B); and

''(ii) a paper version of the other forms described in this subsection, in accordance with subparagraph (C), for any applicant who does not meet the requirements of or does not wish to use the process described in subparagraph (B).

''(B) EZ FAFSA.—

''(i) IN GENERAL.—The Secretary shall develop and use, after appropriate field testing, a simplified paper application form for applicants meeting the requirements of section 479(c), which form shall be referred to as the 'EZ FAFSA'.

''(ii) REQUIRED FEDERAL DATA ELEMENTS.—The Secretary shall include on the EZ

FAFSA only the data elements required to determine student eligibility and whether the applicant meets the requirements of section 479(c).

''(iii) REQUIRED STATE DATA ELEMENTS.—The Secretary shall include on the EZ FAFSA such data items as may be necessary to award State financial assistance, as provided under paragraph (5), except the Secretary shall not include a State's data if that State does not permit its applicants for State assistance to use the EZ FAFSA.

''(iv) FREE AVAILABILITY AND DATA DISTRIBUTION.—The provisions of paragraphs (6) and (10) shall apply to the EZ FAFSA.

''(C) PHASE-OUT OF FULL PAPER FAFSA.—

''(i) PHASE-OUT OF PRINTING OF FULL PAPER FAFSA.—At such time as the Secretary determines that it is not cost-effective to print the full paper version of FAFSA, the Secretary shall—

''(I) phase out the printing of the full paper version of FAFSA;

''(II) maintain on the Internet easily accessible, downloadable formats of the full paper version of FAFSA; and

''(III) provide a printed copy of the full paper version of FAFSA upon request.

''(ii) USE OF SAVINGS.—The Secretary shall utilize any savings realized by phasing out the printing of the full paper version of FAFSA and moving applicants to the electronic versions of FAFSA, to improve access to the electronic versions for applicants meeting the requirements of section 479(c).

''(3) ELECTRONIC VERSIONS.—

''(A) IN GENERAL.—The Secretary shall produce, make available through a broadly available website, and process electronic versions of the FAFSA and the EZ FAFSA.

''(B) MINIMUM QUESTIONS.—The Secretary shall use all available technology to ensure that a student using an electronic version of the FAFSA under this paragraph answers only the minimum number of questions necessary.

''(C) REDUCED REQUIREMENTS.—The Secretary shall enable applicants who meet the requirements of subsection (b) or (c) of section 479 to provide information on the electronic version of the FAFSA only for the data elements required to determine student eligibility and whether the applicant meets the requirements of subsection (b) or (c) of section 479.

''(D) STATE DATA.—The Secretary shall include on the electronic version of the FAFSA the questions needed to determine whether the applicant is eligible for State financial assistance, as provided under paragraph (5), except that the Secretary shall not—

''(i) require applicants to complete data required by any State other than the applicant's State of residence; and

''(ii) include a State's data if such State does not permit its applicants for State assistance to use the electronic version of the FAFSA described in this paragraph.

''(E) FREE AVAILABILITY AND DATA DISTRIBUTION.—The provisions of paragraphs (6) and (10) shall apply to the electronic version of the FAFSA.

''(F) USE OF FORMS.—Nothing in this subsection shall be construed to prohibit the use of the electronic versions of the forms developed by the Secretary pursuant to this paragraph by an eligible institution, eligible lender, a guaranty agency, a State grant agency, a private computer software provider, a consortium of such entities, or such other entity as the Secretary may designate. Data collected by the electronic versions of such forms shall be used only for the application, award, and administration of aid awarded under this title, State aid, or aid awarded by eligible institutions or such entities as the Secretary may designate. No data collected by such electronic versions of the forms shall be used for making final aid awards under this title until such data have been processed by the Secretary or a contractor or designee of the Secretary, except as may be permitted under this title.

''(G) PRIVACY.—The Secretary shall ensure that data collection under this paragraph complies with section 552a of title 5, United States Code, and that any entity using an electronic version of a form developed by the Secretary under this paragraph shall maintain reasonable and appropriate administrative, technical, and physical safeguards to ensure the integrity and confidentiality of the information, and to protect against security threats, or unauthorized uses or disclosures of the information provided on the electronic version of the form.

''(H) SIGNATURE.—Notwithstanding any other provision of this Act, the Secretary may permit an electronic version of a form developed under this paragraph to be submitted without a signature, if a signature is subsequently submitted by the applicant or if the applicant uses a personal identification number provided by the Secretary under subparagraph (I).

''(I) PERSONAL IDENTIFICATION NUMBERS AUTHORIZED.—The Secretary is authorized to assign to an applicant a personal identification number—

''(i) to enable the applicant to use such number as a signature for purposes of completing an electronic version of a form developed under this paragraph; and

''(ii) for any purpose determined by the Secretary to enable the Secretary to carry out this title.

''(J) PERSONAL IDENTIFICATION NUMBER IMPROVEMENT.—Not later than 180 days after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall implement a real-time data match between the Social Security Administration and the Department to minimize the time required for an applicant to obtain a personal identification number when applying for aid under this title through an electronic version of a form developed under this paragraph.

''(4) STREAMLINED REAPPLICATION PROCESS.—

''(A) IN GENERAL.—The Secretary shall develop streamlined paper and electronic reapplication forms and processes for an applicant who applies for financial assistance under this title in the next succeeding academic year subsequent to an academic year for which such applicant applied for financial assistance under this title.

''(B) UPDATING OF DATA ELEMENTS.—The Secretary shall determine, in cooperation with States, institutions of higher education, agencies, and organizations involved in student financial assistance, the data elements that may be transferred from the previous academic year's application and those data elements that shall be updated.

''(C) REDUCED DATA AUTHORIZED.—Nothing in this title shall be construed as limiting the authority of the Secretary to reduce the number of data elements required of reapplicants.

''(D) ZERO FAMILY CONTRIBUTION.—Applicants determined to have a zero family contribution pursuant to section 479(c) shall not be required to provide any financial data in a reapplication form, except data that are necessary to determine eligibility under such section.

''(5) STATE REQUIREMENTS.—

''(A) IN GENERAL.—Except as provided in paragraphs (2)(B)(iii), (3)(D), and (4)(B), the Secretary shall include on the forms developed under this subsection, such State-specific data items as the Secretary determines are necessary to meet State requirements for need-based State aid. Such items shall be selected in consultation with State agencies in order to assist in the awarding of State financial assistance in accordance with the terms of this subsection. The number of such data items shall not be less than the number included on the common financial reporting form for the 2005–2006 award year unless a State notifies the Secretary that the State no longer requires those data items for the distribution of State need-based aid.

''(B) ANNUAL REVIEW.—The Secretary shall conduct an annual review to determine—

''(i) which data items each State requires to award need-based State aid; and

''(ii) if the State will permit an applicant to file a form described in paragraph (2)(B) or (3)(C).

''(C) USE OF SIMPLIFIED APPLICATION FORMS ENCOURAGED.—The Secretary shall encourage States to take such steps as are necessary to encourage the use of simplified forms under this subsection, including those forms described in paragraphs (2)(B) and (3)(C), for applicants who meet the requirements of subsection (b) or (c) of section 479.

''(D) CONSEQUENCES IF STATE DOES NOT ACCEPT SIMPLIFIED FORMS.—If a State does not permit an applicant to file a form described in paragraph (2)(B) or (3)(C) for purposes of determining eligibility for State need-based financial aid, the Secretary may determine that State-specific questions for such State will not be included on a form described in paragraph (2)(B) or (3)(B). If the Secretary makes such determination, the Secretary shall advise the State of the Secretary's determination.

''(E) LACK OF STATE RESPONSE TO REQUEST FOR INFORMATION.—If a State does not respond to the Secretary's request for information under subparagraph (B), the Secretary shall—

''(i) permit residents of that State to complete simplified forms under paragraphs (2)(B) and (3)(B); and

''(ii) not require any resident of such State to complete any data items previously required by that State under this section.

''(F) RESTRICTION.—The Secretary shall not require applicants to complete any financial or non-financial data items that are not required—

''(i) by the applicant's State; or

''(ii) by the Secretary.

''(6) CHARGES TO STUDENTS AND PARENTS FOR USE OF FORMS PROHIBITED.—The need and eligibility of a student for financial assistance under parts A through E (other than under subpart 4 of part A) may be determined only by using a form developed by the Secretary under this subsection. Such forms shall be produced, distributed, and processed by the Secretary, and no parent or student shall be charged a fee by the Secretary, a contractor, a third-party servicer or private software provider, or any other public or private entity for the collection, processing, or delivery of financial aid through the use of such forms. No data collected on a paper or electronic version of a form developed under this subsection, or other document that was created to replace, or used to complete, such a form, and for which a fee was paid, shall be used.

''(7) RESTRICTIONS ON USE OF PIN.—No person, commercial entity, or other entity shall request, obtain, or utilize an applicant's personal identification number assigned under paragraph (3)(I) for purposes of submitting a form developed under this subsection on an applicant's behalf.

''(8) APPLICATION PROCESSING CYCLE.—The Secretary shall enable students to submit forms developed under this subsection and initiate the processing of such forms under this subsection, as early as practicable prior to January 1 of the student's planned year of enrollment.

''(9) EARLY ESTIMATES OF EXPECTED FAMILY CONTRIBUTIONS.—The Secretary shall permit an applicant to complete a form described in this subsection in the years prior to enrollment in order to obtain from the Secretary a nonbinding estimate of the applicant's expected family contribution, computed in accordance with part F. Such applicant shall be permitted to update information submitted on a form described in this subsection using the process required under paragraph (4).

''(10) DISTRIBUTION OF DATA.—Institutions of higher education, guaranty agencies, and States shall receive, without charge, the data collected by the Secretary using a form developed under this subsection for the purposes of processing loan applications and determining need and eligibility for institutional and State financial aid awards. Entities designated by institutions of higher education, guaranty agencies, or States to receive such data shall be subject to all the requirements of this section, unless such requirements are waived by the Secretary.

''(11) THIRD PARTY SERVICERS AND PRIVATE SOFTWARE PROVIDERS.—To the extent practicable and in a timely manner, the Secretary shall provide, to private organizations and consortia that develop software used by institutions of higher education for the administration of funds under this title, all the necessary specifications that the organizations and consortia must meet for the software the organizations and consortia develop, produce, and distribute (including any diskette, modem, or network communications) which are so used. The specifications shall contain record layouts for required data. The Secretary shall develop in advance of each processing cycle an annual schedule for providing such specifications. The Secretary, to the extent practicable, shall use multiple means of providing such specifications, including conferences and other meetings, outreach, and technical support mechanisms (such as training and printed reference materials). The Secretary shall, from time to time, solicit from such organizations and consortia means of improving the support provided by the Secretary.

''(12) PARENT'S SOCIAL SECURITY NUMBER AND BIRTH DATE.—The Secretary is authorized to include space on the forms developed under this subsection for the social security number and birth date of parents of dependent students seeking financial assistance under this title.'';

(2) by redesignating subsections (c) through (e) (as amended by section 101(b)(11)) as subsections (b) through (d), respectively;

(3) in subsection (c) (as redesignated by paragraph (2)), by striking ''that is authorized'' and all that follows through the period at the end and inserting ''or other appropriate provider of technical assistance and information on postsecondary educational services that is authorized under section 663(a) of the Individuals with Disabilities Education Act. Not later than 2 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall test and implement, to the extent practicable, a toll-free telephone based system to permit applicants who meet the requirements of 479(c) to submit an application over such system.'';

(4) by striking subsection (d) (as redesignated by paragraph (2)) and inserting the following:

''(d) ASSISTANCE IN PREPARATION OF FINANCIAL AID APPLICATION.—

''(1) PREPARATION AUTHORIZED.—Notwithstanding any provision of this Act, an applicant may use a preparer for consultative or preparation services for the completion of a form developed under subsection (a) if the preparer satisfies the requirements of this subsection.

''(2) PREPARER IDENTIFICATION REQUIRED.—If an applicant uses a preparer for consultative or preparation services for the completion of a form developed under subsection (a), the preparer shall include the name, signature, address or employer's address, social security number or employer identification number, and organizational affiliation of the preparer on the applicant's form.

''(3) ADDITIONAL REQUIREMENTS.—A preparer that provides consultative or preparation services pursuant to this subsection shall—

''(A) clearly inform each individual upon initial contact, including contact through the Internet or by telephone, that the FAFSA and EZ FAFSA may be completed for free via paper or electronic versions of the forms that are provided by the Secretary;

''(B) include in any advertising clear and conspicuous information that the FAFSA and EZ FAFSA may be completed for free via paper or electronic versions of the forms that are provided by the Secretary;

''(C) if advertising or providing any information on a website, or if providing services through a website, include on the website a link to the website described in subsection (a)(3) that provides the electronic versions of the forms developed under subsection (a);

''(D) refrain from producing or disseminating any form other than the forms developed by the Secretary under subsection (a); and

''(E) not charge any fee to any individual seeking services who meets the requirements of subsection (b) or (c) of section 479.

''(4) SPECIAL RULE.—Nothing in this Act shall be construed to limit preparers of the financial reporting forms required to be made under this title that meet the requirements of this subsection from collecting source information from a student or parent, including Internal Revenue Service tax forms, in providing consultative and preparation services in completing the forms.''; and

(5) by adding at the end the following:

''(e) EARLY APPLICATION AND AWARD DEMONSTRATION PROGRAM.—

''(1) PURPOSE.—The purpose of the demonstration program implemented under this subsection is to determine the feasibility of implementing a comprehensive early application and notification system for all dependent students and to measure the benefits and costs of such a system.

''(2) PROGRAM AUTHORIZED.—Not later than 2 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall implement an early application demonstration program enabling dependent students who wish to participate in the program—

''(A) to complete an application under this subsection during the academic year that is 2 years prior to the year such students plan to enroll in an institution of higher education; and

''(B) based on the application described in subparagraph (A), to obtain, not later than 1 year prior to the year of the students' planned enrollment, information on eligibility for Federal Pell Grants, Federal student loans under this title, and State and institutional financial aid for the student's first year of enrollment in an the institution of higher education.

''(3) EARLY APPLICATION AND AWARD.—For all dependent students selected for participation in the demonstration program who submit a completed FAFSA, or, as appropriate, an EZ FAFSA, 2 years prior to the year such students plan to enroll in an institution of higher education, the Secretary shall, not later than 1 year prior to the year of such planned enrollment—

''(A) provide each student who meets the requirements under section 479(c) with a determination of such student's—

''(i) expected family contribution for the first year of the student's enrollment in an institution of higher education; and

''(ii) Federal Pell Grant award for the first such year, based on the maximum Federal Pell Grant award at the time of application;

''(B) provide each student who does not meet the requirements under section 479(c) with an estimate of such student's—

''(i) expected family contribution for the first year of the student's planned enrollment; and

''(ii) Federal Pell Grant award for the first such year, based on the maximum Federal Pell Grant award at the time of application; and

''(C) remind the students of the need to update the students' information during the calendar year of enrollment using the expedited reapplication process provided for in subsection (a)(4).

''(4) PARTICIPANTS.—The Secretary shall include, as participants in the demonstration program—

''(A) States selected through the application process described in paragraph (5);

''(B) institutions of higher education within the selected States that are interested in participating in the demonstration program, and that can make estimates or commitments of institutional student financial aid, as appropriate, to students the year before the students' planned enrollment date; and

''(C) secondary schools within the selected States that are interested in participating in the demonstration program, and can commit resources to—

''(i) advertising the availability of the program;

''(ii) identifying students who might be interested in participating in the program;

''(iii) encouraging such students to apply; and

''(iv) participating in the evaluation of the program.

''(5) APPLICATIONS.—States that are interested in participating in the demonstration program shall submit an application, to the Secretary at such time, in such form, and containing such information as the Secretary shall require. The application shall include—

''(A) information on the amount of the State's need-based student financial assistance available, and the eligibility criteria for receiving such assistance;

''(B) a commitment to make, not later than the year before the dependent students participating in the demonstration program plan to enroll in an institution of higher education—

''(i) determinations of State financial aid awards to dependent students participating in the program who meet the requirements of section 479(c); and

''(ii) estimates of State financial aid awards to other dependent students participating in the program;

''(C) a plan for recruiting institutions of higher education and secondary schools with different demographic characteristics to participate in the program;

''(D) a plan for selecting institutions of higher education and secondary schools to participate in the program that—

''(i) demonstrate a commitment to encouraging students to submit a FAFSA, or, as appropriate, an EZ FAFSA, 2 years before the students' planned date of enrollment in an institution of higher education;

''(ii) serve different populations of students;

''(iii) in the case of institutions of higher education—

''(I) to the extent possible, are of varying types and control; and

''(II) commit to making, not later than the year prior to the year that dependent students participating in the demonstration program plan to enroll in the institution—

''(aa) institutional awards to participating dependent students who meet the requirements of section 479(c);

''(bb) estimates of institutional awards to other participating dependent students; and

''(cc) expected or tentative awards of grants or other financial aid available under this title (including supplemental grants under subpart 3 of part A), for all participating dependent students, along with information on State awards, as provided to the institution by the State;

''(E) a commitment to participate in the evaluation conducted by the Secretary; and

''(F) such other information as the Secretary may require.

''(6) SPECIAL PROVISIONS.—

''(A) DISCRETION OF STUDENT FINANCIAL AID ADMINISTRATORS.—A financial aid administrator at an institution of higher education participating in a demonstration program under this subsection may use the discretion provided under section 479A as necessary in awarding financial aid to students participating in the demonstration program.

''(B) WAIVERS.—The Secretary is authorized to waive, for an institution participating in the demonstration program, any requirements under the title, or regulations prescribed under this title, that would make the demonstration program unworkable, except that the Secretary shall not waive any provisions with respect to the maximum award amounts for grants and loans under this title.

''(7) OUTREACH.—The Secretary shall make appropriate efforts in order to notify States, institutions of higher education, and secondary schools of the demonstration program.

''(8) EVALUATION.—The Secretary shall conduct a rigorous evaluation of the demonstration program to measure the program's benefits and adverse effects, as the benefits and effects relate to the purpose of the program described in paragraph (1). In conducting the evaluation, the Secretary shall—

''(A) identify whether receiving financial aid awards or estimates, as applicable, 1 year prior to the year in which the student plans to enroll in an institution of higher education, has a positive impact on the higher education aspirations and plans of such student;

''(B) measure the extent to which using a student's income information from the year that is 2 years prior to the student's planned enrollment date had an impact on the ability of States and institutions to make financial aid awards and commitments;

''(C) determine what operational changes would be required to implement the program on a larger scale;

''(D) identify any changes to Federal law that would be necessary to implement the program on a permanent basis; and

''(E) identify the benefits and adverse effects of providing early awards or estimates on program costs, program operations, program integrity, award amounts, distribution, and delivery of aid.

''(9) CONSULTATION.—The Secretary shall consult, as appropriate, with the Advisory Committee on Student Financial Assistance established under section 491 on the design, implementation, and evaluation of the demonstration program.

''(f) USE OF IRS DATA AND REDUCED INCOME AND ASSET INFORMATION TO DETERMINE ELIGIBILITY FOR STUDENT FINANCIAL AID.—

''(1) FORMATION OF STUDY GROUP.—Not later than 90 days after the date of enactment of the Higher Education Amendments of 2007, the Comptroller General of the United States and the Secretary of Education shall convene a study group whose membership shall include the Secretary of the Treasury, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, representatives of institutions of higher education with expertise in Federal and State financial aid assistance, State chief executive officers of higher education with a demonstrated commitment to simplifying the FAFSA, and such other individuals as the Comptroller General and the Secretary of Education may designate.

''(2) STUDY REQUIRED.—The Comptroller General and the Secretary, in consultation with the study group convened under paragraph (1), shall design and conduct a study to identify and evaluate the means of simplifying the process of applying for Federal financial aid available under this title. The study shall focus on developing alternative approaches for calculating the expected family contribution that use substantially less income and asset data than the methodology currently used, as of the time of the study, for determining the expected family contribution.

''(3) OBJECTIVES OF STUDY.—The objectives of the study required under paragraph (2) are—

''(A) to shorten the FAFSA and make it easier and less time-consuming to complete, thereby increasing higher education access for low-income students;

''(B) to examine the feasibility, and evaluate the costs and benefits, of using income data from the Internal Revenue Service to pre-populate the electronic version of the FAFSA;

''(C) to determine ways in which to provide reliable information on the amount of Federal grant aid and financial assistance a student can expect to receive, assuming constant income, 2 to 3 years before the student's enrollment; and

''(D) to simplify the process for determining eligibility for student financial aid without causing significant redistribution of Federal grants and subsidized loans under this title.

''(4) REQUIRED SUBJECTS OF STUDY.—The study required under paragraph (2) shall consider—

''(A) how the expected family contribution of a student could be calculated using substantially less income and asset information than the approach currently used, as of the time of the study, to calculate the expected family contribution without causing significant redistribution of Federal grants and subsidized loans under this title, State aid, or institutional aid, or change in the composition of the group of recipients of such aid, which alternative approaches for calculating the expected family contribution shall, to the extent practicable—

''(i) rely mainly, in the case of students and parents who file income tax returns, on information available on the 1040, 1040EZ, and 1040A; and

''(ii) include formulas for adjusting income or asset information to produce similar results to the existing approach with less data;

''(B) how the Internal Revenue Service can provide income and other data needed to compute an expected family contribution for taxpayers and dependents of taxpayers to the Secretary of Education, and when in the application cycle the data can be made available;

''(C) whether data provided by the Internal Revenue could be used to—

''(i) prepopulate the electronic version of the FAFSA with student and parent taxpayer data; or

''(ii) generate an expected family contribution without additional action on the part of the student and taxpayer;

''(D) the extent to which the use of income data from 2 years prior to a student's planned enrollment date would change the expected family contribution computed in accordance with part F, and potential adjustments to the need analysis formula that would minimize the change;

''(E) the extent to which States and institutions would accept the data provided by the Internal Revenue Service to prepopulate the electronic version of the FAFSA in determining the distribution of State and institutional student financial aid funds;

''(F) the changes to the electronic version of the FAFSA and verification processes that would be needed or could be made if Internal Revenue Service data were used to prepopulate such electronic version;

''(G) the data elements currently collected, as of the time of the study, on the FAFSA that are needed to determine eligibility for student aid, or to administer Federal student financial aid programs, but are not needed to compute an expected family contribution, such as whether information regarding the student's citizenship or permanent residency status, registration for selective service, or driver's license number could be reduced without adverse effects;

''(H) additional steps that can be taken to simplify the financial aid application process for students who (or, in the case of dependent students, whose parents) are not required to file an income tax return for the prior taxable year;

''(I) information on the State need for and usage of the full array of income, asset, and other information currently collected, as of the time of the study, on the FAFSA, including analyses of—

''(i) what data are currently used by States to determine eligibility for State student financial aid, and whether the data are used for merit or need-based aid;

''(ii) the extent to which the full array of income and asset information currently collected on the FAFSA play an important role in the awarding of need-based State financial aid, and whether the State could use income and asset information that was more limited to support determinations of eligibility for such State aid programs;

''(iii) whether data are required by State law, State regulations, or policy directives;

''(iv) what State official has the authority to advise the Department on what the State requires to calculate need-based State student financial aid;

''(v) the extent to which any State-specific information requirements could be met by completion of a State application linked to the electronic version of the FAFSA; and

''(vi) whether the State can use, as of the time of the study, or could use, a student's expected family contribution based on data from 2 years prior to the student's planned enrollment date and a calculation with reduced data elements and, if not, what additional information would be needed or what changes would be required; and

''(J) information on institutional needs, including the extent to which institutions of higher education are already using supplemental forms to collect additional data from students and their families to determine eligibility for institutional funds.

''(5) USE OF DATA FROM THE INTERNAL REVENUE SERVICE TO PREPOPULATE FAFSA FORMS.—After the study required under this subsection has been completed, the Secretary may use Internal Revenue Service data to prepopulate the electronic version of

the FAFSA if the Secretary, in a joint decision with the Secretary of Treasury, determines that such use will not significantly negatively impact students, institutions of higher education, States, or the Federal Government based on each of the following criteria:

''(A) Program costs.

''(B) Redistributive effects on students.

''(C) Accuracy of aid determinations.

''(D) Reduction of burden to the FAFSA filers.

''(E) Whether all States and institutions that currently accept the Federal aid formula accept the use of data from 2 years prior to the date of a student's planned enrollment in an institution of higher education to award Federal, State, and institutional aid, and as a result will not require students to complete any additional forms to receive this aid.

''(6) CONSULTATION.—The Secretary shall consult with the Advisory Committee on Student Financial Assistance established under section 491 as appropriate in carrying out this subsection.

''(7) REPORT.—Not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, the Comptroller General and the Secretary shall prepare and submit a report on the results of the study required under this subsection to the authorizing committees.''.

SEC. 474. STUDENT ELIGIBILITY.

(a) AMENDMENTS.—Section 484 (20 U.S.C. 1091) is amended—

(1) in subsection (d), by adding at the end the following:

''(4) The student shall be determined by the institution of higher education as having the ability to benefit from the education or training offered by the institution of higher education, upon satisfactory completion of 6 credit hours or the equivalent coursework that are applicable toward a degree or certificate offered by the institution of higher education.'';

(2) by striking subsection (l) and inserting the following:

''(l) COURSES OFFERED THROUGH DISTANCE EDUCATION.—

''(1) RELATION TO CORRESPONDENCE COURSES.—

''(A) IN GENERAL.—A student enrolled in a course of instruction at an institution of higher education that is offered principally through distance education and leads to a recognized certificate, or associate, baccalaureate, or graduate degree, conferred by such institution, shall not be considered to be enrolled in correspondence courses.

''(B) EXCEPTION.—An institution of higher education referred to in subparagraph (A) shall not include an institution or school described in section 3(3)(C) of the Carl D. Perkins Career and Technical Education Act of 2006.

''(2) RESTRICTION OR REDUCTIONS OF FINANCIAL AID.—A student's eligibility to receive grants, loans, or work assistance under this title shall be reduced if a financial aid officer determines under the discretionary authority provided in section 479A that distance education results in a substantially reduced cost of attendance to such student.

''(3) SPECIAL RULE.—For award years prior to July 1, 2008, the Secretary shall not take any compliance, disallowance, penalty, or other action against a student or an eligible institution when such action arises out of such institution's prior award of student assistance under this title if the institution demonstrates to the satisfaction of the Secretary that its course of instruction would have been in conformance with the requirements of this subsection.''; and

(3) by adding at the end the following:

''(s) STUDENTS WITH INTELLECTUAL DISABILITIES.—Notwithstanding subsection (a), in order to receive any grant or work assistance under subparts 1 and 3 of part A and part C of this title, a student with an intellectual disability shall—

''(1) be an individual with an intellectual disability whose mental retardation or other significant cognitive impairment substantially impacts the individual's intellectual and cognitive functioning;

''(2)(A) be a student eligible for assistance under the Individuals with Disabilities Education Act who has completed secondary school; or

''(B) be an individual who is no longer eligible for assistance under the Individuals with Disabilities Education Act because the individual has exceeded the maximum age for which the State provides a free appropriate public education;

''(3) be enrolled or accepted for enrollment in a comprehensive transition and postsecondary education program that—

''(A) is designed for students with an intellectual disability who are seeking to continue academic, vocational, and independent living instruction at the institution in order to prepare for gainful employment and independent living;

''(B) includes an advising and curriculum structure;

''(C) requires students to participate on at least a half-time basis, as determined by the institution; or

''(D) includes—

''(i) regular enrollment in courses offered by the institution;

''(ii) auditing or participating in courses offered by the institution for which the student does not receive regular academic credit;

''(iii) enrollment in noncredit, nondegree courses;

''(iv) participation in internships; or

''(v) a combination of 2 or more of the activities described in clauses (i) through (iv);

''(4) be maintaining satisfactory progress in the program as determined by the institution, in accordance with standards established by the institution; and

''(5) meet the requirements of paragraphs (3), (4), (5), and (6) of subsection (a).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take affect on July 1, 2008.

SEC. 475. STATUTE OF LIMITATIONS AND STATE COURT JUDGMENTS.

Section 484A (20 U.S.C. 1091a) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''and'' after the semicolon;

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

(C) by adding at the end the following:

''(3) in collecting any obligation arising from a loan made under part E of this title, an institution of higher education that has an agreement with the Secretary pursuant to section 463(a) shall not be subject to a defense raised by any borrower based on a claim of infancy.''; and

(2) by adding at the end the following:

''(d) SPECIAL RULE.—This section shall not apply in the case of a student who is deceased or to a deceased student's estate or the estate of such student's family. If a student is deceased, then the student's estate or the estate of the student's family shall not be required to repay any financial assistance under this title, including interest paid on the student's behalf, collection costs, or other charges specified in this title.''.

SEC. 476. INSTITUTIONAL REFUNDS.

(a) AMENDMENT.—Section 484B(c)(2) (20 U.S.C. 1091B(c)(2)) is amended by striking ''may determine the appropriate withdrawal date.'' and inserting ''may determine—

''(A) the appropriate withdrawal date; and

''(B) that the requirements of subsection (b)(2) do not apply to the student.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 1, 2008.

SEC. 477. INSTITUTIONAL AND FINANCIAL ASSISTANCE INFORMATION FOR STUDENTS.

Section 485 (20 U.S.C. 1092) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (G)—

(I) by striking ''program, and'' and inserting ''program,''; and

(II) by inserting '', and (iv) any plans by the institution for improving the academic program of the institution'' after ''instructional personnel''; and

(ii) by striking subparagraph (M) and inserting the following:

''(M) the terms and conditions of the loans that students receive under parts B, D, and E;'';

(iii) in subparagraph (N), by striking ''and'' after the semicolon;

(iv) in subparagraph (O), by striking the period and inserting a semicolon; and

(v) by adding at the end the following:

''(P) institutional policies and sanctions related to copyright infringement, including—

''(i) an annual disclosure that explicitly informs students that unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject the students to civil and criminal liabilities;

''(ii) a summary of the penalties for violation of Federal copyright laws;

''(iii) a description of the institution's policies with respect to unauthorized peer-to-peer file sharing, including disciplinary actions that are taken against students who engage in unauthorized distribution of copyrighted materials using the institution's information technology system; and

''(iv) a description of actions that the institution takes to prevent and detect unauthorized distribution of copyrighted material on the institution's information technology system;

''(Q) student body diversity at the institution, including information on the percentage of enrolled, full-time students who are—

''(i) male;

''(ii) female;

''(iii) from a low-income background; and

''(iv) a self-identified member of a major racial or ethnic group;

''(R) the placement in employment of, and types of employment obtained by, graduates of the institution's degree or certificate programs, gathered from such sources as alumni surveys, student satisfaction surveys, the National Survey of Student Engagement, the Community College Survey of Student Engagement, State data systems, or other relevant sources;

''(S) the types of graduate and professional education in which graduates of the institution's 4-year degree programs enrolled, gathered from such sources as alumni surveys, student satisfaction surveys, the National Survey of Student Engagement, State data systems, or other relevant sources;

''(T) the fire safety report prepared by the institution pursuant to subsection (i); and

''(U) the retention rate of certificate- or degree-seeking, full-time, undergraduate students entering such institution.'';

(B) by striking paragraph (4) and inserting the following:

''(4) For purposes of this section, institutions may—

''(A) exclude from the information disclosed in accordance with subparagraph (L)

of paragraph (1) the completion or graduation rates of students who leave school to serve in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government; or

''(B) in cases where the students described in subparagraph (A) represent 20 percent or more of the certificate- or degree-seeking, full-time, undergraduate students at the institution, the institution may recalculate the completion or graduation rates of such students by excluding from the calculation described in paragraph (3) the time period such students were not enrolled due to their service in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government.''; and

(C) by adding at the end the following:

''(7) The information disclosed under subparagraph (L) of paragraph (1), or reported under subsection (e), shall include information disaggregated by gender, by each major racial and ethnic subgroup, by recipients of a Federal Pell Grant, by recipients of a loan made under this part or part D (other than a loan made under section 428H or a Federal Direct Unsubsidized Stafford Loan) who did not receive a Federal Pell Grant, and by recipients of neither a Federal Pell Grant nor a loan made under this part or part D (other than a loan made under section 428H or a Federal Direct Unsubsidized Stafford Loan), if the number of students in such subgroup or with such status is sufficient to yield statistically reliable information and reporting would not reveal personally identifiable information about an individual student. If such number is not sufficient for such purposes, then the institution shall note that the institution enrolled too few of such students to so disclose or report with confidence and confidentiality.'';

(2) in subsection (b)—

(A) in paragraph (1)(A), by striking the subparagraph designation and all that follows through ''465.'' and inserting the following:

''(A) Each eligible institution shall, through financial aid offices or otherwise, provide counseling to borrowers of loans that are made, insured, or guaranteed under part B (other than loans made pursuant to section 428C or loans made to parents pursuant to section 428B), or made under part D (other than Federal Direct Consolidation Loans or Federal Direct PLUS Loans made to parents) or E, prior to the completion of the course of study for which the borrower enrolled at the institution or at the time of departure from such institution. The counseling required by this subsection shall include—

''(i) information on the repayment plans available, including a discussion of the different features of each plan and sample information showing the difference in interest paid and total payments under each plan;

''(ii) the average anticipated monthly repayments under the standard repayment plan and, at the borrower's request, the other repayment plans for which the borrower is eligible;

''(iii) such debt and management strategies as the institution determines are designed to facilitate the repayment of such indebtedness;

''(iv) an explanation that the borrower has the ability to prepay each such loan, pay the loan on a shorter schedule, and change repayment plans;

''(v) the terms and conditions under which the student may obtain full or partial forgiveness or cancellation of principal or interest under sections 428J, 460, and 465 (to the extent that such sections are applicable to the student's loans);

''(vi) the terms and conditions under which the student may defer repayment of principal or interest or be granted forbearance under subsections (b)(1)(M) and (o) of section 428, 428H(e)(7), subsections (f) and (l) of section 455, and section 464(c)(2), and the potential impact of such deferment or forbearance;

''(vii) the consequences of default on such loans;

''(viii) information on the effects of using a consolidation loan to discharge the borrower's loans under parts B, D, and E, including, at a minimum—

''(I) the effects of consolidation on total interest to be paid, fees to be paid, and length of repayment;

''(II) the effects of consolidation on a borrower's underlying loan benefits, including all grace periods, loan forgiveness, cancellation, and deferment opportunities;

''(III) the ability of the borrower to prepay the loan or change repayment plans; and

''(IV) that borrower benefit programs may vary among different loan holders; and

''(ix) a notice to borrowers about the availability of the National Student Loan Data System and how the system can be used by a borrower to obtain information on the status of the borrower's loans.''; and

(B) by adding at the end the following:

''(3) Each eligible institution shall, during the exit interview required by this subsection, provide to a borrower of a loan made under part B, D, or E a clear and conspicuous notice describing the general effects of using a consolidation loan to discharge the borrower's student loans, including—

''(A) the effects of consolidation on total interest to be paid, fees to be paid, and length of repayment;

''(B) the effects of consolidation on a borrower's underlying loan benefits, including loan forgiveness, cancellation, and deferment;

''(C) the ability for the borrower to prepay the loan, pay on a shorter schedule, and to change repayment plans, and that borrower benefit programs may vary among different loan holders;

''(D) a general description of the types of tax benefits which may be available to borrowers of student loans; and

''(E) the consequences of default.'';

(3) in subsection (d)(2)—

(A) by inserting ''grant assistance, as well as State'' after ''describing State''; and

(B) by inserting ''and other means, including through the Internet'' before the period at the end;

(4) in subsection (e), by striking paragraph (3) and inserting the following:

''(3) For purposes of this subsection, institutions may—

''(A) exclude from the reporting requirements under paragraphs (1) and (2) the completion or graduation rates of students and student athletes who leave school to serve in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government; or

''(B) in cases where the students described in subparagraph (A) represent 20 percent or more of the certificate- or degree-seeking, full-time, undergraduate students at the institution, the institution may calculate the completion or graduation rates of such students by excluding from the calculations described in paragraph (1) the time period such students were not enrolled due to their service in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government.'';

(5) in subsection (f)—

(A) in paragraph (1)—

(i) the matter preceding subparagraph (A), by inserting '', other than a foreign institution of higher education,'' after ''under this title''; and

(ii) by adding at the end the following:

''(J) A statement of current campus policies regarding immediate emergency response and evacuation procedures, including the use of electronic and cellular communication (if appropriate), which policies shall include procedures—

''(i) to notify the campus community in a reasonable and timely manner in the event of a significant emergency or dangerous situation, involving an immediate threat to the health or safety of students or staff, occurring on the campus;

''(ii) to publicize emergency response and evacuation procedures on an annual basis in a manner designed to reach students and staff; and

''(iii) to test emergency response and evacuation procedures on an annual basis.'';

(B) by redesignating paragraph (15) as paragraph (17); and

(C) by inserting after paragraph (14) the following:

''(15) COMPLIANCE REPORT.—The Secretary shall annually report to the authorizing committees regarding compliance with this subsection by institutions of higher education, including an up-to-date report on the Secretary's monitoring of such compliance.

''(16) BEST PRACTICES.—The Secretary may seek the advice and counsel of the Attorney General concerning the development, and dissemination to institutions of higher education, of best practices information about campus safety and emergencies.''; and

(6) by adding at the end the following:

''(h) TRANSFER OF CREDIT POLICIES.—

''(1) DISCLOSURE.—Each institution of higher education participating in any program under this title shall publicly disclose in a readable and comprehensible manner the transfer of credit policies established by the institution which shall include a statement of the institution's current transfer of credit policies that includes, at a minimum—

''(A) any established criteria the institution uses regarding the transfer of credit earned at another institution of higher education; and

''(B) a list of institutions of higher education with which the institution has established an articulation agreement.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

''(A) authorize the Secretary or the Accreditation and Institutional Quality and Integrity Advisory Committee to require particular policies, procedures, or practices by institutions of higher education with respect to transfer of credit;

''(B) authorize an officer or employee of the Department to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any institution of higher education, or over any accrediting agency or association;

''(C) limit the application of the General Education Provisions Act; or

''(D) create any legally enforceable right on the part of a student to require an institution of higher education to accept a transfer of credit from another institution.

''(i) DISCLOSURE OF FIRE SAFETY STANDARDS AND MEASURES.—

''(1) ANNUAL FIRE SAFETY REPORTS ON STUDENT HOUSING REQUIRED.—Each eligible institution participating in any program under this title shall, on an annual basis, publish a fire safety report, which shall contain information with respect to the campus fire safety practices and standards of that institution, including—

''(A) statistics concerning the following in each on-campus student housing facility during the most recent calendar years for which data are available—

''(i) the number of fires and the cause of each fire;

''(ii) the number of injuries related to a fire that result in treatment at a medical facility;

''(iii) the number of deaths related to a fire; and

''(iv) the value of property damage caused by a fire;

''(B) a description of each on-campus student housing facility fire safety system, including the fire sprinkler system;

''(C) the number of regular mandatory supervised fire drills;

''(D) policies or rules on portable electrical appliances, smoking, and open flames (such as candles), procedures for evacuation, and policies regarding fire safety education and training programs provided to students, faculty, and staff; and

''(E) plans for future improvements in fire safety, if determined necessary by such institution.

''(2) REPORT TO THE SECRETARY.—Each eligible institution participating in any program under this title shall, on an annual basis submit to the Secretary a copy of the statistics required to be made available under subparagraph (A).

''(3) CURRENT INFORMATION TO CAMPUS COMMUNITY.—Each institution participating in any program under this title shall—

''(A) make, keep, and maintain a log, recording all fires in on-campus student housing facilities, including the nature, date, time, and general location of each fire; and

''(B) make annual reports to the campus community on such fires.

''(4) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall—

''(A) make such statistics submitted to the Secretary available to the public; and

''(B) in coordination with nationally recognized fire organizations and representatives of institutions of higher education, representatives of associations of institutions of higher education, and other organizations that represent and house a significant number of students—

''(i) identify exemplary fire safety policies, procedures, programs, and practices;

''(ii) disseminate information to the Administrator of the United States Fire Administration;

''(iii) make available to the public information concerning those policies, procedures, programs, and practices that have proven effective in the reduction of fires; and

''(iv) develop a protocol for institutions to review the status of their fire safety systems.

''(5) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

''(A) authorize the Secretary to require particular policies, procedures, programs, or practices by institutions of higher education with respect to fire safety, other than with respect to the collection, reporting, and dissemination of information required by this subsection;

''(B) affect the Family Educational Rights and Privacy Act of 1974 or the regulations issued under section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note);

''(C) create a cause of action against any institution of higher education or any employee of such an institution for any civil liability; and

''(D) establish any standard of care.

''(6) COMPLIANCE REPORT.—The Secretary shall annually report to the authorizing committees regarding compliance with this subsection by institutions of higher education, including an up-to-date report on the Secretary's monitoring of such compliance.

''(7) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with this subsection shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce this subsection.''.

SEC. 478. ENTRANCE COUNSELING REQUIRED.

Section 485 (as amended by section 477) is further amended—

(1) by redesignating subsections (b) through (i) as subsections (c) through (j), respectively; and

(2) by inserting after subsection (a) the following:

''(b) ENTRANCE COUNSELING FOR BORROWERS.—

''(1) DISCLOSURE REQUIRED PRIOR TO DISBURSEMENT.—

''(A) IN GENERAL.—Each eligible institution shall, at or prior to the time of a disbursement to a first-time student borrower of a loan made, insured, or guaranteed under part B or D, ensure that the borrower receives comprehensive information on the terms and conditions of the loan and the responsibilities the borrower has with respect to such loan. Such information shall be provided in simple and understandable terms and may be provided—

''(i) during an entrance counseling session conducted in person;

''(ii) on a separate written form provided to the borrower that the borrower signs and returns to the institution; or

''(iii) online, with the borrower acknowledging receipt and understanding of the information.

''(B) USE OF INTERACTIVE PROGRAMS.—The Secretary shall encourage institutions to carry out the requirements of subparagraph (A) through the use of interactive programs that test the borrowers' understanding of the terms and conditions of the borrowers' loans under part B or D, using comprehensible language and displays with clear formatting.

''(2) INFORMATION TO BE PROVIDED.—The information provided to the borrower under paragraph (1)(A) shall include—

''(A) an explanation of the use of the Master Promissory Note;

''(B) in the case of a loan made under section 428B or 428H, a Federal Direct PLUS Loan, or a Federal Direct Unsubsidized Stafford Loan—

''(i) the ability of the borrower to pay the interest while the borrower is in school; and

''(ii) how often interest is capitalized;

''(C) the definition of half-time enrollment at the institution, during regular terms and summer school, if applicable, and the consequences of not maintaining half-time enrollment;

''(D) an explanation of the importance of contacting the appropriate institutional offices if the borrower withdraws prior to completing the borrower's program of study so that the institution can provide exit counseling, including information regarding the borrower's repayment options and loan consolidation;

''(E) the obligation of the borrower to repay the full amount of the loan even if the borrower does not complete the program in which the borrower is enrolled;

''(F) information on the National Student Loan Data System and how the borrower can access the borrower's records; and

''(G) the name of an individual the borrower may contact if the borrower has any questions about the borrower's rights and responsibilities or the terms and conditions of the loan.''.

SEC. 479. NATIONAL STUDENT LOAN DATA SYSTEM.

Section 485B (20 U.S.C. 1092b) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively;

(B) in paragraph (5) (as added by Public Law 101–610), by striking ''effectiveness.'' and inserting ''effectiveness;''; and

(C) by redesignating paragraph (5) (as added by Public Law 101–234) as paragraph (6);

(2) by redesignating subsections (d) through (g) as subsections (e) through (h), respectively; and

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

''(d) PRINCIPLES FOR ADMINISTERING THE DATA SYSTEM.—In managing the National Student Loan Data System, the Secretary shall take actions necessary to maintain confidence in the data system, including, at a minimum—

''(1) ensuring that the primary purpose of access to the data system by guaranty agencies, eligible lenders, and eligible institutions of higher education is for legitimate program operations, such as the need to verify the eligibility of a student, potential student, or parent for loans under part B, D, or E;

''(2) prohibiting nongovernmental researchers and policy analysts from accessing personally identifiable information;

''(3) creating a disclosure form for students and potential students that is distributed when such students complete the common financial reporting form under section 483, and as a part of the exit counseling process under section 485(b), that—

''(A) informs the students that any title IV grant or loan the students receive will be included in the National Student Loan Data System, and instructs the students on how to access that information;

''(B) describes the categories of individuals or entities that may access the data relating to such grant or loan through the data system, and for what purposes access is allowed;

''(C) defines and explains the categories of information included in the data system;

''(D) provides a summary of the provisions of the Family Educational Rights and Privacy Act of 1974 and other applicable Federal privacy statutes, and a statement of the students' rights and responsibilities with respect to such statutes;

''(E) explains the measures taken by the Department to safeguard the students' data; and

''(F) includes other information as determined appropriate by the Secretary;

''(4) requiring guaranty agencies, eligible lenders, and eligible institutions of higher education that enter into an agreement with a potential student, student, or parent of such student regarding a loan under part B, D, or E, to inform the student or parent that such loan shall be—

''(A) submitted to the data system; and

''(B) accessible to guaranty agencies, eligible lenders, and eligible institutions of higher education determined by the Secretary to be authorized users of the data system;

''(5) regularly reviewing the data system to—

''(A) delete inactive users from the data system;

''(B) ensure that the data in the data system are not being used for marketing purposes; and

''(C) monitor the use of the data system by guaranty agencies and eligible lenders to determine whether an agency or lender is accessing the records of students in which the agency or lender has no existing financial interest; and

''(6) developing standardized protocols for limiting access to the data system that include—

''(A) collecting data on the usage of the data system to monitor whether access has been or is being used contrary to the purposes of the data system;

''(B) defining the steps necessary for determining whether, and how, to deny or restrict access to the data system; and

''(C) determining the steps necessary to reopen access to the data system following a denial or restriction of access.''; and

(4) by striking subsection (e) (as redesignated by paragraph (1)) and inserting the following:

''(e) REPORTS TO CONGRESS.—

''(1) ANNUAL REPORT.—Not later than September 30 of each fiscal year, the Secretary shall prepare and submit to the appropriate committees of Congress a report describing—

''(A) the results obtained by the establishment and operation of the National Student Loan Data System authorized by this section;

''(B) the effectiveness of existing privacy safeguards in protecting student and parent information in the data system;

''(C) the success of any new authorization protocols in more effectively preventing abuse of the data system;

''(D) the ability of the Secretary to monitor how the system is being used, relative to the intended purposes of the data system; and

''(E) any protocols developed under subsection (d)(6) during the preceding fiscal year.

''(2) STUDY.—

''(A) IN GENERAL.—The Secretary shall conduct a study regarding—

''(i) available mechanisms for providing students and parents with the ability to opt in or opt out of allowing eligible lenders to access their records in the National Student Loan Data System; and

''(ii) appropriate protocols for limiting access to the data system, based on the risk assessment required under subchapter III of chapter 35 of title 44, United States Code.

''(B) SUBMISSION OF STUDY.—Not later than 3 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall prepare and submit a report on the findings of the study to the appropriate committees of Congress.''.

SEC. 480. EARLY AWARENESS OF FINANCIAL AID ELIGIBILITY.

Part G of title IV (20 U.S.C. 1088 et seq.) is further amended by inserting after section 485D (20 U.S.C. 1092c) the following:

''SEC. 485E. EARLY AWARENESS OF FINANCIAL AID ELIGIBILITY.

''(a) IN GENERAL.—The Secretary shall implement, in cooperation with States, institutions of higher education, secondary schools, middle schools, early intervention and outreach programs under this title, other agencies and organizations involved in student financial assistance and college access, public libraries, community centers, employers, and businesses, a comprehensive system of early financial aid information in order to provide students and families with early information about financial aid and early estimates of such students' eligibility for financial aid from multiple sources. Such system shall include the activities described in subsections (b) and (c).

''(b) COMMUNICATION OF AVAILABILITY OF AID AND AID ELIGIBILITY.—

''(1) STUDENTS WHO RECEIVE BENEFITS.—The Secretary shall—

''(A) make special efforts to notify students, who receive or are eligible to receive benefits under a Federal means-tested benefit program (including the food stamp program under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.)) or another such benefit program as determined by the Secretary, of such students' potential eligibility for a maximum Federal Pell Grant under subpart 1 of part A; and

''(B) disseminate such informational materials as the Secretary determines necessary.

''(2) MIDDLE SCHOOL STUDENTS.—The Secretary, in cooperation with States, institutions of higher education, other organizations involved in college access and student financial aid, middle schools, and programs under this title that serve middle school students, shall make special efforts to notify students and their parents of the availability of financial aid under this title and, in accordance with subsection (c), shall provide nonbinding estimates of grant and loan aid that an individual may be eligible for under this title upon completion of an application form under section 483(a). The Secretary shall ensure that such information is as accurate as possible and that such information is provided in an age-appropriate format using dissemination mechanisms suitable for students in middle school.

''(3) SECONDARY SCHOOL STUDENTS.—The Secretary, in cooperation with States, institutions of higher education, other organizations involved in college access and student financial aid, secondary schools, and programs under this title that serve secondary school students, shall make special efforts to notify students in secondary school and their parents, as early as possible but not later than such students' junior year of secondary school, of the availability of financial aid under this title and, in accordance with subsection (c), shall provide nonbinding estimates of the amounts of grant and loan aid that an individual may be eligible for under this title upon completion of an application form under section 483(a). The Secretary shall ensure that such information is as accurate as possible and that such information is provided in an age-appropriate format using dissemination mechanisms suitable for students in secondary school.

''(4) ADULT LEARNERS.—The Secretary, in cooperation with States, institutions of higher education, other organizations involved in college access and student financial aid, employers, workforce investment boards and public libraries, shall make special efforts to provide individuals who would qualify as independent students, as defined in section 480(d), with information regarding the availability of financial aid under this title and, in accordance with subsection (c), with nonbinding estimates of the amounts of grant and loan aid that an individual may be eligible for under this title upon completion of an application form under section 483(a). The Secretary shall ensure that such information—

''(A) is as accurate as possible;

''(B) includes specific information regarding the availability of financial aid for students qualified as independent students, as defined in section 480(d); and

''(C) uses dissemination mechanisms suitable for adult learners.

''(5) PUBLIC AWARENESS CAMPAIGN.—Not later than 2 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary, in coordination with States, institutions of higher education, early intervention and outreach programs under this title, other agencies and organizations involved in student financial aid, local educational agencies, public libraries, community centers, businesses, employers, employment services, workforce investment boards, and movie theaters, shall implement a public awareness campaign in order to increase national awareness regarding the availability of financial aid under this title. The public awareness campaign shall disseminate accurate information regarding the availability of financial aid under this title and shall be implemented, to the extent practicable, using a variety of media, including print, television, radio and the Internet. The Secretary shall design and implement the public awareness campaign based upon relevant independent research and the information and dissemination strategies found most effective in implementing paragraphs (1) through (4).

''(c) AVAILABILITY OF NONBINDING ESTIMATES OF FEDERAL FINANCIAL AID ELIGIBILITY.—

''(1) IN GENERAL.—The Secretary, in cooperation with States, institutions of higher education, and other agencies and organizations involved in student financial aid, shall provide, via a printed form and the Internet or other electronic means, the capability for individuals to determine easily, by entering relevant data, nonbinding estimates of amounts of grant and loan aid an individual may be eligible for under this title upon completion and processing of an application and enrollment in an institution of higher education.

''(2) DATA ELEMENTS.—The Secretary, in cooperation with States, institutions of higher education, and other agencies and organizations involved in student financial aid, shall determine the data elements that are necessary to create a simplified form that individuals can use to obtain easily nonbinding estimates of the amounts of grant and loan aid an individual may be eligible for under this title.

''(3) QUALIFICATION TO USE SIMPLIFIED APPLICATION.—The capability provided under this paragraph shall include the capability to determine whether the individual is eligible to submit a simplified application form under paragraph (2)(B) or (3)(B) of section 483(a).''.

SEC. 481. PROGRAM PARTICIPATION AGREEMENTS.

Section 487 (20 U.S.C. 1094) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (21), (22), and (23) as paragraphs (22), (23), and (24), respectively;

(B) by inserting after paragraph (20) the following:

''(21) CODE OF CONDUCT.—

''(A) IN GENERAL.—The institution will establish, follow, and enforce a code of conduct regarding student loans that includes not less than the following:

''(i) REVENUE SHARING PROHIBITION.—The institution is prohibited from receiving anything of value from any lender in exchange for any advantage sought by the lender to make educational loans to a student enrolled, or who is expected to be enrolled, at the institution, except that an institution shall not be prohibited from receiving a philanthropic contribution from a lender if the contribution is not made in exchange for any such advantage.

''(ii) GIFT AND TRIP PROHIBITION.—Any employee who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to educational loans or other financial aid of the institution, is prohibited from taking from any lender any gift or trip worth more than nominal value, except for reasonable expenses for professional development that will improve the efficiency and effectiveness of programs under this title and for domestic travel to such professional development.

''(iii) CONTRACTING ARRANGEMENTS.—Any employee who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to educational loans or other financial aid of the institution, shall be prohibited from entering into any type of consulting arrangement or other contract to provide services to a lender.

''(iv) ADVISORY BOARD COMPENSATION.—Any employee who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to educational loans or other student financial aid

of the institution, and who serves on an advisory board, commission, or group established by a lender or group of lenders shall be prohibited from receiving anything of value from the lender or group of lenders, except that the employee may be reimbursed for reasonable expenses incurred in serving on such advisory board, commission or group.

''(v) INTERACTION WITH BORROWERS.—The institution will not—

''(I) for any first-time borrower, assign, through award packaging or other methods, the borrower's loan to a particular lender; and

''(II) refuse to certify, or, delay certification of, any loan in accordance with paragraph (6) based on the borrower's selection of a particular lender or guaranty agency.

''(B) DESIGNATION.—The institution will designate an individual who shall be responsible for signing an annual attestation on behalf of the institution that the institution agrees to, and is in compliance with, the requirements of the code of conduct described in this paragraph. Such individual shall be the chief executive officer, chief operating officer, chief financial officer, or comparable official, of the institution, and shall annually submit the signed attestation to the Secretary.

''(C) AVAILABILITY.—The institution will make the code of conduct widely available to the institution's faculty members, students, and parents through a variety of means, including the institution's website.'';

(C) in paragraph (24) (as redesignated by subparagraph (A)), by adding at the end the following:

''(D) In the case of a proprietary institution of higher education as defined in section 102(b), the institution shall be considered in compliance with the requirements of subparagraph (A) for any student to whom the institution electronically transmits a message containing a voter registration form acceptable for use in the State in which the institution is located, or an Internet address where such a form can be downloaded, if such information is in an electronic message devoted solely to voter registration.''; and

(D) by adding at the end the following:

''(25) In the case of a proprietary institution of higher education as defined in section 102(b), the institution will, as calculated in accordance with subsection (h)(1), have not less than 10 percent of its revenues from sources other than funds provided under this title, or will be subject to the sanctions described in subsection (h)(2).

''(26) PREFERRED LENDER LISTS.—

''(A) IN GENERAL.—In the case of an institution (including an employee or agent of an institution) that maintains a preferred lender list, in print or any other medium, through which the institution recommends one or more specific lenders for loans made under part B to the students attending the institution (or the parents of such students), the institution will—

''(i) clearly and fully disclose on the preferred lender list—

''(I) why the institution has included each lender as a preferred lender, especially with respect to terms and conditions favorable to the borrower; and

''(II) that the students attending the institution (or the parents of such students) do not have to borrow from a lender on the preferred lender list;

''(ii) ensure, through the use of the list provided by the Secretary under subparagraph (C), that—

''(I) there are not less than 3 lenders named on the preferred lending list that are not affiliates of each other; and

''(II) the preferred lender list—

''(aa) specifically indicates, for each lender on the list, whether the lender is or is not an affiliate of each other lender on the list; and

''(bb) if the lender is an affiliate of another lender on the list, describes the specifics of such affiliation; and

''(iii) establish a process to ensure that lenders are placed upon the preferred lender list on the basis of the benefits provided to borrowers, including —

''(I) highly competitive interest rates, terms, or conditions for loans made under part B;

''(II) high-quality customer service for such loans; or

''(III) additional benefits beyond the standard terms and conditions for such loans.

''(B) DEFINITION OF AFFILIATE; CONTROL.—

''(i) DEFINITION OF AFFILIATE.—For the purposes of subparagraph (A)(ii) the term 'affiliate' means a person that controls, is controlled by, or is under common control with, another person.

''(ii) CONTROL.—For purposes of subparagraph (A)(ii), a person has control over another person if—

''(I) the person directly or indirectly, or acting through 1 or more others, owns, controls, or has the power to vote 5 percent or more of any class of voting securities of such other person;

''(II) the person controls, in any manner, the election of a majority of the directors or trustees of such other person; or

''(III) the Secretary determines (after notice and opportunity for a hearing) that the person directly or indirectly exercises a controlling interest over the management or policies of such other person.

''(C) LIST OF LENDER AFFILIATES.—The Secretary, in consultation with the Director of the Federal Deposit Insurance Corporation, shall maintain and update a list of lender affiliates of all eligible lenders, and shall provide such list to the eligible institutions for use in carrying out subparagraph (A).'';

(2) in subsection (c)(1)(A)(i), by inserting '', except that the Secretary may modify the requirements of this clause with regard to an institution outside the United States'' before the semicolon at the end;

(3) by redesignating subsections (d) and (e) as subsection (f) and (g), respectively;

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

''(d) INSTITUTIONAL REQUIREMENTS FOR TEACH-OUTS.—

''(1) IN GENERAL.—In the event the Secretary initiates the limitation, suspension, or termination of the participation of an institution of higher education in any program under this title under the authority of subsection (c)(1)(F) or initiates an emergency action under the authority of subsection (c)(1)(G) and its prescribed regulations, the Secretary shall require that institution to prepare a teach-out plan for submission to the institution's accrediting agency or association in compliance with section 496(c)(4), the Secretary's regulations on teach-out plans, and the standards of the institution's accrediting agency or association.

''(2) TEACH-OUT PLAN DEFINED.—In this subsection, the term 'teach-out plan' means a written plan that provides for the equitable treatment of students if an institution of higher education ceases to operate before all students have completed their program of study, and may include, if required by the institution's accrediting agency or association, an agreement between institutions for such a teach-out plan.

''(e) VIOLATION OF CODE OF CONDUCT REGARDING STUDENT LOANS.—

''(1) IN GENERAL.—Upon a finding by the Secretary, after reasonable notice and an opportunity for a hearing, that an institution of higher education that has entered into a program participation agreement with the Secretary under subsection (a) willfully contravened the institution's attestation of compliance with the provisions of subsection (a)(21), the Secretary may impose a penalty described in paragraph (2).

''(2) PENALTIES.—A violation of paragraph (1) shall result in the limitation, suspension, or termination of the eligibility of the institution for the loan programs under this title.''; and

(5) by adding at the end the following:

''(h) IMPLEMENTATION OF NONTITLE IV REVENUE REQUIREMENT.—

''(1) CALCULATION.—In carrying out subsection (a)(27), a proprietary institution of higher education (as defined in section 102(b)) shall use the cash basis of accounting and count the following funds as from sources of funds other than funds provided under this title:

''(A) Funds used by students from sources other than funds received under this title to pay tuition, fees, and other institutional charges to the institution, provided the institution can reasonably demonstrate that such funds were used for such purposes.

''(B) Funds used by the institution to satisfy matching-fund requirements for programs under this title.

''(C) Funds used by a student from savings plans for educational expenses established by or on behalf of the student and which qualify for special tax treatment under the Internal Revenue Code of 1986.

''(D) Funds paid by a student, or on behalf of a student by a party other than the institution, to the institution for an education or training program that is not eligible for funds under this title, provided that the program is approved or licensed by the appropriate State agency or an accrediting agency recognized by the Secretary.

''(E) Funds generated by the institution from institutional activities that are necessary for the education and training of the institution's students, if such activities are—

''(i) conducted on campus or at a facility under the control of the institution;

''(ii) performed under the supervision of a member of the institution's faculty; and

''(iii) required to be performed by all students in a specific educational program at the institution.

''(F) Institutional aid, as follows:

''(i) In the case of loans made by the institution, only the amount of loan repayments received by the institution during the fiscal year for which the determination is made.

''(ii) In the case of scholarships provided by the institution, only those scholarship funds provided by the institution that are—

''(I) in the form of monetary aid based upon the academic achievements or financial need of students; and

''(II) disbursed during the fiscal year for which the determination is made from an established restricted account and only to the extent that the funds in that account represent designated funds from an outside source or income earned on those funds.

''(iii) In the case of tuition discounts, only those tuition discounts based upon the academic achievement or financial need of students.

''(2) SANCTIONS.—

''(A) FAILURE TO MEET REQUIREMENT FOR 1 YEAR.—In addition to such other means of enforcing the requirements of this title as may be available to the Secretary, if an institution fails to meet the requirements of subsection (a)(27) in any year, the Secretary may impose 1 or both of the following sanctions on the institution:

''(i) Place the institution on provisional certification in accordance with section 498(h) until the institution demonstrates, to

the satisfaction of the Secretary, that it is in compliance with subsection (a)(27).

''(ii) Require such other increased monitoring and reporting requirements as the Secretary determines necessary until the institution demonstrates, to the satisfaction of the Secretary, that it is in compliance with subsection (a)(27).

''(B) FAILURE TO MEET REQUIREMENT FOR 2 YEARS.—An institution that fails to meet the requirements of subsection (a)(27) for 2 consecutive years shall be ineligible to participate in the programs authorized under this title until the institution demonstrates, to the satisfaction of the Secretary, that it is in compliance with subsection (a)(27).

''(3) PUBLIC AVAILABILITY OF INFORMATION.—The Secretary shall make publicly available, through the means described in subsection (b) of section 131, any institution that fails to meet the requirements of subsection (a)(27) in any year as an institution that is failing to meet the minimum non-Federal source of revenue requirements of such subsection (a)(27).''.

SEC. 482. REGULATORY RELIEF AND IMPROVEMENT.

Section 487A(b) (20 U.S.C. 1094a(b)) is amended—

(1) in paragraph (1)—

(A) by striking ''1998'' and inserting ''2007'' ; and

(B) by striking ''1999'' and inserting ''2008''; and

(2) by striking the matter preceding paragraph (2)(A) and inserting the following:

''(2) REPORT.—The Secretary shall review and evaluate the experience of institutions participating as experimental sites and shall, on a biennial basis, submit a report based on the review and evaluation to the authorizing committees. Such report shall include—''; and

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking ''Upon the submission of the report required by paragraph (2), the'' and inserting ''The''; and

(ii) by inserting ''periodically'' after ''authorized to'';

(B) by striking subparagraph (B);

(C) by redesignating subparagraph (C) as subparagraph (B); and

(D) in subparagraph (B) (as redesignated by subparagraph (C))—

(i) by inserting '', including requirements related to the award process and disbursement of student financial aid (such as innovative delivery systems for modular or compressed courses, or other innovative systems), verification of student financial aid application data, entrance and exit interviews, or other management procedures or processes as determined in the negotiated rulemaking process under section 492'' after ''requirements in this title'';

(ii) by inserting ''(other than an award rule related to an experiment in modular or compressed schedules)'' after ''award rules''; and

(iii) by inserting ''unless the waiver of such provisions is authorized by another provision under this title'' before the period at the end.

SEC. 483. TRANSFER OF ALLOTMENTS.

Section 488 (20 U.S.C. 1095) is amended in the first sentence—

(1) in paragraph (1), by striking ''and'' after the semicolon;

(2) in paragraph (2), by striking ''413D.'' and inserting ''413D; and''; and

(3) by adding at the end ''(3) transfer 25 percent of the institution's allotment under section 413D to the institution's allotment under section 442.''.

SEC. 484. PURPOSE OF ADMINISTRATIVE PAYMENTS.

Section 489(b) (20 U.S.C. 1096(b)) is amended by striking ''offsetting the administrative costs of'' and inserting ''administering''.

SEC. 485. ADVISORY COMMITTEE ON STUDENT FINANCIAL ASSISTANCE.

Section 491 (20 U.S.C. 1098) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (B), by striking ''and'' after the semicolon;

(B) in subparagraph (C), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(D) to provide knowledge and understanding of early intervention programs, and to make recommendations that will result in early awareness by low- and moderate-income students and families—

''(i) of their eligibility for assistance under this title; and

''(ii) to the extent practicable, of their eligibility for other forms of State and institutional need-based student assistance; and

''(E) to make recommendations that will expand and improve partnerships among the Federal Government, States, institutions of higher education, and private entities to increase the awareness and the total amount of need-based student assistance available to low- and moderate-income students.'';

(2) in subsection (c), by adding at the end the following:

''(3) The appointment of a member under subparagraph (A) or (B) of paragraph (1) shall be effective upon confirmation of the member by the Senate and publication of such appointment in the Congressional Record.'';

(3) in subsection (d)(6), by striking '', but nothing'' and all that follows through ''or analyses'';

(4) in subsection (j)—

(A) in paragraph (1)—

(i) by inserting ''and simplification'' after ''modernization'' each place the term appears; and

(ii) by striking ''including'' and all that follows through ''Department,''; and

(B) by striking paragraphs (4) and (5) and inserting the following:

''(4) conduct a review and analysis of regulations in accordance with subsection (l); and

''(5) conduct a study in accordance with subsection (m).'';

(5) in subsection (k), by striking ''2004'' and inserting ''2013''; and

(6) by adding at the end the following:

''(l) REVIEW AND ANALYSIS OF REGULATIONS.—

''(1) RECOMMENDATIONS.—The Advisory Committee shall make recommendations to the Secretary and Congress for consideration of future legislative action regarding redundant or outdated regulations under this title, consistent with the Secretary's requirements under section 498B.

''(2) REVIEW AND ANALYSIS OF REGULATIONS.—The Advisory Committee shall conduct a review and analysis of the regulations issued under this title that are in effect at the time of the review and that apply to the operations or activities of participants in the programs assisted under this title. The review and analysis may include a determination of whether the regulation is duplicative, is no longer necessary, is inconsistent with other Federal requirements, or is overly burdensome. In conducting the review, the Advisory Committee shall pay specific attention to evaluating ways in which regulations under this title affecting institutions of higher education (other than institutions described in section 102(a)(1)(C)), that have received in each of the 2 most recent award years prior to the date of enactment of the Higher Education Amendments of 2007 less than $200,000 in funds through this title, may be improved, streamlined, or eliminated.

''(3) CONSULTATION.—

''(A) IN GENERAL.—In carrying out the review and analysis under paragraph (2), the Advisory Committee shall consult with the Secretary, relevant representatives of institutions of higher education, and individuals who have expertise and experience with the regulations issued under this title, in accordance with subparagraph (B).

''(B) REVIEW PANELS.—The Advisory Committee shall convene not less than 2 review panels of representatives of the groups involved in student financial assistance programs under this title who have experience and expertise in the regulations issued under this title to review the regulations under this title, and to provide recommendations to the Advisory Committee with respect to the review and analysis under paragraph (2). The panels shall be made up of experts in areas such as the operations of the financial assistance programs, the institutional eligibility requirements for the financial assistance programs, regulations not directly related to the operations or the institutional eligibility requirements of the financial assistance programs, and regulations for dissemination of information to students about the financial assistance programs.

''(4) REPORTS TO CONGRESS.—The Advisory Committee shall submit, not later than 2 years after the completion of the negotiated rulemaking process required under section 492 resulting from the amendments to this Act made by the Higher Education Amendments of 2007, a report to the authorizing committees and the Secretary detailing the expert panels' findings and recommendations with respect to the review and analysis under paragraph (2).

''(5) ADDITIONAL SUPPORT.—The Secretary and the Inspector General of the Department shall provide such assistance and resources to the Advisory Committee as the Secretary and Inspector General determine are necessary to conduct the review required by this subsection.

''(m) STUDY OF INNOVATIVE PATHWAYS TO BACCALAUREATE DEGREE ATTAINMENT.—

''(1) STUDY REQUIRED.—The Advisory Committee shall conduct a study of the feasibility of increasing baccalaureate degree attainment rates by reducing the costs and financial barriers to attaining a baccalaureate degree through innovative programs.

''(2) SCOPE OF STUDY.—The Advisory Committee shall examine new and existing programs that promote baccalaureate degree attainment through innovative ways, such as dual or concurrent enrollment programs, changes made to the Federal Pell Grant program, simplification of the needs analysis process, compressed or modular scheduling, articulation agreements, and programs that allow 2-year institutions of higher education to offer baccalaureate degrees.

''(3) REQUIRED ASPECTS OF THE STUDY.—In performing the study described in this subsection, the Advisory Committee shall examine the following aspects of such innovative programs:

''(A) The impact of such programs on baccalaureate attainment rates.

''(B) The degree to which a student's total cost of attaining a baccalaureate degree can be reduced by such programs.

''(C) The ways in which low- and moderate-income students can be specifically targeted by such programs.

''(D) The ways in which nontraditional students can be specifically targeted by such programs.

''(E) The cost-effectiveness for the Federal Government, States, and institutions of higher education to implement such programs.

''(4) CONSULTATION.—

''(A) IN GENERAL.—In performing the study described in this subsection the Advisory Committee shall consult with a broad range of interested parties in higher education, including parents, students, appropriate representatives of secondary schools and institutions of higher education, appropriate State administrators, administrators of dual or concurrent enrollment programs, and appropriate Department officials.

''(B) CONGRESSIONAL CONSULTATION.—The Advisory Committee shall consult on a regular basis with the authorizing committees in carrying out the study required by this section.

''(5) REPORTS TO CONGRESS.—

''(A) INTERIM REPORT.—The Advisory Committee shall prepare and submit to the authorizing committees and the Secretary an interim report, not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, describing the progress that has been made in conducting the study required by this subsection and any preliminary findings on the topics identified under paragraph (2).

''(B) FINAL REPORT.—The Advisory Committee shall, not later than 3 years after the date of enactment of the Higher Education Amendments of 2007, prepare and submit to the authorizing committees and the Secretary a final report on the study, including recommendations for legislative, regulatory, and administrative changes based on findings related to the topics identified under paragraph (2).''.

SEC. 486. REGIONAL MEETINGS.

Section 492(a)(1) (20 U.S.C. 1098a(a)(1)) is amended by inserting ''State student grant agencies,'' after ''institutions of higher education,''.

SEC. 487. YEAR 2000 REQUIREMENTS AT THE DEPARTMENT.

(a) REPEAL.—Section 493A (20 U.S.C. 1098c) is repealed.

(b) REDESIGNATION.—Section 493B (20 U.S.C. 1098d) is redesignated as section 493A.

PART G—PROGRAM INTEGRITY

SEC. 491. RECOGNITION OF ACCREDITING AGENCY OR ASSOCIATION.

Section 496 (20 U.S.C. 1099b) is amended—

(1) in subsection (a)—

(A) by striking paragraph (4) and inserting the following:

''(4)(A) such agency or association consistently applies and enforces standards that respect the stated mission of the institution of higher education, including religious missions, and that ensure that the courses or programs of instruction, training, or study offered by the institution of higher education, including distance education courses or programs, are of sufficient quality to achieve, for the duration of the accreditation period, the stated objective for which the courses or the programs are offered; and

''(B) if such agency or association has or seeks to include within its scope of recognition the evaluation of the quality of institutions or programs offering distance education, such agency or association shall, in addition to meeting the other requirements of this subpart, demonstrate to the Secretary that—

''(i) the agency or association's standards effectively address the quality of an institution's distance education in the areas identified in section 496(a)(5), except that the agency or association shall not be required to have separate standards, procedures or policies for the evaluation of distance education institutions or programs in order to meet the requirements of this subparagraph; and

''(ii) the agency or association requires an institution that offers distance education to have processes through which the institution establishes that the student who registers in a distance education course or program is the same student who participates in and completes the program and receives the academic credit;'';

(B) in paragraph (5), by striking subparagraph (A) and inserting the following:

''(A) success with respect to student achievement in relation to the institution's mission, which may include different standards for different institutions or programs, as established by the institution, including, as appropriate, consideration of State licensing examinations and job placement rates;'';

(C) by striking paragraph (6) and inserting the following:

''(6) such an agency or association shall establish and apply review procedures throughout the accrediting process, including evaluation and withdrawal proceedings which comply with due process procedures that provide for—

''(A) adequate specification of requirements and deficiencies at the institution of higher education or program examined;

''(B) an opportunity for a written response by any such institution to be included, prior to final action, in the evaluation and withdrawal proceedings;

''(C) upon the written request of an institution, an opportunity for the institution to appeal any adverse action, including denial, withdrawal, suspension, or termination of accreditation, or placement on probation of an institution, at a hearing prior to such action becoming final, before an appeals panel that—

''(i) shall not include current members of the agency or association's underlying decision-making body that made the adverse decision; and

''(ii) is subject to a conflict of interest policy; and

''(D) the right to representation by counsel for such an institution during an appeal of the adverse action;''; and

(D) by striking paragraph (8) and inserting the following:

''(8) such agency or association shall make available to the public and the State licensing or authorizing agency, and submit to the Secretary, a summary of agency or association actions, including—

''(A) the award of accreditation or reaccreditation of an institution;

''(B) final denial, withdrawal, suspension, or termination of accreditation, or placement on probation of an institution, and any findings made in connection with the action taken, together with the official comments of the affected institution; and

''(C) any other adverse action taken with respect to an institution.'';

(2) in subsection (c)—

(A) in paragraph (1), by inserting '', including those regarding distance education'' after ''their responsibilities'';

(B) by redesignating paragraphs (2) through (6) as paragraphs (5) through (9);

(C) by inserting after paragraph (1) (as amended by subparagraph (A)) the following:

''(2) ensures that the agency or association's on-site evaluation for accreditation or reaccreditation includes review of the Federally required information the institution or program provides its current and prospective students;

''(3) monitors the growth of programs at institutions that are experiencing significant enrollment growth;

''(4) requires an institution to submit a teach-out plan for approval to the accrediting agency upon the occurrence of any of the following events:

''(A) The Department notifies the accrediting agency of an action against the institution pursuant to section 487(d).

''(B) The accrediting agency acts to withdraw, terminate, or suspend the accreditation of an institution.

''(C) The institution notifies the accrediting agency that the institution intends to cease operations.'';

(D) in paragraph (8) (as redesignated by subparagraph (B)), by striking ''and'' after the semicolon;

(E) in subparagraph (9) (as redesignated by subparagraph (B)), by striking the period and inserting ''; and''; and

(F) by adding at the end the following:

''(10) confirms, as a part of the agency or association's review for accreditation or reaccreditation, that the institution has transfer of credit policies—

''(A) that are publicly disclosed; and

''(B) that include a statement of the criteria established by the institution regarding the transfer of credit earned at another institution of higher education.'';

(3) in subsection (g), by adding at the end the following: ''Nothing in this section shall be construed to permit the Secretary to establish any criteria that specifies, defines, or prescribes the standards that accrediting agencies or associations shall use to assess any institution's success with respect to student achievement.''; and

(4) in subsection (o), by adding at the end the following: ''Notwithstanding any other provision of law, the Secretary shall not promulgate any regulation with respect to subsection (a)(5).''.

SEC. 492. ADMINISTRATIVE CAPACITY STANDARD.

Section 498 (20 U.S.C. 1099c) is amended—

(1) in subsection (d)(1)(B), by inserting ''and'' after the semicolon; and

(2) by adding at the end the following:

''(k) TREATMENT OF TEACH-OUTS AT ADDITIONAL LOCATIONS.—

''(1) IN GENERAL.—A location of a closed institution of higher education shall be eligible as an additional location of an eligible institution of higher education, as defined pursuant to regulations of the Secretary, for the purposes of a teach-out, if such teach-out has been approved by the institution's accrediting agency.

''(2) SPECIAL RULE.—An institution of higher education that conducts a teach-out through the establishment of an additional location described in paragraph (1) shall be permitted to establish a permanent additional location at a closed institution and shall not be required—

''(A) to meet the requirements of sections 102(b)(1)(E) and 102(c)(1)(C) for such additional location; or

''(B) to assume the liabilities of the closed institution.''.

SEC. 493. PROGRAM REVIEW AND DATA.

Section 498A(b) (20 U.S.C. 1099c–1(b)) is amended—

(1) in paragraph (4), by striking ''and'' after the semicolon;

(2) in paragraph (5) by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(6) provide to an institution of higher education an adequate opportunity to review and respond to any program review report and relevant materials related to the report before any final program review report is issued;

''(7) review and take into consideration an institution of higher education's response in any final program review report or audit determination, and include in the report or determination—

''(A) a written statement addressing the institution of higher education's response;

''(B) a written statement of the basis for such report or determination; and

''(C) a copy of the institution's response; and

''(8) maintain and preserve at all times the confidentiality of any program review report until the requirements of paragraphs (6) and (7) are met, and until a final program review is issued, other than to the extent required to comply with paragraph (5), except that the Secretary shall promptly disclose any and all program review reports to the institution of higher education under review.''.

SEC. 494. TIMELY INFORMATION ABOUT LOANS.

(a) IN GENERAL.—Title IV (20 U.S.C. 1070 et seq.) is further amended by adding at the end the following:

''SEC. 499A. ACCESS TO TIMELY INFORMATION ABOUT LOANS.

''(a) REGULAR BILL PROVIDING PERTINENT INFORMATION ABOUT A LOAN.—A lender of a loan made, insured, or guaranteed under this title shall provide the borrower of such loan a bill each month or, in the case of a loan payable less frequently than monthly, a bill that corresponds to each payment installment time period, including a clear and conspicuous notice of—

''(1) the borrower's principal borrowed;

''(2) the borrower's current balance;

''(3) the interest rate on such loan;

''(4) the amount the borrower has paid in interest;

''(5) the amount of additional interest payments the borrower is expected to pay over the life of the loan;

''(6) the total amount the borrower has paid for the loan, including the amount the borrower has paid in interest, the amount the borrower has paid in fees, and the amount the borrower has paid against the balance, in a brief, borrower-friendly manner;

''(7) a description of each fee the borrower has been charged for the current payment period;

''(8) the date by which the borrower needs to make a payment in order to avoid additional fees;

''(9) the amount of such payment that will be applied to the interest, the balance, and any fees on the loan; and

''(10) the lender's address and toll-free phone number for payment and billing error purposes.

''(b) INFORMATION PROVIDED BEFORE COMMENCEMENT OF REPAYMENT.—A lender of a loan made, insured, or guaranteed under this title shall provide to the borrower of such loan, at least one month before the loan enters repayment, a clear and conspicuous notice of not less than the following information:

''(1) The borrower's options, including repayment plans, deferments, forbearances, and discharge options to which the borrower may be entitled.

''(2) The conditions under which a borrower may be charged any fee, and the amount of such fee.

''(3) The conditions under which a loan may default, and the consequences of default.

''(4) Resources, including nonprofit organizations, advocates, and counselors (including the Office of the Ombudsman at the Department), where borrowers can receive advice and assistance, if such resources exist.

''(c) INFORMATION PROVIDED DURING DELINQUENCY.—In addition to any other information required under law, a lender of a loan made, insured, or guaranteed under this title shall provide a borrower in delinquency with a clear and conspicuous notice of the date on which the loan will default if no payment is made, the minimum payment that must be made to avoid default, discharge options to which the borrower may be entitled, resources, including nonprofit organizations, advocates, and counselors (including the Office of the Ombudsman at the Department), where borrowers can receive advice and assistance, if such resources exist.

''(d) INFORMATION PROVIDED DURING DEFAULT.—A lender of a loan made, insured, or guaranteed under this title shall provide a borrower in default, on not less than 2 separate occasions, with a clear and conspicuous notice of not less than the following information:

''(1) The options available to the borrower to be removed from default.

''(2) The relevant fees and conditions associated with each option.''.

SEC. 495. AUCTION EVALUATION AND REPORT.

(a) EVALUATION.—If Congress enacts an Act that authorizes the Secretary of Education to carry out a pilot program under which the Secretary establishes a mechanism for an auction of Federal PLUS Loans, then the Comptroller General shall evaluate such pilot program. The evaluation shall determine—

(1) the extent of the savings to the Federal Government that are generated through the pilot program, compared to the cost the Federal Government would have incurred in operating the parent loan program under section 428B of the Higher Education Act of 1965 in the absence of the pilot program;

(2) the number of lenders that participated in the pilot program, and the extent to which the pilot program generated competition among lenders to participate in the auctions under the pilot program;

(3) the effect of the transition to and operation of the pilot program on the ability of—

(A) lenders participating in the pilot program to originate loans made through the pilot program smoothly and efficiently;

(B) institutions of higher education participating in the pilot program to disburse loans made through the pilot program smoothly and efficiently; and

(C) the ability of parents to obtain loans made through the pilot program in a timely and efficient manner;

(4) the differential impact, if any, of the auction among the States, including between rural and non-rural States; and

(5) the feasibility of using the mechanism piloted to operate the other loan programs under part B of title IV of the Higher Education Act of 1965.

(b) REPORTS.—The Comptroller General shall—

(1) not later than September 1, 2010, submit to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) a preliminary report regarding the findings of the evaluation described in subsection (a);

(2) not later than September 1, 2012, submit to the authorizing committees an interim report regarding such findings; and

(3) not later than September 1, 2014, submit to the authorizing committees a final report regarding such findings.

TITLE V—DEVELOPING INSTITUTIONS

SEC. 501. AUTHORIZED ACTIVITIES.

Section 503(b) (20 U.S.C. 1101b(b)) is amended—

(1) by redesignating paragraphs (6) through (14) as paragraphs (8) through (16), respectively;

(2) in paragraph (5), by inserting '', including innovative, customized remedial education and English language instruction courses designed to help retain students and move the students rapidly into core courses and through program completion'' before the period at the end;

(3) by inserting after paragraph (5) the following:

''(6) Education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents.

''(7) Articulation agreements and student support programs designed to facilitate the transfer from 2-year to 4-year institutions.''; and

(4) in paragraph (12) (as redesignated by paragraph (1)), by striking ''distance learning academic instruction capabilities'' and inserting ''distance education technologies''.

SEC. 502. POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS.

(a) ESTABLISHMENT OF PROGRAM.—Title V (20 U.S.C. 1101 et seq.) is amended—

(1) by redesignating part B as part C;

(2) by redesignating sections 511 through 518 as sections 521 through 528, respectively; and

(3) by inserting after section 505 the following:

''PART B—PROMOTING POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS

''SEC. 511. PROGRAM AUTHORITY AND ELIGIBILITY.

''(a) PROGRAM AUTHORIZED.—Subject to the availability of funds appropriated to carry out this part, the Secretary shall award grants, on a competitive basis, to eligible institutions to enable the eligible institutions to carry out the authorized activities described in section 512.

''(b) ELIGIBILITY.—For the purposes of this part, an 'eligible institution' means an institution of higher education that—

''(1) is a Hispanic-serving institution (as defined in section 502); and

''(2) offers a postbaccalaureate certificate or degree granting program.

''SEC. 512. AUTHORIZED ACTIVITIES.

''Grants awarded under this part shall be used for 1 or more of the following activities:

''(1) Purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes.

''(2) Construction, maintenance, renovation, and improvement in classroom, library, laboratory, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services.

''(3) Purchase of library books, periodicals, technical and other scientific journals, microfilm, microfiche, and other educational materials, including telecommunications program materials.

''(4) Support for needy postbaccalaureate students, including outreach, academic support services, mentoring, scholarships, fellowships, and other financial assistance, to permit the enrollment of such students in postbaccalaureate certificate and degree granting programs.

''(5) Support of faculty exchanges, faculty development, faculty research, curriculum development, and academic instruction.

''(6) Creating or improving facilities for Internet or other distance education technologies, including purchase or rental of telecommunications technology equipment or services.

''(7) Collaboration with other institutions of higher education to expand postbaccalaureate certificate and degree offerings.

''(8) Other activities proposed in the application submitted pursuant to section 513 that are approved by the Secretary as part of the review and acceptance of such application.

''SEC. 513. APPLICATION AND DURATION.

''(a) APPLICATION.—Any eligible institution may apply for a grant under this part by submitting an application to the Secretary at such time and in such manner as the Secretary may require. Such application shall demonstrate how the grant funds will be used to improve postbaccalaureate education

opportunities for Hispanic and low-income students and will lead to such students' greater financial independence.

''(b) DURATION.—Grants under this part shall be awarded for a period not to exceed 5 years.

''(c) LIMITATION.—The Secretary may not award more than 1 grant under this part in any fiscal year to any Hispanic-serving institution.''.

SEC. 503. APPLICATIONS.

Section 521(b)(1)(A) (as redesignated by section 502(a)(2)) (20 U.S.C. 1103(b)(1)(A)) is amended by striking ''subsection (b)'' and inserting ''subsection (c)''.

SEC. 504. COOPERATIVE ARRANGEMENTS.

Section 524(a) (as redesignated by section 502(a)(2)) (20 U.S.C. 1103c(a)) is amended by striking ''section 503'' and inserting ''sections 503 and 512''.

SEC. 505. AUTHORIZATION OF APPROPRIATIONS.

Section 528(a) (as redesignated by section 502(a)(2)) (20 U.S.C. 1103g(a)) is amended—

(1) by inserting ''part A of'' after ''carry out'';

(2) by striking ''$62,500,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.'';

(3) by striking ''(a) AUTHORIZATIONS.—There are'' and inserting the following:

''(a) AUTHORIZATIONS.—

''(1) PART A.—There are''; and

(4) by adding at the end the following:

''(2) PART B.—There are authorized to be appropriated to carry out part B of this title such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

TITLE VI—INTERNATIONAL EDUCATION PROGRAMS

SEC. 601. FINDINGS.

Section 601 (20 U.S.C. 1121) is amended—

(1) in the section heading, by striking ''**AND PURPOSES**'' and inserting ''**; PURPOSES; CONSULTATION; SURVEY**'';

(2) in subsection (a)(3), by striking ''post-Cold War'';

(3) in subsection (b)(1)(D), by inserting '', including through linkages with overseas institutions'' before the semicolon; and

(4) by adding at the end the following:

''(c) CONSULTATION.—The Secretary shall, prior to requesting applications for funding under this title during each grant cycle, consult with and receive recommendations regarding national need for expertise in foreign languages and world regions from the head officials of a wide range of Federal agencies. Such agencies shall provide information to the Secretary regarding how the agencies utilize expertise and resources provided by grantees under this title. The Secretary shall take into account such recommendations and information when requesting applications for funding under this title, and shall make available to applicants a list of areas identified as areas of national need.

''(d) SURVEY.—The Secretary shall assist grantees in developing a survey to administer to students who have participated in programs under this title to determine postgraduation placement. All grantees, where applicable, shall administer such survey not less often than annually and report such data to the Secretary.''.

SEC. 602. GRADUATE AND UNDERGRADUATE LANGUAGE AND AREA CENTERS AND PROGRAMS.

Section 602 (20 U.S.C. 1122) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (G), by striking ''and'' after the semicolon;

(ii) in subparagraph (H), by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(I) support for instructors of the less commonly taught languages.''; and

(B) in paragraph (4)—

(i) by redesignating subparagraphs (C) through (E) as subparagraphs (D) through (F), respectively;

(ii) by inserting after subparagraph (B) the following:

''(C) Programs of linkage or outreach between or among—

''(i) foreign language, area studies, or other international fields; and

''(ii) State educational agencies or local educational agencies.'';

(iii) in subparagraph (D) (as redesignated by clause (i)) by inserting '', including Federal or State scholarship programs for students in related areas'' before the period at the end; and

(iv) in subparagraph (F) (as redesignated by clause (i)), by striking ''and (D)'' and inserting ''(D), and (E)'';

(2) in subsection (b)—

(A) in the subsection heading, by striking ''GRADUATE''; and

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

''(2) ELIGIBLE STUDENTS.—A student receiving a stipend described in paragraph (1) shall be engaged—

''(A) in an instructional program with stated performance goals for functional foreign language use or in a program developing such performance goals, in combination with area studies, international studies, or the international aspects of a professional studies program; and

''(B)(i) in the case of an undergraduate student, in the intermediate or advanced study of a less commonly taught language; or

''(ii) in the case of a graduate student, in graduate study in connection with a program described in subparagraph (A), including—

''(I) predissertation level study;

''(II) preparation for dissertation research;

''(III) dissertation research abroad; or

''(IV) dissertation writing.'';

(3) by striking subsection (d) and inserting the following:

''(d) ALLOWANCES.—

''(1) GRADUATE LEVEL RECIPIENTS.—A stipend awarded to a graduate level recipient may include allowances for dependents and for travel for research and study in the United States and abroad.

''(2) UNDERGRADUATE LEVEL RECIPIENTS.—A stipend awarded to an undergraduate level recipient may include an allowance for educational programs in the United States or educational programs abroad that—

''(A) are closely linked to the overall goals of the recipient's course of study; and

''(B) have the purpose of promoting foreign language fluency and knowledge of foreign cultures.''; and

(4) by adding at the end the following:

''(e) APPLICATION.—Each institution or combination of institutions desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information and assurances as the Secretary may require. Each application shall include an explanation of how the activities funded by the grant will reflect diverse perspectives and a wide range of views and generate debate on world regions and international affairs. Each application shall also describe how the applicant will address disputes regarding whether activities funded under the application reflect diverse perspectives and a wide range of views. Each application shall also include a description of how the applicant will encourage government service in areas of national need, as identified by the Secretary, as well as in needs in the education, business, and nonprofit sectors.''.

SEC. 603. UNDERGRADUATE INTERNATIONAL STUDIES AND FOREIGN LANGUAGE PROGRAMS.

Section 604 (20 U.S.C. 1124) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by redesignating subparagraphs (I) through (M) as subparagraphs (J) through (N), respectively; and

(ii) by inserting after subparagraph (H) the following:

''(I) providing subgrants to undergraduate students for educational programs abroad that—

''(i) are closely linked to the overall goals of the program for which the grant is awarded; and

''(ii) have the purpose of promoting foreign language fluency and knowledge of foreign cultures;''; and

(B) in paragraph (7)—

(i) in subparagraph (C), by striking ''and'' after the semicolon;

(ii) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

''(E) a description of how the applicant will provide information to students regarding federally funded scholarship programs in related areas;

''(F) an explanation of how the activities funded by the grant will reflect diverse perspectives and a wide range of views and generate debate on world regions and international affairs, where applicable;

''(G) a description of how the applicant will address disputes regarding whether the activities funded under the application reflect diverse perspectives and a wide range of views; and

''(H) a description of how the applicant will encourage service in areas of national need as identified by the Secretary.''; and

(2) in subsection (c)—

(A) by striking ''FUNDING SUPPORT.—The Secretary'' and inserting ''FUNDING SUPPORT.—

''(1) THE SECRETARY.—The Secretary'';

(B) by striking ''10'' and inserting ''20''; and

(C) by adding at the end the following:

''(2) GRANTEES.—Of the total amount of grant funds awarded to a grantee under this section, the grantee may use not more than 10 percent of such funds for the activity described in subsection (a)(2)(I).''.

SEC. 604. RESEARCH; STUDIES.

Section 605(a) (20 U.S.C. 1125(a)) is amended—

(1) in paragraph (8), by striking ''and'' after the semicolon;

(2) in paragraph (9), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(10) evaluation of the extent to which programs assisted under this title reflect diverse perspectives and a wide range of views and generate debate on world regions and international affairs;

''(11) the systematic collection, analysis, and dissemination of data that contribute to achieving the purposes of this part; and

''(12) support for programs or activities to make data collected, analyzed, or disseminated under this section publicly available and easy to understand.''.

SEC. 605. TECHNOLOGICAL INNOVATION AND COOPERATION FOR FOREIGN INFORMATION ACCESS.

Section 606 (20 U.S.C. 1126) is amended—

(1) in subsection (a)—

(A) by striking ''new electronic technologies'' and inserting ''electronic technologies'';

(B) by inserting ''from foreign sources'' after ''disseminate information'';

(C) in the subsection heading, by striking ''AUTHORITY.—The Secretary'' and inserting ''AUTHORITY.—

''(1) IN GENERAL.—The Secretary''; and

(D) by adding at the end the following:

''(2) PARTNERSHIPS WITH NOT-FOR-PROFIT EDUCATIONAL ORGANIZATIONS.—The Secretary may award grants under this section to carry out the activities authorized under this section to the following:

''(A) An institution of higher education.

''(B) A public or nonprofit private library.

''(C) A consortium of an institution of higher education and 1 or more of the following:

''(i) Another institution of higher education.

''(ii) A library.

''(iii) A not-for-profit educational organization.'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''to facilitate access to'' and inserting ''to acquire, facilitate access to,'';

(B) in paragraph (2), by inserting ''or standards for'' after ''means of'';

(C) in paragraph (6), by striking ''and'' after the semicolon;

(D) in paragraph (7), by striking the period and inserting a semicolon; and

(E) by adding at the end the following:

''(8) to establish linkages to facilitate carrying out the activities described in this subsection between—

''(A) the institutions of higher education, libraries, and consortia receiving grants under this section; and

''(B) institutions of higher education, not-for-profit educational organizations, and libraries overseas; and

''(9) to carry out other activities that the Secretary determines are consistent with the purpose of the grants or contracts awarded under this section.''; and

(3) in subsection (c), by striking ''institution or consortium'' and inserting ''institution of higher education, library, or consortium''.

SEC. 606. SELECTION OF CERTAIN GRANT RECIPIENTS.

Section 607 (20 U.S.C. 1127) is amended—

(1) in subsection (a), by striking ''evaluates the applications for comprehensive and undergraduate language and area centers and programs.'' and inserting ''evaluates—

''(1) the applications for comprehensive foreign language and area or international studies centers and programs; and

''(2) the applications for undergraduate foreign language and area or international studies centers and programs.''; and

(2) in subsection (b), by adding at the end the following: ''The Secretary shall also consider an applicant's record of placing students into service in areas of national need and an applicant's stated efforts to increase the number of such students that go into such service.''.

SEC. 607. AMERICAN OVERSEAS RESEARCH CENTERS.

Section 609 (20 U.S.C. 1128a) is amended by adding at the end the following:

''(e) APPLICATION.—Each center desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information and assurances as the Secretary may require.''.

SEC. 608. AUTHORIZATION OF APPROPRIATIONS FOR INTERNATIONAL AND FOREIGN LANGUAGE STUDIES.

Section 610 (20 U.S.C. 1128b) is amended by striking ''$80,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

SEC. 609. CENTERS FOR INTERNATIONAL BUSINESS EDUCATION.

Section 612(f)(3) (20 U.S.C. 1130–1(f)(3)) is amended by inserting '', and that diverse perspectives will be made available to students in programs under this section'' before the semicolon.

SEC. 610. EDUCATION AND TRAINING PROGRAMS.

Section 613(c) (20 U.S.C. 1130a(c)) is amended by adding at the end the following: ''Each such application shall include an assurance that, where applicable, the activities funded by the grant will reflect diverse perspectives and a wide range of views on world regions and international affairs.''.

SEC. 611. AUTHORIZATION OF APPROPRIATIONS FOR BUSINESS AND INTERNATIONAL EDUCATION PROGRAMS.

Section 614 (20 U.S.C. 1130b) is amended—

(1) in subsection (a), by striking ''$11,000,000 for fiscal year 1999'' and all that follows through ''fiscal years'' and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years''; and

(2) in subsection (b), by striking ''$7,000,000 for fiscal year 1999'' and all that follows through ''fiscal years,'' and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years''.

SEC. 612. MINORITY FOREIGN SERVICE PROFESSIONAL DEVELOPMENT PROGRAM.

Section 621 (20 U.S.C. 1131) is amended—

(1) in subsection (c), by adding at the end the following: ''Each application shall include a description of how the activities funded by the grant will reflect diverse perspectives and a wide range of views on world regions and international affairs, where applicable.''; and

(2) in subsection (e)—

(A) by striking ''MATCH REQUIRED.—The eligible'' and inserting ''MATCHING FUNDS.—

''(1) IN GENERAL.—Subject to paragraph (2), the eligible''; and

(B) by adding at the end the following:

''(2) WAIVER.—The Secretary may waive the requirement of paragraph (1) for an eligible recipient if the Secretary determines such waiver is appropriate.''.

SEC. 613. INSTITUTIONAL DEVELOPMENT.

Section 622 (20 U.S.C. 1131–1) is amended—

(1) in subsection (a)—

(A) by striking ''Tribally Controlled Colleges or Universities'' and inserting ''tribally controlled colleges or universities''; and

(B) by striking ''international affairs programs.'' and inserting ''international affairs, international business, and foreign language study programs, including the teaching of foreign languages, at such colleges, universities, and institutions, respectively, which may include collaboration with institutions of higher education that receive funding under this title.''; and

(2) in subsection (c)—

(A) by striking paragraphs (1) and (3);

(B) by redesignating paragraphs (2) and (4) as paragraphs (1) and (2), respectively; and

(C) in paragraph (1) (as redesignated by subparagraph (B)), by inserting ''and'' after the semicolon.

SEC. 614. STUDY ABROAD PROGRAM.

Section 623(a) (20 U.S.C. 1131a(a)) is amended—

(1) by striking ''as defined in section 322 of this Act''; and

(2) by striking ''tribally controlled Indian community colleges as defined in the Tribally Controlled Community College Assistance Act of 1978'' and inserting ''tribally controlled colleges or universities''.

SEC. 615. ADVANCED DEGREE IN INTERNATIONAL RELATIONS.

Section 624 (20 U.S.C. 1131b) is amended—

(1) in the section heading, by striking ''masters'' and inserting ''advanced'';

(2) in the first sentence, by inserting '', and in exceptional circumstances, a doctoral degree,'' after ''masters degree'';

(3) in the second sentence, by striking ''masters degree'' and inserting ''advanced degree''; and

(4) in the fourth sentence, by striking ''United States'' and inserting ''United States.''.

SEC. 616. INTERNSHIPS.

Section 625 (20 U.S.C. 1131c) is amended—

(1) in subsection (a)—

(A) by striking ''as defined in section 322 of this Act'';

(B) by striking ''tribally controlled Indian community colleges as defined in the Tribally Controlled Community College Assistance Act of 1978'' and inserting ''tribally controlled colleges or universities'';

(C) by striking ''an international'' and inserting ''international,''; and

(D) by striking ''the United States Information Agency'' and inserting ''the Department of State''; and

(2) in subsection (c)(1)—

(A) in subparagraph (E), by inserting ''and'' after the semicolon;

(B) in subparagraph (F), by striking ''; and'' and inserting a period; and

(C) by striking subparagraph (G).

SEC. 617. FINANCIAL ASSISTANCE.

Part C of title VI (20 U.S.C. 1131 et seq.) is further amended—

(1) by redesignating sections 626, 627, and 628 as sections 627, 628, and 629, respectively; and

(2) by inserting after section 625 the following:

''SEC. 626. FINANCIAL ASSISTANCE.

''(a) AUTHORITY.—The Institute may provide financial assistance, in the form of summer stipends described in subsection (b) and Ralph Bunche scholarship assistance described in subsection (c), to needy students to facilitate the participation of the students in the Institute's programs under this part.

''(b) SUMMER STIPENDS.—

''(1) REQUIREMENTS.—A student receiving a summer stipend under this section shall use such stipend to defray the student's cost of participation in a summer institute program funded under this part, including the costs of travel, living, and educational expenses necessary for the student's participation in such program.

''(2) AMOUNT.—A summer stipend awarded to a student under this section shall not exceed $3,000 per summer.

''(c) RALPH BUNCHE SCHOLARSHIP.—

''(1) REQUIREMENTS.—A student receiving a Ralph Bunche scholarship under this section—

''(A) shall be a full-time student at an institution of higher education who is accepted into a program funded under this part; and

''(B) shall use such scholarship to pay costs related to the cost of attendance, as defined in section 472, at the institution of higher education in which the student is enrolled.

''(2) AMOUNT AND DURATION.—A Ralph Bunche scholarship awarded to a student under this section shall not exceed $5,000 per academic year.''.

SEC. 618. REPORT.

Section 627 (as redesignated by section 617(1)) (20 U.S.C. 1131d) is amended by striking ''annually'' and inserting ''biennially''.

SEC. 619. GIFTS AND DONATIONS.

Section 628 (as redesignated by section 617(1)) (20 U.S.C. 1131e) is amended by striking ''annual report described in section 626'' and inserting ''biennial report described in section 627''.

SEC. 620. AUTHORIZATION OF APPROPRIATIONS FOR THE INSTITUTE FOR INTERNATIONAL PUBLIC POLICY.

Section 629 (as redesignated by section 617(1)) (20 U.S.C. 1131f) is amended by striking ''$10,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

SEC. 621. DEFINITIONS.

Section 631 (20 U.S.C. 1132) is amended—

(1) by striking paragraph (7);

(2) by redesignating paragraphs (2), (3), (4), (5), (6), (8), and (9), as paragraphs (7), (4), (8), (2), (10), (6), and (3), respectively;

(3) in paragraph (2), as redesignated by paragraph (2), by striking ''comprehensive language and area center'' and inserting ''comprehensive foreign language and area or international studies center'';

(4) in paragraph (3), as redesignated by paragraph (2), by striking the period at the end and inserting a semicolon;

(5) by inserting after paragraph (4), as redesignated by paragraph (2), the following:

''(5) the term 'historically Black college and university' has the meaning given the term 'part B institution' in section 322;'';

(6) in paragraph (6), as redesignated by paragraph (2), by striking ''and'' after the semicolon;

(7) by inserting after paragraph (8), as redesignated by paragraph (2), the following:

''(9) the term 'tribally controlled college or university' has the meaning given the term in section 2 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801); and''; and

(8) in paragraph (10), as redesignated by paragraph (2), by striking ''undergraduate language and area center'' and inserting ''undergraduate foreign language and area or international studies center''.

SEC. 622. ASSESSMENT AND ENFORCEMENT.

Part D of title VI (20 U.S.C. 1132) is amended by adding at the end the following:

''SEC. 632. ASSESSMENT; ENFORCEMENT; RULE OF CONSTRUCTION.

''(a) IN GENERAL.—The Secretary is authorized to assess and ensure compliance with all the conditions and terms of grants provided under this title. If a complaint regarding activities funded under this title is not resolved under the process outlined in the relevant grantee's application, such complaint shall be filed with the Department and reviewed by the Secretary. The Secretary shall take the review of such complaints into account when determining the renewal of grants.

''(b) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to authorize the Secretary to mandate, direct, or control an institution of higher education's specific instructional content, curriculum, or program of instruction.

''SEC. 633. EVALUATION, OUTREACH, AND INFORMATION.

''The Secretary may use not more than 1 percent of the funds made available under this title to carry out program evaluation, national outreach, and information dissemination activities relating to the programs authorized under this title.

''SEC. 634. BIENNIAL REPORT.

''The Secretary shall, in consultation and collaboration with the Secretary of State, the Secretary of Defense, and the heads of other relevant Federal agencies, submit a biennial report that identifies areas of national need in foreign language, area, and international studies as such studies relate to government, education, business, and nonprofit needs, and a plan to address those needs. The report shall be provided to the authorizing committees and made available to the public.''.

TITLE VII—GRADUATE AND POSTSECONDARY IMPROVEMENT PROGRAMS

SEC. 701. PURPOSE.

Section 700(1)(B)(i) (20 U.S.C. 1133(1)(B)(i)) is amended by inserting '', including those areas critical to United States national and homeland security needs such as mathematics, science, and engineering'' before the semicolon at the end.

SEC. 702. ALLOCATION OF JACOB K. JAVITS FELLOWSHIPS.

Section 702(a)(1) (20 U.S.C. 1134a(a)(1)) is amended to read as follows:

''(1) APPOINTMENT.—

''(A) IN GENERAL.—The Secretary shall appoint a Jacob K. Javits Fellows Program Fellowship Board (referred to in this subpart as the 'Board') consisting of 9 individuals representative of both public and private institutions of higher education who are especially qualified to serve on the Board.

''(B) QUALIFICATIONS.—In making appointments under subparagraph (A), the Secretary shall—

''(i) give due consideration to the appointment of individuals who are highly respected in the academic community;

''(ii) assure that individuals appointed to the Board are broadly representative of a range of disciplines in graduate education in arts, humanities, and social sciences;

''(iii) appoint members to represent the various geographic regions of the United States; and

''(iv) include representatives from minority institutions, as defined in section 365.''.

SEC. 703. STIPENDS.

Section 703(a) (20 U.S.C. 1134b(a)) is amended by striking ''graduate fellowships'' and inserting ''Graduate Research Fellowship Program''.

SEC. 704. AUTHORIZATION OF APPROPRIATIONS FOR THE JACOB K. JAVITS FELLOWSHIP PROGRAM.

Section 705 (20 U.S.C. 1134d) is amended by striking ''$30,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years to carry out this subpart.''.

SEC. 705. INSTITUTIONAL ELIGIBILITY UNDER THE GRADUATE ASSISTANCE IN AREAS OF NATIONAL NEED PROGRAM.

Section 712(b) (20 U.S.C. 1135a(b)) is amended to read as follows:

''(b) DESIGNATION OF AREAS OF NATIONAL NEED.—After consultation with appropriate Federal and nonprofit agencies and organizations, including the National Science Foundation, the Department of Defense, the Department of Homeland Security, the National Academy of Sciences, and the Bureau of Labor Statistics, the Secretary shall designate areas of national need. In making such designations, the Secretary shall take into consideration—

''(1) the extent to which the interest in the area is compelling;

''(2) the extent to which other Federal programs support postbaccalaureate study in the area concerned;

''(3) an assessment of how the program may achieve the most significant impact with available resources; and

''(4) an assessment of current and future professional workforce needs of the United States.''.

SEC. 706. AWARDS TO GRADUATE STUDENTS.

Section 714 (20 U.S.C. 1135c) is amended—

(1) in subsection (b)—

(A) by striking ''1999–2000'' and inserting ''2008–2009''; and

(B) by striking ''graduate fellowships'' and inserting ''Graduate Research Fellowship Program''; and

(2) in subsection (c)—

(A) by striking ''716(a)'' and inserting ''715(a)''; and

(B) by striking ''714(b)(2)'' and inserting ''713(b)(2)''.

SEC. 707. ADDITIONAL ASSISTANCE FOR COST OF EDUCATION.

Section 715(a)(1) (20 U.S.C. 1135d(a)(1)) is amended—

(1) by striking ''1999–2000'' and inserting ''2008–2009''; and

(2) by striking ''1998–1999'' and inserting ''2007–2008''.

SEC. 708. AUTHORIZATION OF APPROPRIATIONS FOR THE GRADUATE ASSISTANCE IN AREAS OF NATIONAL NEED PROGRAM.

Section 716 (20 U.S.C. 1135e) is amended by striking ''$35,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years to carry out this subpart.''.

SEC. 709. LEGAL EDUCATIONAL OPPORTUNITY PROGRAM.

Section 721 (20 U.S.C. 1136) is amended—

(1) in subsection (a)—

(A) by inserting ''secondary school and'' after ''disadvantaged''; and

(B) by inserting ''and admission to law practice'' before the period at the end;

(2) in the matter preceding paragraph (1) of subsection (b), by inserting ''secondary school student or'' before ''college student'';

(3) in subsection (c)—

(A) in paragraph (1), by inserting ''secondary school and'' before ''college students'';

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

''(2) to prepare such students for successful completion of a baccalaureate degree and for study at accredited law schools, and to assist them with the development of analytical skills, writing skills, and study methods to enhance the students' success and promote the students' admission to and completion of law school;'';

(C) in paragraph (4), by striking ''and'' after the semicolon;

(D) by striking paragraph (5) and inserting the following:

''(4) to motivate and prepare such students—

''(A) with respect to law school studies and practice in low-income communities; and

''(B) to provide legal services to low-income individuals and families; and;''; and

(E) by adding at the end the following:

''(6) to award Thurgood Marshall Fellowships to eligible law school students—

''(A) who participated in summer institutes under subsection (d)(6) and who are enrolled in an accredited law school; or

''(B) who have successfully completed summer institute programs comparable to the summer institutes under subsection (d) that are certified by the Council on Legal Education Opportunity.'';

(4) in subsection (d)—

(A) in the matter preceding paragraph (1), by inserting ''pre-college programs, undergraduate'' before ''pre-law'';

(B) in paragraph (1)—

(i) in subparagraph (B), by inserting ''law school'' before ''graduation''; and

(ii) by striking subparagraph (D) and inserting the following:

''(D) pre-college and undergraduate preparatory courses in analytical and writing skills, study methods, and curriculum selection;'';

(C) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively;

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

''(2) summer academic programs for secondary school students who have expressed interest in a career in the law;''; and

(E) in paragraph (7) (as redesignated by subparagraph (C)), by inserting ''and Associates'' after ''Thurgood Marshall Fellows'';

(5) in subsection (e)(1), by inserting '', including before and during undergraduate study'' before the semicolon;

(6) in subsection (f)—

(A) by inserting ''national and State bar associations,'' after ''agencies and organizations,''; and

(B) by striking ''and organizations.'' and inserting ''organizations, and associations.'';

(7) by striking subsection (g) and inserting the following:

''(g) FELLOWSHIPS AND STIPENDS.—The Secretary shall annually establish the maximum fellowship to be awarded, and stipend to be paid (including allowances for participant travel and for the travel of the dependents of the participant), to Thurgood Marshall Fellows or Associates for the period of participation in summer institutes, midyear seminars, and bar preparation seminars. A Fellow or Associate may be eligible for such a fellowship or stipend only if the Thurgood Marshall Fellow or Associate maintains satisfactory academic progress toward the Juris Doctor or Bachelor of Laws degree, as determined by the respective institutions (except with respect to a law school graduate enrolled in a bar preparation course).''; and

(8) in subsection (h), by striking ''$5,000,000 for fiscal year 1999'' and all that follows through the period at the end and inserting ''such sums as may be necessary for fiscal year 2008 and for each of the 5 succeeding fiscal years''.

SEC. 710. FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION.

Section 741 (20 U.S.C. 1138) is amended—

(1) in subsection (a)—

(A) by striking paragraph (3) and inserting the following:

''(3) the establishment and continuation of institutions, programs, consortia, collaborations, and other joint efforts based on the technology of communications, including those efforts that utilize distance education and technological advancements to educate and train postsecondary students (including health professionals serving medically underserved populations);'';

(B) in paragraph (7), by striking ''and'' after the semicolon;

(C) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(9) the introduction of reforms in remedial education, including English language instruction, to customize remedial courses to student goals and help students progress rapidly from remedial courses into core courses and through program completion; and

''(10) the creation of consortia that join diverse institutions of higher education to design and offer curricular and co-curricular interdisciplinary programs at the undergraduate and graduate levels, sustained for not less than a 5 year period, that—

''(A) focus on poverty and human capability; and

''(B) include—

''(i) a service-learning component; and

''(ii) the delivery of educational services through informational resource centers, summer institutes, midyear seminars, and other educational activities that stress the effects of poverty and how poverty can be alleviated through different career paths.''; and

(2) by adding at the end the following:

''(c) PROJECT GRAD.—

''(1) PURPOSES.—The purposes of this subsection are—

''(A) to provide support and assistance to programs implementing integrated education reform services in order to improve secondary school graduation, college attendance, and college completion rates for at-risk students; and

''(B) to promote the establishment of new programs to implement such integrated education reform services.

''(2) DEFINITIONS.—In this subsection:

''(A) AT-RISK.—The term 'at-risk' has the same meaning given such term in section 1432 of the Elementary and Secondary Education Act of 1965.

''(B) FEEDER PATTERN.—The term 'feeder pattern' means a secondary school and the elementary schools and middle schools that channel students into that secondary school.

''(3) GRANT AUTHORIZED.—The Secretary is authorized to award a grant to Project GRAD USA (referred to in this subsection as the 'grantee'), a nonprofit educational organization that has as its primary purpose the improvement of secondary school graduation, college attendance, and college completion rates for at-risk students, to implement and sustain the integrated education reform program at existing Project GRAD sites, and to promote the expansion of the Project GRAD program to new sites.

''(4) REQUIREMENTS OF GRANT AGREEMENT.—The Secretary shall enter into an agreement with the grantee that requires that the grantee shall—

''(A) enter into subcontracts with nonprofit educational organizations that serve a substantial number or percentage of at-risk students (referred to in this subsection as 'subcontractors'), under which the subcontractors agree to implement the Project GRAD program and provide matching funds for such programs; and

''(B) directly carry out—

''(i) activities to implement and sustain the literacy, mathematics, classroom management, social service, and college access components of the Project GRAD program;

''(ii) activities for the purpose of implementing new Project GRAD program sites;

''(iii) activities to support, evaluate, and consistently improve the Project GRAD program;

''(iv) activities for the purpose of promoting greater public awareness of integrated education reform services to improve secondary school graduation, college attendance, and college completion rates for at-risk students; and

''(v) other activities directly related to improving secondary school graduation, college attendance, and college completion rates for at-risk students.

''(5) GRANTEE CONTRIBUTION AND MATCHING REQUIREMENT.—

''(A) IN GENERAL.—The grantee shall provide funds to each subcontractor based on the number of students served by the subcontractor in the Project GRAD program, adjusted to take into consideration—

''(i) the resources available in the area where the subcontractor will implement the Project GRAD program; and

''(ii) the need for the Project GRAD program in such area to improve student outcomes, including reading and mathematics achievement and, where applicable, secondary school graduation, college attendance, and college completion rates.

''(B) MATCHING REQUIREMENT.—Each subcontractor shall provide funds for the Project GRAD program in an amount that is equal to or greater than the amount received by the subcontractor from the grantee. Such matching funds may be provided in cash or in-kind, fairly evaluated.

''(6) EVALUATION.—The Secretary shall select an independent entity to evaluate, every 3 years, the performance of students who participate in a Project GRAD program under this subsection.

''(d) CENTER FOR BEST PRACTICES TO SUPPORT SINGLE PARENT STUDENTS.—

''(1) PROGRAM AUTHORIZED.—The Secretary is authorized to award 1 grant or contract to an institution of higher education to enable such institution to establish and maintain a center to study and develop best practices for institutions of higher education to support single parents who are also students attending such institutions.

''(2) INSTITUTION REQUIREMENTS.—The Secretary shall award the grant or contract under this subsection to a 4-year institution of higher education that has demonstrated expertise in the development of programs to assist single parents who are students at institutions of higher education, as shown by the institution's development of a variety of targeted services to such students, including on-campus housing, child care, counseling, advising, internship opportunities, financial aid, and financial aid counseling and assistance.

''(3) CENTER ACTIVITIES.—The center funded under this section shall—

''(A) assist institutions implementing innovative programs that support single parents pursuing higher education;

''(B) study and develop an evaluation protocol for such programs that includes quantitative and qualitative methodologies;

''(C) provide appropriate technical assistance regarding the replication, evaluation, and continuous improvement of such programs; and

''(D) develop and disseminate best practices for such programs.

''(e) UNDERSTANDING THE FEDERAL REGULATORY IMPACT ON HIGHER EDUCATION.—

''(1) PURPOSE.—The purpose of this subsection is to help institutions of higher education understand the regulatory impact of the Federal Government on such institutions, in order to raise awareness of institutional legal obligations and provide information to improve compliance with, and to reduce the duplication and inefficiency of, Federal regulations.

''(2) PROGRAM AUTHORIZED.—The Secretary is authorized to award 1 grant or contract to an institution of higher education to enable the institution to carry out the activities described in the agreement under paragraph (4).

''(3) INSTITUTION REQUIREMENTS.—The Secretary shall award the grant or contract under this subsection to an institution of higher education that has demonstrated expertise in—

''(A) reviewing Federal higher education regulations;

''(B) maintaining a clearinghouse of compliance training materials; and

''(C) explaining the impact of such regulations to institutions of higher education through a comprehensive and freely accessible website.

''(4) REQUIREMENTS OF AGREEMENT.—As a condition of receiving a grant or contract under this subsection, the institution of higher education shall enter into an agreement with the Secretary that shall require the institution to—

''(A) monitor Federal regulations, including notices of proposed rulemaking, for their impact or potential impact on higher education;

''(B) provide a succinct description of each regulation or proposed regulation that is relevant to higher education; and

''(C) maintain a website providing information on Federal regulations that is easy to use, searchable, and updated regularly.

''(f) SCHOLARSHIP PROGRAM FOR FAMILY MEMBERS OF VETERANS OR MEMBERS OF THE MILITARY.—

''(1) AUTHORIZATION.—The Secretary shall contract with a nonprofit organization with demonstrated experience in carrying out the activities described in this subsection to carry out a program to provide postsecondary education scholarships for eligible students.

''(2) ELIGIBLE STUDENTS.—In this subsection, the term 'eligible student' means an individual who is—

''(A)(i) a dependent student who is a child of—

''(I) an individual who is—

''(aa) serving on active duty during a war or other military operation or national emergency (as defined in section 481); or

''(bb) performing qualifying National Guard duty during a war or other military operation or national emergency (as defined in section 481); or

''(II) a veteran who died while serving or performing, as described in subclause (I), since September 11, 2001, or has been disabled while serving or performing, as described in subclause (I), as a result of such event; or

''(ii) an independent student who is a spouse of—

''(I) an individual who is—

''(aa) serving on active duty during a war or other military operation or national emergency (as defined in section 481); or

''(bb) performing qualifying National Guard duty during a war or other military operation or national emergency (as defined in section 481); or

''(II) a veteran who died while serving or performing, as described in subclause (I), since September 11, 2001, or has been disabled while serving or performing, as described in subclause (I), as a result of such event; and

''(B) enrolled as a full-time or part-time student at an institution of higher education (as defined in section 102).

''(3) AWARDING OF SCHOLARSHIPS.—Scholarships awarded under this subsection shall be awarded based on need with priority given to eligible students who are eligible to receive Federal Pell Grants under subpart 1 of part A of title IV.

''(4) MAXIMUM SCHOLARSHIP AMOUNT.—The maximum scholarship amount awarded to an eligible student under this subsection for an academic year shall be the lesser of—

''(A) the difference between the eligible student's cost of attendance (as defined in section 472) and any non-loan based aid such student receives; or

''(B) $5,000.

''(5) AMOUNTS FOR SCHOLARSHIPS.—All of the amounts appropriated to carry out this subsection for a fiscal year shall be used for scholarships awarded under this subsection, except that a nonprofit organization receiving a contract under this subsection may use not more than 1 percent of such amounts for the administrative costs of the contract.''.

SEC. 711. SPECIAL PROJECTS.

Section 744(c) (20 U.S.C. 1138c) is amended to read as follows:

''(c) AREAS OF NATIONAL NEED.—Areas of national need shall include, at a minimum, the following:

''(1) Institutional restructuring to improve learning and promote productivity, efficiency, quality improvement, and cost and price control.

''(2) Improvements in academic instruction and student learning, including efforts designed to assess the learning gains made by postsecondary students.

''(3) Articulation between 2- and 4-year institutions of higher education, including developing innovative methods for ensuring the successful transfer of students from 2- to 4-year institutions of higher education.

''(4) Development, evaluation and dissemination of model programs, including model core curricula that—

''(A) provide students with a broad and integrated knowledge base;

''(B) include, at a minimum, broad survey courses in English literature, American and world history, American political institutions, economics, philosophy, college-level mathematics, and the natural sciences; and

''(C) include sufficient study of a foreign language to lead to reading and writing competency in the foreign language.

''(5) International cooperation and student exchanges among postsecondary educational institutions.''.

SEC. 712. AUTHORIZATION OF APPROPRIATIONS FOR THE FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION.

Section 745 (20 U.S.C. 1138d) is amended by striking ''$30,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

SEC. 713. REPEAL OF THE URBAN COMMUNITY SERVICE PROGRAM.

Part C of title VII (20 U.S.C. 1139 et seq.) is repealed.

SEC. 714. GRANTS FOR STUDENTS WITH DISABILITIES.

(a) GRANTS AUTHORIZED FOR DEMONSTRATION PROJECTS TO ENSURE STUDENTS WITH DISABILITIES RECEIVE A QUALITY HIGHER EDUCATION.—Section 762 (20 U.S.C. 1140a) is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking ''to teach students with disabilities'' and inserting ''to teach and meet the academic and programmatic needs of students with disabilities in order to improve retention and completion of postsecondary education'';

(ii) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (F), respectively;

(iii) by inserting after subparagraph (A) the following:

''(B) EFFECTIVE TRANSITION PRACTICES.—The development of innovative and effective teaching methods and strategies to ensure the successful transition of students with disabilities from secondary school to postsecondary education.'';

(iv) in subparagraph (C), as redesignated by clause (ii), by striking the period at the end and inserting '', including data on the postsecondary education of and impact on subsequent employment of students with disabilities. Such research, information, and data shall be made publicly available and accessible.'';

(v) by inserting after subparagraph (C), as redesignated by clause (ii), the following:

''(D) DISTANCE LEARNING.—The development of innovative and effective teaching methods and strategies to provide faculty and administrators with the ability to provide accessible distance education programs or classes that would enhance access of students with disabilities to higher education, including the use of accessible curriculum and electronic communication for instruction and advisement.

''(E) DISABILITY CAREER PATHWAYS.—

''(i) IN GENERAL.—Training and providing support to secondary and postsecondary staff with respect to disability-related fields to—

''(I) encourage interest and participation in such fields, among students with disabilities and other students;

''(II) enhance awareness and understanding of such fields among such students;

''(III) provide educational opportunities in such fields among such students;

''(IV) teach practical skills related to such fields among such students; and

''(V) offer work-based opportunities in such fields among such students.

''(ii) DEVELOPMENT.—The training and support described in clause (i) may include developing means to offer students credit-bearing, college-level coursework, and career and educational counseling.''; and

(vi) by adding at the end the following:

''(G) ACCESSIBILITY OF EDUCATION.—Making postsecondary education more accessible to students with disabilities through curriculum development.''; and

(B) in paragraph (3), by striking ''subparagraphs (A) through (C)'' and inserting ''subparagraphs (A) through (G)''; and

(2) by adding at the end the following:

''(d) REPORT.—Not later than 3 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall prepare and disseminate a report reviewing the activities of the demonstration projects authorized under this subpart and providing guidance and recommendations on how successful projects can be replicated.''.

(b) TRANSITION PROGRAMS FOR STUDENTS WITH INTELLECTUAL DISABILITIES INTO HIGHER EDUCATION; COORDINATING CENTER.—Part D of title VII (20 U.S.C. 1140 et seq.) is further amended—

(1) in the part heading, by striking ''**demonstration**'';

(2) by inserting after the part heading the following:

''Subpart 1—Quality Higher Education'';

and

(3) by adding at the end the following:

''Subpart 2—Transition Programs for Students With Intellectual Disabilities Into Higher Education; Coordinating Center

''SEC. 771. PURPOSE.

''It is the purpose of this subpart to support model demonstration programs that promote the successful transition of students with intellectual disabilities into higher education.

''SEC. 772. DEFINITIONS.

''In this subpart:

''(1) COMPREHENSIVE TRANSITION AND POSTSECONDARY PROGRAM FOR STUDENTS WITH INTELLECTUAL DISABILITIES.—The term 'comprehensive transition and postsecondary program for students with intellectual disabilities' means a degree, certificate, or nondegree program offered by an institution of higher education that—

''(A) is designed for students with intellectual disabilities who seek to continue academic, vocational, or independent living instruction at the institution in order to prepare for gainful employment;

''(B) includes an advising and curriculum structure; and

''(C) requires the enrollment of the student (through enrollment in credit-bearing courses, auditing or participating in courses, participating in internships, or enrollment in noncredit, nondegree courses) in the equivalent of not less than a half-time course of study, as determined by the institution.

''(2) STUDENT WITH AN INTELLECTUAL DISABILITY.—The term 'student with an intellectual disability' means a student whose mental retardation or other significant cognitive impairment substantially impacts the student's intellectual and cognitive functioning.

''SEC. 773. MODEL COMPREHENSIVE TRANSITION AND POSTSECONDARY PROGRAMS FOR STUDENTS WITH INTELLECTUAL DISABILITIES.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary shall annually award grants, on a competitive basis, to institutions of higher education (or consortia of institutions of higher education), to create or expand high-quality, inclusive model comprehensive transition and postsecondary programs for students with intellectual disabilities.

''(2) NUMBER AND DURATION OF GRANTS.—The Secretary shall award not less than 10 grants per year under this section, and each grant awarded under this subsection shall be for a period of 5 years.

''(b) APPLICATION.—An institution of higher education (or a consortium) desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(c) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to institutions of higher education (or consortia) that—

''(1) will carry out a model program under the grant in a State that does not already have a comprehensive transition and postsecondary program for students with intellectual disabilities; or

''(2) in the application submitted under subsection (b), agree to incorporate 1 or more the following elements into the model programs carried out under the grant:

''(A) The formation of a partnership with any relevant agency serving students with intellectual disabilities, such as a vocational rehabilitation agency.

''(B) In the case of an institution of higher education that provides institutionally-owned or operated housing for students attending the institution, the integration of students with intellectual disabilities into such housing.

''(C) The involvement of students attending the institution of higher education who are studying special education, general education, vocational rehabilitation, assistive technology, or related fields in the model program carried out under the grant.

''(d) USE OF FUNDS.—An institution of higher education (or consortium) receiving a grant under this section shall use the grant funds to establish a model comprehensive transition and postsecondary program for students with intellectual disabilities that—

''(1) serves students with intellectual disabilities, including students with intellectual disabilities who are no longer eligible for special education and related services under the Individuals with Disabilities Education Act;

''(2) provides individual supports and services for the academic and social inclusion of students with intellectual disabilities in academic courses, extracurricular activities, and other aspects of the institution of higher education's regular postsecondary program;

''(3) with respect to the students with intellectual disabilities participating in the model program, provides a focus on—

''(A) academic enrichment;

''(B) socialization;

''(C) independent living, including self-advocacy skills; and

''(D) integrated work experiences and career skills that lead to gainful employment;

''(4) integrates person-centered planning in the development of the course of study for each student with an intellectual disability participating in the model program;

''(5) participates with the coordinating center established under section 774 in the evaluation of the model program;

''(6) partners with 1 or more local educational agencies to support students with intellectual disabilities participating in the model program who are still eligible for special education and related services under such Act, including regarding the utilization of funds available under part B of the Individuals with Disabilities Education Act for such students;

''(7) plans for the sustainability of the model program after the end of the grant period; and

''(8) creates and offers a meaningful credential for students with intellectual disabilities upon the completion of the model program.

''(e) MATCHING REQUIREMENT.—An institution of higher education that receives a grant under this section shall provide toward the cost of the model comprehensive transition and postsecondary program for students with intellectual disabilities carried out under the grant, matching funds, which may be provided in cash or in-kind, in an amount not less than 25 percent of the amount of such grant funds.

''(f) REPORT.—Not later than 3 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall prepare and disseminate a report reviewing the activities of the model comprehensive transition and postsecondary programs for students with intellectual disabilities authorized under this subpart and providing guidance and recommendations on how successful programs can be replicated.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

''SEC. 774. COORDINATING CENTER FOR TECHNICAL ASSISTANCE, EVALUATION, AND DEVELOPMENT OF ACCREDITATION STANDARDS.

''(a) IN GENERAL.—

''(1) AWARD.—The Secretary shall, on a competitive basis, enter into a cooperative agreement with an eligible entity, for the purpose of establishing a coordinating center for technical assistance, evaluation, and development of accreditation standards for institutions of higher education that offer inclusive model comprehensive transition and postsecondary programs for students with intellectual disabilities.

''(2) DURATION.—The cooperative agreement under this section shall be for a period of 5 years.

''(b) REQUIREMENTS OF COOPERATIVE AGREEMENT.—The eligible entity entering into a cooperative agreement under this section shall establish and maintain a center that shall—

''(1) serve as the technical assistance entity for all model comprehensive transition and postsecondary programs for students with intellectual disabilities assisted under section 773;

''(2) provide technical assistance regarding the development, evaluation, and continuous improvement of such programs;

''(3) develop an evaluation protocol for such programs that includes qualitative and quantitative methodology measuring student outcomes and program strengths in the areas of academic enrichment, socialization, independent living, and competitive or supported employment;

''(4) assist recipients of grants under section 773 in efforts to award a meaningful credential to students with intellectual disabilities upon the completion of such programs, which credential takes into consideration unique State factors;

''(5) develop model criteria, standards, and procedures to be used in accrediting such programs that—

''(A) include, in the development of the model criteria, standards, and procedures for such programs, the participation of—

''(i) an expert in higher education;

''(ii) an expert in special education;

''(iii) a disability organization that represents students with intellectual disabilities; and

''(iv) a State, regional, or national accrediting agency or association recognized by the Secretary under subpart 2 of part H of title IV; and

''(B) define the necessary components of such programs, such as—

''(i) academic, vocational, social, and independent living skills;

''(ii) evaluation of student progress;

''(iii) program administration and evaluation;

''(iv) student eligibility; and

''(v) issues regarding the equivalency of a student's participation in such programs to semester, trimester, quarter, credit, or clock hours at an institution of higher education, as the case may be;

''(6) analyze possible funding streams for such programs and provide recommendations regarding the funding streams;

''(7) develop model memoranda of agreement between institutions of higher education and agencies providing funding for such programs;

''(8) develop mechanisms for regular communication between the recipients of grants under section 773 regarding such programs; and

''(9) host a meeting of all recipients of grants under section 773 not less often than once a year.

''(c) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means an entity, or a partnership of entities, that has demonstrated expertise in the fields of higher education, students with intellectual disabilities, the development of comprehensive transition and postsecondary programs for students with intellectual disabilities, and evaluation.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.''.

(c) CONFORMING AMENDMENTS.—Part D of title VII (20 U.S.C. 1140 et seq.) is further amended—

(1) in section 761, by striking ''part'' and inserting ''subpart'';

(2) in section 762 (as amended by subsection (a)), by striking ''part'' each place the term appears and inserting ''subpart'';

(3) in section 763, by striking ''part'' both places the term appears and inserting ''subpart'';

(4) in section 764, by striking ''part'' and inserting ''subpart''; and

(5) in section 765, by striking ''part'' and inserting ''subpart''.

SEC. 715. APPLICATIONS FOR DEMONSTRATION PROJECTS TO ENSURE STUDENTS WITH DISABILITIES RECEIVE A QUALITY HIGHER EDUCATION.

Section 763 (as amended in section 714(c)(3)) (20 U.S.C. 1140b) is further amended—

(1) by striking paragraph (1) and inserting the following:

''(1) a description of how such institution plans to address the activities allowed under this subpart;'';

(2) in paragraph (2), by striking ''and'' after the semicolon;

(3) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(4) a description of the extent to which the institution will work to replicate the research based and best practices of institutions of higher education with demonstrated success in serving students with disabilities.''.

SEC. 716. AUTHORIZATION OF APPROPRIATIONS FOR DEMONSTRATION PROJECTS TO ENSURE STUDENTS WITH DISABILITIES RECEIVE A QUALITY HIGHER EDUCATION.

Section 765 (20 U.S.C. 1140d) is amended by striking ''$10,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

SEC. 717. RESEARCH GRANTS.

Title VII (20 U.S.C. 1133 et seq.) is further amended by adding at the end the following:

"PART E—RESEARCH GRANTS

"SEC. 781. RESEARCH GRANTS.

''(a) GRANTS AUTHORIZED.—The Secretary is authorized to award grants, on a competitive basis, to eligible entities to enable the eligible entities to develop or improve valid and reliable measures of student achievement for use by institutions of higher education to measure and evaluate learning in higher education.

''(b) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) an institution of higher education;

''(B) a State agency responsible for higher education;

''(C) a recognized higher education accrediting agency or an organization of higher education accreditors;

''(D) an eligible applicant described in section 174(c) of the Education Sciences Reform Act of 2002; and

''(E) a consortium of any combination of entities described in subparagraphs (A) through (D).

''(c) APPLICATION.—

''(1) IN GENERAL.—Each eligible entity that desires a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

''(2) CONTENTS.—Each application submitted under subsection (a) shall include a description of how the eligible entity—

''(A) will work with relevant experts, including psychometricians, research experts, institutions, associations, and other qualified individuals as determined appropriate by the eligible entity;

''(B) will reach a broad and diverse range of audiences;

''(C) has participated in work in improving postsecondary education;

''(D) has participated in work in developing or improving assessments to measure student achievement;

''(E) includes faculty, to the extent practicable, in the development of any assessments or measures of student achievement; and

''(F) will focus on program specific measures of student achievement generally applicable to an entire—

''(i) institution of higher education; or

''(ii) State system of higher education.

''(d) AWARD BASIS.—In awarding grants under this section, the Secretary shall take into consideration—

''(1) the quality of an application for a grant under this section;

''(2) the distribution of the grants to different—

''(A) geographic regions;

''(B) types of institutions of higher education; and

''(C) higher education accreditors.

''(e) USE OF FUNDS.—Each eligible entity receiving a grant under this section may use the grant funds—

''(1) to enable the eligible entity to improve the quality, validity, and reliability of existing assessments used by institutions of higher education;

''(2) to develop measures of student achievement using multiple measures of student achievement from multiple sources;

''(3) to measure improvement in student achievement over time;

''(4) to evaluate student achievement;

''(5) to develop models of effective practices; and

''(6) for a pilot or demonstration project of measures of student achievement.

''(f) MATCHING REQUIREMENT.—An eligible entity described in subparagraph (A), (B), or (C) of subsection (b)(1) that receives a grant under this section shall provide for each fiscal year, from non-Federal sources, an amount (which may be provided in cash or in kind), to carry out the activities supported by the grant, equal to 50 percent of the amount received for the fiscal year under the grant.

''(g) SUPPLEMENT, NOT SUPPLANT.—Grant funds provided under this section shall be used to supplement, not supplant, other Federal or State funds.

''(h) REPORT.—

''(1) REPORT.—The Secretary shall provide an annual report to Congress on the implementation of the grant program assisted under this section.

''(2) CONTENT.—The report shall include—

''(A) information regarding the development or improvement of scientifically valid and reliable measures of student achievement;

''(B) a description of the assessments or other measures developed by eligible entities;

''(C) the results of any pilot or demonstration projects assisted under this section; and

''(D) such other information as the Secretary may require.''.

TITLE VIII—MISCELLANEOUS

SEC. 801. MISCELLANEOUS.

The Act (20 U.S.C. 1001 et seq.) is amended by adding at the end the following:

"TITLE VIII—MISCELLANEOUS

"PART A—MATHEMATICS AND SCIENCE SCHOLARS PROGRAM

"SEC. 811. MATHEMATICS AND SCIENCE SCHOLARS PROGRAM.

''(a) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to States, on a competitive basis, to enable the States to award eligible students, who complete a rigorous secondary school curriculum in mathematics and science, scholarships for undergraduate study.

''(b) ELIGIBLE STUDENTS.—A student is eligible for a scholarship under this section if the student is a full-time undergraduate student in the student's first and second year of study who has completed a rigorous secondary school curriculum in mathematics and science.

''(c) RIGOROUS CURRICULUM.—Each participating State shall determine the requirements for a rigorous secondary school curriculum in mathematics and science described in subsection (b).

''(d) PRIORITY FOR SCHOLARSHIPS.—The Governor of a State may set a priority for awarding scholarships under this section for particular eligible students, such as students attending schools in high-need areas, students who are from groups underrepresented in the fields of mathematics, science, and engineering, students served by local educational agencies that do not meet or exceed State standards in mathematics and science, or students with regional or geographic needs as determined appropriate by the Governor.

''(e) AMOUNT AND DURATION OF SCHOLARSHIP.—The Secretary shall award a grant under this section—

''(1) in an amount that does not exceed $1,000; and

''(2) for not more than 2 years of undergraduate study.

''(f) MATCHING REQUIREMENT.—In order to receive a grant under this section, a State shall provide matching funds for the scholarships awarded under this section in an amount equal to 50 percent of the Federal funds received.

''(g) AUTHORIZATION.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

"PART B—POSTSECONDARY EDUCATION ASSESSMENT

"SEC. 816. POSTSECONDARY EDUCATION ASSESSMENT.

''(a) CONTRACT FOR ASSESSMENT.—The Secretary shall enter into a contract, with an independent, bipartisan organization with specific expertise in public administration and financial management, to carry out an independent assessment of the cost factors associated with the cost of tuition at institutions of higher education.

''(b) TIMEFRAME.—The Secretary shall enter into the contract described in subsection (a) not later than 90 days after the date of enactment of the Higher Education Amendments of 2007.

''(c) MATTERS ASSESSED.—The assessment described in subsection (a) shall—

''(1) examine the key elements driving the cost factors associated with the cost of tuition at institutions of higher education during the 2001–2002 academic year and succeeding academic years;

''(2) identify and evaluate measures being used to control postsecondary education costs;

''(3) identify and evaluate effective measures that may be utilized to control postsecondary education costs in the future; and

''(4) identify systemic approaches to monitor future postsecondary education cost trends and postsecondary education cost control mechanisms.

"PART C—JOB SKILL TRAINING IN HIGH-GROWTH OCCUPATIONS OR INDUSTRIES

"SEC. 821. JOB SKILL TRAINING IN HIGH-GROWTH OCCUPATIONS OR INDUSTRIES.

''(a) GRANTS AUTHORIZED.—The Secretary is authorized to award grants, on a competitive basis, to eligible partnerships to enable the eligible partnerships to provide relevant job skill training in high-growth industries or occupations.

''(b) DEFINITIONS.—In this section:

''(1) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a partnership—

''(A) between an institution of higher education and a local board (as such term is defined in section 101 of the Workforce Investment Act of 1998); or

''(B) if an institution of higher education is located within a State that does not operate local boards, between the institution of higher education and a State board (as such term is defined in section 101 of the Workforce Investment Act of 1998).

''(2) NONTRADITIONAL STUDENT.—The term 'nontraditional student' means a student who—

''(A) is independent, as defined in section 480(d);

''(B) attends an institution of higher education—

''(i) on less than a full-time basis;

''(ii) via evening, weekend, modular, or compressed courses; or

''(iii) via distance education methods; or

''(C) has delayed enrollment at an institution of higher education.

''(3) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' means an institution of higher education, as defined in section 101(b), that offers a 1- or 2-year program of study leading to a degree or certificate.

''(c) APPLICATION.—

''(1) IN GENERAL.—Each eligible partnership that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may require.

''(2) CONTENTS.—Each application submitted under paragraph (1) shall include a description of—

''(A) how the eligible partnership, through the institution of higher education, will provide relevant job skill training for students to enter high-growth occupations or industries;

''(B) local high-growth occupations or industries; and

''(C) the need for qualified workers to meet the local demand of high-growth occupations or industries.

''(d) AWARD BASIS.—In awarding grants under this section, the Secretary shall—

''(1) ensure an equitable distribution of grant funds under this section among urban and rural areas of the United States; and

''(2) take into consideration the capability of the institution of higher education—

''(A) to offer relevant, high quality instruction and job skill training for students entering a high-growth occupation or industry;

''(B) to involve the local business community and to place graduates in the community in employment in high-growth occupations or industries;

''(C) to provide secondary students with dual-enrollment or concurrent enrollment options;

''(D) to serve nontraditional or low-income students, or adult or displaced workers; and

''(E) to serve students from rural or remote communities.

''(e) USE OF FUNDS.—Grant funds provided under this section may be used—

''(1) to expand or create academic programs or programs of training that provide relevant job skill training for high-growth occupations or industries;

''(2) to purchase equipment which will facilitate the development of academic programs or programs of training that provide training for high-growth occupations or industries;

''(3) to support outreach efforts that enable students to attend institutions of higher education with academic programs or programs of training focused on high-growth occupations or industries;

''(4) to expand or create programs for distance, evening, weekend, modular, or compressed learning opportunities that provide relevant job skill training in high-growth occupations or industries;

''(5) to build partnerships with local businesses in high-growth occupations or industries;

''(6) to support curriculum development related to entrepreneurial training; and

''(7) for other uses that the Secretary determines to be consistent with the intent of this section.

''(f) REQUIREMENTS.—

''(1) FISCAL AGENT.—For the purpose of this section, the institution of higher education in an eligible partnership shall serve as the fiscal agent and grant recipient for the eligible partnership.

''(2) DURATION.—The Secretary shall award grants under this section for periods that may not exceed 5 years.

''(3) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement and not supplant other Federal, State, and local funds available to the eligible partnership for carrying out the activities described in subsection (e).

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''PART D—ADDITIONAL CAPACITY FOR R.N. STUDENTS OR GRADUATE-LEVEL NURSING STUDENTS

''SEC. 826. ADDITIONAL CAPACITY FOR R.N. STUDENTS OR GRADUATE-LEVEL NURSING STUDENTS.

''(a) AUTHORIZATION.—The Secretary shall award grants to institutions of higher education that offer—

''(1) a R.N. nursing program at the baccalaureate or associate degree level to enable such program to expand the faculty and facilities of such program to accommodate additional R.N. nursing program students; or

''(2) a graduate-level nursing program to accommodate advanced practice degrees for R.N.s or to accommodate students enrolled in a graduate-level nursing program to provide teachers of nursing students.

''(b) DETERMINATION OF NUMBER OF STUDENTS AND APPLICATION.—Each institution of higher education that offers a program described in subsection (a) that desires to receive a grant under this section shall—

''(1) determine for the 4 academic years preceding the academic year for which the determination is made the average number of matriculated nursing program students at such institution for such academic years; and

''(2) submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require, including the average number determined under paragraph (1).

''(c) GRANT AMOUNT; AWARD BASIS.—

''(1) GRANT AMOUNT.—For each academic year after academic year 2006–2007, the Secretary shall provide to each institution of higher education awarded a grant under this section an amount that is equal to $3,000 multiplied by the number of matriculated nursing program students at such institution for such academic year that is more than the average number determined with respect to such institution under subsection (b)(1). Such amount shall be used for the purposes described in subsection (a).

''(2) DISTRIBUTION OF GRANTS AMONG DIFFERENT DEGREE PROGRAMS.—

''(A) IN GENERAL.—Subject to subparagraph (B), from the funds available to award grants under this section for each fiscal year, the Secretary shall—

''(i) use 20 percent of such funds to award grants under this section to institutions of higher education for the purpose of accommodating advanced practice degrees or students in graduate-level nursing programs;

''(ii) use 40 percent of such funds to award grants under this section to institutions of higher education for the purpose of expanding R.N. nursing programs at the baccalaureate degree level; and

''(iii) use 40 percent of such funds to award grants under this section to institutions of higher education for the purpose of expanding R.N. nursing programs at the associate degree level.

''(B) DISTRIBUTION OF EXCESS FUNDS.—If, for a fiscal year, funds described in clause (i), (ii), or (iii) of subparagraph (A) remain after the Secretary awards grants under this section to all applicants for the particular category of nursing programs described in such clause, the Secretary shall use equal amounts of the remaining funds to award grants under this section to applicants for the remaining categories of nursing programs.

''(C) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall, to the extent practicable, ensure—

''(i) an equitable geographic distribution of the grants among the States; and

''(ii) an equitable distribution of the grants among different types of institutions of higher education.

''(d) PROHIBITION.—

''(1) IN GENERAL.—Funds provided under this section may not be used for the construction of new facilities.

''(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to prohibit funds provided under this section from being used for the repair or renovation of facilities.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

''PART E—AMERICAN HISTORY FOR FREEDOM

''SEC. 831. AMERICAN HISTORY FOR FREEDOM.

''(a) GRANTS AUTHORIZED.—The Secretary is authorized to award 3-year grants, on a competitive basis, to eligible institutions to establish or strengthen postsecondary academic programs or centers that promote and impart knowledge of—

''(1) traditional American history;

''(2) the history and nature of, and threats to, free institutions; or

''(3) the history and achievements of Western civilization.

''(b) DEFINITIONS.—In this section:

''(1) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution of higher education as defined in section 101.

''(2) FREE INSTITUTION.—The term 'free institution' means an institution that emerged out of Western civilization, such as democracy, constitutional government, individual rights, market economics, religious freedom and religious tolerance, and freedom of thought and inquiry.

''(3) TRADITIONAL AMERICAN HISTORY.—The term 'traditional American history' means—

''(A) the significant constitutional, political, intellectual, economic, and foreign policy trends and issues that have shaped the course of American history; and

''(B) the key episodes, turning points, and leading figures involved in the constitutional, political, intellectual, diplomatic, and economic history of the United States.

''(c) APPLICATION.—

''(1) IN GENERAL.—Each eligible institution that desires a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may require.

''(2) CONTENTS.—Each application submitted under subsection (a) shall include a description of —

''(A) how funds made available under this part will be used for the activities set forth under subsection (e), including how such activities will increase knowledge with respect to traditional American history, free institutions, or Western civilization;

''(B) how the eligible institution will ensure that information about the activities funded under this part is widely disseminated pursuant to subsection (e)(1)(B);

''(C) any activities to be undertaken pursuant to subsection (e)(2)(A), including identification of entities intended to participate;

''(D) how funds made available under this part shall be used to supplement and not supplant non-Federal funds available for the activities described in subsection (e); and

''(E) such fiscal controls and accounting procedures as may be necessary to ensure proper disbursement of and accounting for funding made available to the eligible institution under this part.

''(d) AWARD BASIS.—In awarding grants under this part, the Secretary shall take into consideration the capability of the eligible institution to—

''(1) increase access to quality programming that expands knowledge of traditional American history, free institutions, or Western civilization;

''(2) involve personnel with strong expertise in traditional American history, free institutions, or Western civilization; and

''(3) sustain the activities funded under this part after the grant has expired.

''(e) USE OF FUNDS.—

''(1) REQUIRED USE OF FUNDS.—Funds provided under this part shall be used to—

''(A) establish or strengthen academic programs or centers focused on traditional American history, free institutions, or Western civilization, which may include—

''(i) design and implementation of programs of study, courses, lecture series, seminars, and symposia;

''(ii) development, publication, and dissemination of instructional materials;

''(iii) research;

''(iv) support for faculty teaching in undergraduate and, if applicable, graduate programs;

''(v) support for graduate and postgraduate fellowships, if applicable; or

''(vi) teacher preparation initiatives that stress content mastery regarding traditional American history, free institutions, or Western civilization; and

''(B) conduct outreach activities to ensure that information about the activities funded under this part is widely disseminated—

''(i) to undergraduate students (including students enrolled in teacher education programs, if applicable);

''(ii) to graduate students (including students enrolled in teacher education programs), if applicable;

''(iii) to faculty;

''(iv) to local educational agencies; and

''(v) within the local community.

''(2) ALLOWABLE USES OF FUNDS.—Funds provided under this part may be used to support—

''(A) collaboration with entities such as—

''(i) local educational agencies, for the purpose of providing elementary, middle and secondary school teachers an opportunity to enhance their knowledge of traditional American history, free institutions, or Western civilization; and

''(ii) nonprofit organizations whose mission is consistent with the purpose of this part, such as academic organizations, museums, and libraries, for assistance in carrying out activities described under subsection (a); and

''(B) other activities that meet the purposes of this part.

''(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''PART F—TEACH FOR AMERICA

''SEC. 836. TEACH FOR AMERICA.

''(a) DEFINITIONS.—

''(1) IN GENERAL.—The terms 'highly qualified', 'local educational agency', and 'Secretary' have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(2) GRANTEE.—The term 'grantee' means Teach For America, Inc.

''(3) HIGH NEED.—The term 'high need', when used with respect to a local educational agency, means a local educational agency experiencing a shortage of highly qualified teachers.

''(b) GRANTS AUTHORIZED.—The Secretary is authorized to award a grant to Teach For America, Inc., the national teacher corps of outstanding recent college graduates who commit to teach for 2 years in underserved communities in the United States, to implement and expand its program of recruiting, selecting, training, and supporting new teachers.

''(c) REQUIREMENTS.—In carrying out the grant program under subsection (b), the Secretary shall enter into an agreement with the grantee under which the grantee agrees to use the grant funds provided under this section—

''(1) to provide highly qualified teachers to high need local educational agencies in urban and rural communities;

''(2) to pay the cost of recruiting, selecting, training, and supporting new teachers; and

''(3) to serve a substantial number and percentage of underserved students.

''(d) AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—Grant funds provided under this section shall be used by the grantee to carry out each of the following activities:

''(A) Recruiting and selecting teachers through a highly selective national process.

''(B) Providing preservice training to the teachers through a rigorous summer institute that includes hands-on teaching experience and significant exposure to education coursework and theory.

''(C) Placing the teachers in schools and positions designated by partner local educational agencies as high need placements serving underserved students.

''(D) Providing ongoing professional development activities for the teachers' first 2 years in the classroom, including regular classroom observations and feedback, and ongoing training and support.

''(2) LIMITATION.—The grantee shall use all grant funds received under this section to support activities related directly to the recruitment, selection, training, and support of teachers as described in subsection (a).

''(e) REPORTS AND EVALUATIONS.—

''(1) ANNUAL REPORT.—The grantee shall provide to the Secretary an annual report that includes—

''(A) data on the number and quality of the teachers provided to local educational agencies through a grant under this section;

''(B) an externally conducted analysis of the satisfaction of local educational agencies and principals with the teachers so provided; and

''(C) comprehensive data on the background of the teachers chosen, the training the teachers received, the placement sites of the teachers, the professional development of the teachers, and the retention of the teachers.

''(2) STUDY.—

''(A) IN GENERAL.—From funds appropriated under subsection (f), the Secretary shall provide for a study that examines the achievement levels of the students taught by the teachers assisted under this section.

''(B) ACHIEVEMENT GAINS COMPARED.—The study shall compare, within the same schools, the achievement gains made by students taught by teachers who are assisted under this section with the achievement gains made by students taught by teachers who are not assisted under this section.

''(3) REQUIREMENTS.—The Secretary shall provide for such a study not less than once every 3 years, and each such study shall include multiple placement sites and multiple schools within placement sites.

''(4) PEER REVIEW STANDARDS.—Each such study shall meet the peer review standards of the education research community.

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(2) LIMITATION.—The grantee shall not use more than 25 percent of Federal funds from any source for administrative costs.

''PART G—PATSY T. MINK FELLOWSHIP PROGRAM

''SEC. 841. PATSY T. MINK FELLOWSHIP PROGRAM.

''(a) PURPOSE.—

''(1) IN GENERAL.—It is the purpose of this section to provide, through eligible institutions, a program of fellowship awards to assist highly qualified minorities and women to acquire the doctoral degree, or highest possible degree available, in academic areas in which such individuals are underrepresented for the purpose of enabling such individuals to enter the higher education professoriate.

''(2) DESIGNATION.—Each recipient of a fellowship award from an eligible institution receiving a grant under this section shall be known as a 'Patsy T. Mink Graduate Fellow'.

''(b) DEFINITIONS.—In this section, the term 'eligible institution' means an institution of higher education, or a consortium of such institutions, that offers a program of postbaccalaureate study leading to a graduate degree.

''(c) PROGRAM AUTHORIZED.—

''(1) GRANTS BY SECRETARY.—

''(A) IN GENERAL.—The Secretary shall award grants to eligible institutions to enable such institutions to make fellowship awards to individuals in accordance with the provisions of this section.

''(B) PRIORITY CONSIDERATION.—In awarding grants under this section, the Secretary shall consider the eligible institution's prior experience in producing doctoral degree, or highest possible degree available, holders who are minorities and women, and shall give priority consideration in making grants under this section to those eligible institutions with a demonstrated record of producing minorities and women who have earned such degrees.

''(2) APPLICATIONS.—

''(A) IN GENERAL.—An eligible institution that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(B) APPLICATIONS MADE ON BEHALF.—

''(i) IN GENERAL.—The following entities may submit an application on behalf of an eligible institution:

''(I) A graduate school or department of such institution.

''(II) A graduate school or department of such institution in collaboration with an undergraduate college or university of such institution.

''(III) An organizational unit within such institution that offers a program of postbaccalaureate study leading to a graduate degree, including an interdisciplinary or an interdepartmental program.

''(IV) A nonprofit organization with a demonstrated record of helping minorities and women earn postbaccalaureate degrees.

''(ii) NONPROFIT ORGANIZATIONS.—Nothing in this paragraph shall be construed to permit the Secretary to award a grant under this section to an entity other than an eligible institution.

''(3) SELECTION OF APPLICATIONS.—In awarding grants under subsection (a), the Secretary shall—

''(A) take into account—

''(i) the number and distribution of minority and female faculty nationally;

''(ii) the current and projected need for highly trained individuals in all areas of the higher education professoriate; and

''(iii) the present and projected need for highly trained individuals in academic career fields in which minorities and women are underrepresented in the higher education professoriate; and

''(B) consider the need to prepare a large number of minorities and women generally in academic career fields of high national priority, especially in areas in which such individuals are traditionally underrepresented in college and university faculty.

''(4) DISTRIBUTION AND AMOUNTS OF GRANTS.—

''(A) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall, to the maximum extent feasible, ensure an equitable geographic distribution of awards and an equitable distribution among public and independent eligible institutions that apply for grants under this section and that demonstrate an ability to achieve the purpose of this section.

''(B) SPECIAL RULE.—To the maximum extent practicable, the Secretary shall use not less than 30 percent of the amount appropriated pursuant to subsection (f) to award grants to eligible institutions that—

''(i) are eligible for assistance under title III or title V; or

''(ii) have formed a consortium that includes both non-minority serving institutions and minority serving institutions.

''(C) ALLOCATION.—In awarding grants under this section, the Secretary shall allocate appropriate funds to those eligible institutions whose applications indicate an ability to significantly increase the numbers of minorities and women entering the higher education professoriate and that commit institutional resources to the attainment of the purpose of this section.

''(D) NUMBER OF FELLOWSHIP AWARDS.—An eligible institution that receives a grant under this section shall make not less than 15 fellowship awards.

''(E) REALLOTMENT.—If the Secretary determines that an eligible institution awarded a grant under this section is unable to use all of the grant funds awarded to the institution, the Secretary shall reallot, on such date during each fiscal year as the Secretary may fix, the unused funds to other eligible institutions that demonstrate that such institutions can use any reallocated grant funds to make fellowship awards to individuals under this section.

''(5) INSTITUTIONAL ALLOWANCE.—

''(A) IN GENERAL.—

''(i) NUMBER OF ALLOWANCES.—In awarding grants under this section, the Secretary shall pay to each eligible institution awarded a grant, for each individual awarded a fellowship by such institution under this section, an institutional allowance.

''(ii) AMOUNT.—Except as provided in paragraph (3), an institutional allowance shall be in an amount equal to, for academic year 2007–2008 and succeeding academic years, the amount of institutional allowance made to an institution of higher education under section 715 for such academic year.

''(B) USE OF FUNDS.—Institutional allowances may be expended in the discretion of the eligible institution and may be used to provide, except as prohibited under paragraph (4), academic support and career transition services for individuals awarded fellowships by such institution.

''(C) REDUCTION.—The institutional allowance paid under paragraph (1) shall be reduced by the amount the eligible institution charges and collects from a fellowship recipient for tuition and other expenses as part of the recipient's instructional program.

''(D) USE FOR OVERHEAD PROHIBITED.—Funds made available under this section may not be used for general operational overhead of the academic department or institution receiving funds under this section.

''(d) FELLOWSHIP RECIPIENTS.—

''(1) AUTHORIZATION.—An eligible institution that receives a grant under this section shall use the grant funds to make fellowship awards to minorities and women who are enrolled at such institution in a doctoral degree, or highest possible degree available, program and—

''(A) intend to pursue a career in instruction at—

''(i) an institution of higher education (as the term is defined in section 101);

''(ii) an institution of higher education (as the term is defined in section 102(a)(1));

''(iii) an institution of higher education outside the United States (as the term is described in section 102(a)(2)); or

''(iv) a proprietary institution of higher education (as the term is defined in section 102(b)); and

''(B) sign an agreement with the Secretary agreeing—

''(i) to begin employment at an institution described in paragraph (1) not later than 3 years after receiving the doctoral degree or highest possible degree available, which 3-year period may be extended by the Secretary for extraordinary circumstances; and

''(ii) to be employed by such institution for 1 year for each year of fellowship assistance received under this section.

''(2) FAILURE TO COMPLY.—If an individual who receives a fellowship award under this section fails to comply with the agreement signed pursuant to subsection (a)(2), then the Secretary shall do 1 or both of the following:

''(A) Require the individual to repay all or the applicable portion of the total fellowship amount awarded to the individual by converting the balance due to a loan at the interest rate applicable to loans made under part B of title IV.

''(B) Impose a fine or penalty in an amount to be determined by the Secretary.

''(3) WAIVER AND MODIFICATION.—

''(A) REGULATIONS.—The Secretary shall promulgate regulations setting forth criteria to be considered in granting a waiver for the service requirement under subsection (a)(2).

''(B) CONTENT.—The criteria under paragraph (1) shall include whether compliance with the service requirement by the fellowship recipient would be—

''(i) inequitable and represent an extraordinary hardship; or

''(ii) deemed impossible because the individual is permanently and totally disabled at the time of the waiver request.

''(4) AMOUNT OF FELLOWSHIP AWARDS.—Fellowship awards under this section shall consist of a stipend in an amount equal to the level of support provided to the National Science Foundation graduate fellows, except that such stipend shall be adjusted as necessary so as not to exceed the fellow's tuition and fees or demonstrated need (as determined by the institution of higher education where the graduate student is enrolled), whichever is greater.

''(5) ACADEMIC PROGRESS REQUIRED.—An individual student shall not be eligible to receive a fellowship award—

''(A) except during periods in which such student is enrolled, and such student is maintaining satisfactory academic progress in, and devoting essentially full time to, study or research in the pursuit of the degree for which the fellowship support was awarded; and

''(B) if the student is engaged in gainful employment, other than part-time employment in teaching, research, or similar activity determined by the eligible institution to be consistent with and supportive of the student's progress toward the appropriate degree.

''(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require an eligible institution that receives a grant under this section—

''(1) to grant a preference or to differentially treat any applicant for a faculty position as a result of the institution's participation in the program under this section; or

''(2) to hire a Patsy T. Mink Fellow who completes this program and seeks employment at such institution.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 for each of the 5 succeeding fiscal years.

"PART H—IMPROVING COLLEGE ENROLLMENT BY SECONDARY SCHOOLS

"SEC. 846. IMPROVING COLLEGE ENROLLMENT BY SECONDARY SCHOOLS.

''(a) IN GENERAL.—The Secretary shall contract with 1 nonprofit organization described in subsection (b) to enable the nonprofit organization—

''(1) to make publicly available the year-to-year higher education enrollment rate trends of secondary school students, disaggregated by secondary school, in full compliance with the Family Education Rights and Privacy Act of 1974;

''(2) to identify not less than 50 urban local educational agencies and 5 States with significant rural populations, each serving a significant population of low-income students, and to carry out a comprehensive needs assessment in the agencies and States of the factors known to contribute to improved higher education enrollment rates, which factors shall include—

''(A) an evaluation of the local educational agency's and State's leadership strategies;

''(B) the secondary school curriculum and class offerings of the local educational agency and State;

''(C) the professional development used by the local educational agency and the State to assist teachers, higher education counselors, and administrators in supporting the transition of secondary students into higher education;

''(D) secondary school student attendance and other factors demonstrated to be associated with enrollment into higher education;

''(E) the data systems used by the local educational agency and the State to measure college enrollment rates and the incentives in place to motivate the efforts of faculty and students to improve student and school-wide outcomes; and

''(F) strategies to mobilize student leaders to build a college-bound culture; and

''(3) to provide comprehensive services to improve the school-wide higher education enrollment rates of each of not less than 10 local educational agencies and States, with the federally funded portion of each project declining by not less than 20 percent each year beginning in the second year of the comprehensive services, that—

''(A) participated in the needs assessment described in paragraph (2); and

''(B) demonstrated a willingness and commitment to improving the higher education enrollment rates of the local educational agency or State, respectively.

''(b) GRANT RECIPIENT CRITERIA.—The recipient of the grant awarded under subsection (a) shall be a nonprofit organization with demonstrated expertise—

''(1) in increasing school-wide higher education enrollment rates in low-income communities nationwide by providing curriculum, training, and technical assistance to secondary school staff and student peer influencers; and

''(2) in a college transition data management system.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

"PART I—PREDOMINANTLY BLACK INSTITUTIONS

"SEC. 850. PREDOMINANTLY BLACK INSTITUTIONS.

''(a) PURPOSE.—It is the purpose of this section to assist Predominantly Black Institutions in expanding educational opportunity through a program of Federal assistance.

''(b) DEFINITIONS.—In this section:

''(1) EDUCATIONAL AND GENERAL EXPENDITURES.—The term 'educational and general expenditures' has the meaning given the term in section 312.

''(2) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution of higher education that—

''(A) has an enrollment of needy undergraduate students;

''(B) has an average educational and general expenditure which is low, per full-time equivalent undergraduate student in comparison with the average educational and general expenditure per full-time equivalent undergraduate student of institutions that offer similar instruction, except that the Secretary may apply the waiver requirements described in section 392(b) to this subparagraph in the same manner as the Secretary applies the waiver requirements to section 312(b)(1)(B);

''(C) has an enrollment of undergraduate students that is not less than 40 percent Black American students;

''(D) is legally authorized to provide, and provides within the State, an educational program for which the institution of higher education awards a baccalaureate degree, or in the case of a junior or community college, an associate's degree; and

''(E) is accredited by a nationally recognized accrediting agency or association determined by the Secretary to be a reliable authority as to the quality of training offered, or is, according to such an agency or association, making reasonable progress toward accreditation.

''(3) ENDOWMENT FUND.—The term 'endowment fund' has the meaning given the term in section 312.

''(4) ENROLLMENT OF NEEDY STUDENTS.—The term 'enrollment of needy students' means the enrollment at an eligible institution with respect to which not less than 50 percent of the undergraduate students enrolled in an academic program leading to a degree—

''(A) in the second fiscal year preceding the fiscal year for which the determination is made, were Federal Pell Grant recipients for such year;

''(B) come from families that receive benefits under a means-tested Federal benefit program;

''(C) attended a public or nonprofit private secondary school—

''(i) that is in the school district of a local educational agency that was eligible for assistance under part A of title I of the Elementary and Secondary Education Act of 1965 for any year during which the student attended such secondary school; and

''(ii) which for the purpose of this paragraph and for that year was determined by the Secretary (pursuant to regulations and after consultation with the State educational agency of the State in which the school is located) to be a school in which the enrollment of children counted under section 1113(a)(5) of such Act exceeds 30 percent of the total enrollment of such school; or

''(D) are first-generation college students and a majority of such first-generation college students are low-income individuals.

''(5) FIRST GENERATION COLLEGE STUDENT.—The term 'first generation college student' has the meaning given the term in section 402A(g).

''(6) LOW-INCOME INDIVIDUAL.—The term 'low-income individual' has the meaning given such term in section 402A(g).

''(7) MEANS-TESTED FEDERAL BENEFIT PROGRAM.—The term 'means-tested Federal benefit program' means a program of the Federal Government, other than a program under title IV, in which eligibility for the program's benefits, or the amount of such benefits, are determined on the basis of income or resources of the individual or family seeking the benefit.

''(8) PREDOMINANTLY BLACK INSTITUTION.—The term 'Predominantly Black Institution' means an institution of higher education, as defined in section 101(a)—

''(A) that is an eligible institution with not less than 1,000 undergraduate students;

''(B) at which not less than 50 percent of the undergraduate students enrolled at the eligible institution are low-income individuals or first generation college students; and

''(C) at which not less than 50 percent of the undergraduate students are enrolled in an educational program leading to a bachelor's or associate's degree that the eligible institution is licensed to award by the State in which the eligible institution is located.

''(9) STATE.—The term 'State' means each of the 50 States and the District of Columbia.

''(c) GRANT AUTHORITY.—

''(1) IN GENERAL.—The Secretary is authorized to award grants, from allotments under subsection (e), to Predominantly Black Institutions to enable the Predominantly Black Institutions to carry out the authorized activities described in subsection (d).

''(2) PRIORITY.—In awarding grants under this section the Secretary shall give priority to Predominantly Black Institutions with large numbers or percentages of students described in subsections (b)(2)(A) or (b)(2)(C). The level of priority given to Predominantly Black Institutions with large numbers or percentages of students described in subsection (b)(2)(A) shall be twice the level of priority given to Predominantly Black Institutions with large numbers or percentages of students described in subsection (b)(2)(C).

''(d) AUTHORIZED ACTIVITIES.—

''(1) REQUIRED ACTIVITIES.—Grant funds provided under this section shall be used—

''(A) to assist the Predominantly Black Institution to plan, develop, undertake, and implement programs to enhance the institution's capacity to serve more low- and middle-income Black American students;

''(B) to expand higher education opportunities for students eligible to participate in programs under title IV by encouraging college preparation and student persistence in secondary school and postsecondary education; and

''(C) to strengthen the financial ability of the Predominantly Black Institution to serve the academic needs of the students described in subparagraphs (A) and (B).

''(2) ADDITIONAL ACTIVITIES.—Grant funds provided under this section shall be used for 1 or more of the following activities:

''(A) The activities described in paragraphs (1) through (11) of section 311(c).

''(B) Academic instruction in disciplines in which Black Americans are underrepresented.

''(C) Establishing or enhancing a program of teacher education designed to qualify students to teach in a public elementary school or secondary school in the State that shall include, as part of such program, preparation for teacher certification or licensure.

''(D) Establishing community outreach programs that will encourage elementary school and secondary school students to develop the academic skills and the interest to pursue postsecondary education.

''(E) Other activities proposed in the application submitted pursuant to subsection (f) that—

''(i) contribute to carrying out the purpose of this section; and

''(ii) are approved by the Secretary as part of the review and approval of an application submitted under subsection (f).

''(3) ENDOWMENT FUND.—

''(A) IN GENERAL.—A Predominantly Black Institution may use not more than 20 percent of the grant funds provided under this section to establish or increase an endowment fund at the institution.

''(B) MATCHING REQUIREMENT.—In order to be eligible to use grant funds in accordance with subparagraph (A), a Predominantly Black Institution shall provide matching funds from non-Federal sources, in an amount equal to or greater than the Federal funds used in accordance with subparagraph (A), for the establishment or increase of the endowment fund.

''(C) COMPARABILITY.—The provisions of part C of title III, regarding the establishment or increase of an endowment fund, that the Secretary determines are not inconsistent with this subsection, shall apply to funds used under subparagraph (A).

''(4) LIMITATION.—Not more than 50 percent of the grant funds provided to a Predominantly Black Institution under this section may be available for the purpose of constructing or maintaining a classroom, library, laboratory, or other instructional facility.

''(e) ALLOTMENTS TO PREDOMINANTLY BLACK INSTITUTIONS.—

''(1) FEDERAL PELL GRANT BASIS.—From the amounts appropriated to carry out this section for any fiscal year, the Secretary shall allot to each Predominantly Black Institution having an application approved under subsection (f) a sum that bears the same ratio to one-half of that amount as the number of Federal Pell Grant recipients in attendance at such institution at the end of the academic year preceding the beginning of that fiscal year, bears to the total number of Federal Pell Grant recipients at all such institutions at the end of such academic year.

''(2) GRADUATES BASIS.—From the amounts appropriated to carry out this section for any fiscal year, the Secretary shall allot to each Predominantly Black Institution having an application approved under subsection (f) a sum that bears the same ratio to one-fourth of that amount as the number of graduates for such academic year at such institution, bears to the total number of graduates for such academic year at all such institutions.

''(3) GRADUATES SEEKING A HIGHER DEGREE BASIS.—From the amounts appropriated to carry out this section for any fiscal year, the Secretary shall allot to each Predominantly Black Institution having an application approved under subsection (f) a sum that bears the same ratio to one-fourth of that amount as the percentage of graduates from such institution who are admitted to and in attendance at, not later than 2 years after graduation with an associate's degree or a baccalaureate degree, a baccalaureate degree-granting institution or a graduate or professional school in a degree program in disciplines in which Black American students are underrepresented, bears to the percentage of such graduates for all such institutions.

''(4) MINIMUM ALLOTMENT.—

''(A) IN GENERAL.—Notwithstanding paragraphs (1), (2), and (3), the amount allotted to each Predominantly Black Institution under this section shall not be less than $250,000.

''(B) INSUFFICIENT AMOUNT.—If the amount appropriated pursuant to subsection (i) for a fiscal year is not sufficient to pay the minimum allotment provided under subparagraph (A) for the fiscal year, then the amount of such minimum allotment shall be ratably reduced. If additional sums become available for such fiscal year, such reduced allotment shall be increased on the same basis as the allotment was reduced until the amount allotted equals the minimum allotment required under subparagraph (A).

''(5) REALLOTMENT.—The amount of a Predominantly Black Institution's allotment under paragraph (1), (2), (3), or (4) for any fiscal year that the Secretary determines will not be required for such institution for the period such allotment is available, shall be available for reallotment to other Predominantly Black Institutions in proportion to the original allotment to such other institutions under this section for such fiscal year. The Secretary shall reallot such amounts from time to time, on such date and during such period as the Secretary determines appropriate.

''(f) APPLICATIONS.—Each Predominantly Black Institution desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

''(g) PROHIBITION.—No Predominantly Black Institution that applies for and receives a grant under this section may apply for or receive funds under any other program under part A or part B of title III.

''(h) DURATION AND CARRYOVER.—Any grant funds paid to a Predominantly Black Institution under this section that are not expended or used for the purposes for which the funds were paid within 10 years following the date on which the grant was awarded, shall be repaid to the Treasury.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of 5 succeeding fiscal years.

''PART J—EARLY CHILDHOOD EDUCATION PROFESSIONAL DEVELOPMENT AND CAREER TASK FORCE

''SEC. 851. SHORT TITLE.

''This part may be cited as the 'Early Childhood Education Professional Development and Career Task Force Act'.

''SEC. 852. PURPOSE.

''It is the purpose of this part—

''(1) to improve the quality of the early childhood education workforce by creating a statewide early childhood education professional development and career task force for early childhood education program staff, directors, and administrators; and

''(2) to create—

''(A) a coherent system of core competencies, pathways to qualifications, credentials, degrees, quality assurances, access, and outreach, for early childhood education program staff, directors, and administrators, that is linked to compensation commensurate with experience and qualifications;

''(B) articulation agreements that enable early childhood education professionals to transition easily among degrees; and

''(C) compensation initiatives for individuals working in an early childhood education program that reflect the individuals' credentials, degrees, and experience.

''SEC. 853. DEFINITION OF EARLY CHILDHOOD EDUCATION PROGRAM.

''In this part, the term 'early childhood education program' means—

''(1) a family child care program, center-based child care program, State prekindergarten program, or school-based program, that—

''(A) provides early childhood education;

''(B) uses developmentally appropriate practices;

''(C) is licensed or regulated by the State; and

''(D) serves children from birth through age 5;

''(2) a Head Start Program carried out under the Head Start Act; or

''(3) an Early Head Start Program carried out under section 645A of the Head Start Act.

''SEC. 854. GRANTS AUTHORIZED.

''(a) IN GENERAL.—The Secretary is authorized to award grants to States in accordance with the provisions of this part to enable such States—

''(1) to establish a State Task Force described in section 855; and

''(2) to support activities of the State Task Force described in section 856.

''(b) COMPETITIVE BASIS.—Grants under this part shall be awarded on a competitive basis.

''(c) EQUITABLE GEOGRAPHIC DISTRIBUTION.—In awarding grants under this part, the Secretary shall take into consideration providing an equitable geographic distribution of such grants.

''(d) DURATION.—Grants under this part shall be awarded for a period of 5 years.

''SEC. 855. STATE TASK FORCE ESTABLISHMENT.

''(a) STATE TASK FORCE ESTABLISHED.—The Governor of a State receiving a grant under this part shall establish, or designate an existing entity to serve as, the State Early Childhood Education Professional Development and Career Task Force (hereafter in this part referred to as the 'State Task Force').

''(b) MEMBERSHIP.—The State Task Force shall include a representative of a State agency, an institution of higher education (including an associate or a baccalaureate degree granting institution of higher education), an early childhood education program, a nonprofit early childhood organization, a statewide early childhood workforce scholarship or supplemental initiative, and any other entity or individual the Governor determines appropriate.

''SEC. 856. STATE TASK FORCE ACTIVITIES.

''(a) ACTIVITIES.—The State Task Force shall—

''(1) coordinate and communicate regularly with the State Advisory Council on Early Care and Education (hereafter in this part referred to as 'State Advisory Council') or a similar State entity charged with creating a comprehensive system of early care and education in the State, for the purposes of—

''(A) integrating recommendations for early childhood professional development and career activities into the plans of the State Advisory Council; and

''(B) assisting in the implementation of professional development and career activities that are consistent with the plans described in subparagraph (A);

''(2) conduct a review of opportunities for and barriers to high quality professional development, training, and higher education degree programs, in early childhood development and learning, including a periodic statewide survey concerning the demographics of individuals working in early childhood education programs in the State, which survey shall include information disaggregated by—

''(A) race, gender, and ethnicity;

''(B) compensation levels;

''(C) type of early childhood education program setting;

''(D) specialized knowledge of child development;

''(E) years of experience in an early childhood education program; and

''(F) attainment of—

''(i) academic credit for coursework;

''(ii) an academic degree;

''(iii) a credential;

''(iv) licensure; or

''(v) certification in early childhood education; and

''(3) develop a plan for a comprehensive statewide professional development and career system for individuals working in early childhood education programs or for early childhood education providers, which plan shall include—

''(A) methods of providing outreach to early childhood education program staff, directors, and administrators, including methods for how outreach is provided to non-English speaking providers, in order to enable the providers to be aware of opportunities and resources under the statewide plan;

''(B) developing a unified data collection and dissemination system for early childhood education training, professional development, and higher education programs;

''(C) increasing the participation of early childhood educators in high quality training and professional development by assisting in paying the costs of enrollment in and completion of such training and professional development courses;

''(D) increasing the participation of early childhood educators in postsecondary education programs leading to degrees in early childhood education by providing assistance to pay the costs of enrollment in and completion of such postsecondary education programs, which assistance—

''(i) shall only be provided to an individual who—

''(I) enters into an agreement under which the individual agrees to work, for a reasonable number of years after receiving such a degree, in an early childhood education program that is located in a low-income area; and

''(II) has a family income equal to or less than the annually adjusted national median family income as determined by the Bureau of the Census; and

''(ii) shall be provided in an amount that does not exceed $17,500;

''(E) supporting professional development activities and a career lattice for a variety of early childhood professional roles with varying professional qualifications and responsibilities for early childhood education personnel, including strategies to enhance the compensation of such personnel;

''(F) supporting articulation agreements between 2- and 4-year public and private institutions of higher education and mechanisms to transform other training, professional development, and experience into academic credit;

''(G) developing mentoring and coaching programs to support new educators in and directors of early childhood education programs;

''(H) providing career development advising with respect to the field of early childhood education, including informing an individual regarding—

''(i) entry into and continuing education requirements for professional roles in the field;

''(ii) available financial assistance; and

''(iii) professional development and career advancement in the field;

''(I) enhancing the quality of faculty and coursework in postsecondary programs that lead to an associate, baccalaureate, or graduate degree in early childhood education;

''(J) consideration of the availability of online graduate level professional development offered by institutions of higher education with experience and demonstrated expertise

in establishing programs in child development, in order to improve the skills and expertise of individuals working in early childhood education programs; and

''(K) developing or enhancing a system of quality assurance with respect to the early childhood education professional development and career system, including standards or qualifications for individuals and entities who offer training and professional development in early childhood education.

''(b) PUBLIC HEARINGS.—The State Task Force shall hold public hearings and provide an opportunity for public comment on the activities described in the statewide plan described in subsection (a)(3).

''(c) PERIODIC REVIEW.—The State Task Force shall meet periodically to review implementation of the statewide plan and to recommend any changes to the statewide plan the State Task Force determines necessary.

''SEC. 857. STATE APPLICATION AND REPORT.

''(a) IN GENERAL.—Each State desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. Each such application shall include a description of—

''(1) the membership of the State Task Force;

''(2) the activities for which the grant assistance will be used;

''(3) other Federal, State, local, and private resources that will be available to support the activities of the State Task Force described in section 856;

''(4) the availability within the State of training, early childhood educator preparation, professional development, compensation initiatives, and career systems, related to early childhood education; and

''(5) the resources available within the State for such training, educator preparation, professional development, compensation initiatives, and career systems.

''(b) REPORT TO THE SECRETARY.—Not later than 2 years after receiving a grant under this part, a State shall submit a report to the Secretary that shall describe—

''(1) other Federal, State, local, and private resources that will be used in combination with a grant under this section to develop or expand the State's early childhood education professional development and career activities;

''(2) the ways in which the State Advisory Council (or similar State entity) will coordinate the various State and local activities that support the early childhood education professional development and career system; and

''(3) the ways in which the State Task Force will use funds provided under this part and carry out the activities described in section 856.

''SEC. 858. EVALUATIONS.

''(a) STATE EVALUATION.—Each State receiving a grant under this part shall—

''(1) evaluate the activities that are assisted under this part in order to determine—

''(A) the effectiveness of the activities in achieving State goals;

''(B) the impact of a career lattice for individuals working in early childhood education programs;

''(C) the impact of the activities on licensing or regulating requirements for individuals in the field of early childhood development;

''(D) the impact of the activities, and the impact of the statewide plan described in section 856(a)(3), on the quality of education, professional development, and training related to early childhood education programs that are offered in the State;

''(E) the change in compensation and retention of individuals working in early childhood education programs within the State resulting from the activities; and

''(F) the impact of the activities on the demographic characteristics of individuals working in early childhood education programs; and

''(2) submit a report at the end of the grant period to the Secretary regarding the evaluation described in paragraph (1).

''(b) SECRETARY'S EVALUATION.—Not later than September 30, 2013, the Secretary, in consultation with the Secretary of Health and Human Services, shall prepare and submit to the authorizing committees an evaluation of the State reports submitted under subsection (a)(2).

''SEC. 859. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''PART K—IMPROVING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS EDUCATION WITH A FOCUS ON ALASKA NATIVE AND NATIVE HAWAIIAN STUDENTS

''SEC. 861. IMPROVING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS EDUCATION WITH A FOCUS ON ALASKA NATIVE AND NATIVE HAWAIIAN STUDENTS.

''(a) PURPOSE.—The purpose of this section is—

''(1) to develop or expand programs for the development of professionals in the fields of science, technology, engineering, and mathematics; and

''(2) to focus resources on meeting the educational and cultural needs of Alaska Natives and Native Hawaiians.

''(b) DEFINITIONS.—In this section:

''(1) ALASKA NATIVE.—The term 'Alaska Native' has the meaning given the term 'Native' in section 3(b) of the Alaska Natives Claims Settlement Act (43 U.S.C. 1602(b)).

''(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101(a).

''(3) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a partnership that includes—

''(A) 1 or more colleges or schools of engineering;

''(B) 1 or more colleges of science, engineering, or mathematics;

''(C) 1 or more institutions of higher education that offer 2-year degrees; and

''(D) 1 or more private entities that—

''(i) conduct career awareness activities showcasing local technology professionals;

''(ii) encourage students to pursue education in science, technology, engineering, and mathematics from elementary school through college, and careers in those fields, with the assistance of local technology professionals;

''(iii) develop internships, apprenticeships, and mentoring programs in partnership with relevant industries; and

''(iv) assist with placement of interns and apprentices.

''(4) NATIVE HAWAIIAN.—The term 'Native Hawaiian' has the meaning given the term in section 7207 of the Elementary and Secondary Education Act of 1965.

''(c) GRANT AUTHORIZED.—The Secretary is authorized to award a grant to an eligible partnership to enable the eligible partnership to expand programs for the development of science, technology, engineering, or mathematics professionals, from elementary school through college, including existing programs for Alaska Native and Native Hawaiian students.

''(d) USES OF FUNDS.—Grant funds under this section shall be used for 1 or more of the following:

''(1) Development or implementation of cultural, social, or educational transition programs to assist students to transition into college life and academics in order to increase such students' retention rates in the fields of science, technology, engineering, or mathematics, with a focus on Alaska Native or Native Hawaiian students.

''(2) Development or implementation of academic support or supplemental educational programs to increase the graduation rates of students in the fields of science, technology, engineering, or mathematics, with a focus on Alaska Native and Native Hawaiian students.

''(3) Development or implementation of internship programs, carried out in coordination with educational institutions and private entities, to prepare students for careers in the fields of science, technology, engineering, or mathematics, with a focus on programs that serve Alaska Native or Native Hawaiian students.

''(4) Such other activities that are consistent with the purposes of this section.

''(e) APPLICATION.—Each eligible partnership that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(f) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to an eligible partnership that provides 1 or more programs in which 30 percent or more of the program participants are Alaska Native or Native Hawaiian.

''(g) PERIOD OF GRANT.—A grant under this section shall be awarded for a period of 5 years.

''(h) EVALUATION AND REPORT.—Each eligible partnership that receives a grant under this section shall conduct an evaluation to determine the effectiveness of the programs funded under the grant and shall provide a report regarding the evaluation to the Secretary not later than 6 months after the end of the grant period.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''PART L—PILOT PROGRAM TO INCREASE PERSISTENCE IN COMMUNITY COLLEGES

''SEC. 865. PILOT PROGRAM TO INCREASE PERSISTENCE IN COMMUNITY COLLEGES.

''(a) DEFINITIONS.—In this section:

''(1) INSTITUTION OF HIGHER EDUCATION.—Except as otherwise provided in this section, the term 'institution of higher education' means an institution of higher education, as defined in section 101, that provides a 1- or 2-year program of study leading to a degree or certificate.

''(2) ELIGIBLE STUDENT.—The term 'eligible student' means a student who—

''(A) meets the requirements of section 484(a);

''(B) is enrolled at least half time;

''(C) is not younger than age 19 and not older than age 33;

''(D) is the parent of at least 1 dependent child, which dependent child is age 18 or younger;

''(E) has a family income below 200 percent of the poverty line;

''(F) has a secondary school diploma or its recognized equivalent, and earned a passing score on a college entrance examination; and

''(G) does not have a degree or occupational certificate from an institution of higher education, as defined in section 101 or 102(a).

''(b) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants, on a competitive basis, to institutions of higher education to enable the institutions of higher education to provide additional monetary and nonmonetary support to eligible students to enable the eligible students to maintain enrollment and complete degree or certificate programs.

''(c) USES OF FUNDS.—

''(1) REQUIRED USES.—Each institution of higher education receiving a grant under this section shall use the grant funds—

''(A) to provide scholarships in accordance with subsection (d); and

''(B) to provide counseling services in accordance with subsection (e).

''(2) ALLOWABLE USES OF FUNDS.—Grant funds provided under this section may be used—

''(A) to conduct outreach to make students aware of the scholarships and counseling services available under this section and to encourage the students to participate in the program assisted under this section;

''(B) to provide gifts of $20 or less, such as a store gift card, to applicants who complete the process of applying for assistance under this section, as an incentive and as compensation for the student's time; and

''(C) to evaluate the success of the program.

''(d) SCHOLARSHIP REQUIREMENTS.—

''(1) IN GENERAL.—Each scholarship awarded under this section shall—

''(A) be awarded for 1 academic year;

''(B) be awarded in the amount of $1,000 for each of 2 semesters (prorated for quarters), or $2,000 for an academic year;

''(C) require the student to maintain during the scholarship period at least half-time enrollment and a 2.0 or C grade point average; and

''(D) be paid in increments of—

''(i) $250 upon enrollment (prorated for quarters);

''(ii) $250 upon passing midterm examinations (prorated for quarters); and

''(iii) $500 upon passing courses (prorated for quarters).

''(2) NUMBER.—An institution may award an eligible student not more than 2 scholarships under this section.

''(e) COUNSELING SERVICES.—

''(1) IN GENERAL.—Each institution of higher education receiving a grant under this section shall use the grant funds to provide students at the institution with a counseling staff dedicated to students participating in the program under this section. Each such counselor shall—

''(A) have a caseload of less than 125 students;

''(B) use a proactive, team-oriented approach to counseling;

''(C) hold a minimum of 2 meetings with students each semester; and

''(D) provide referrals to and follow-up with other student services staff, including financial and career services.

''(2) COUNSELING SERVICES AVAILABILITY.—The counseling services provided under this section shall be available to participating students during the daytime and evening hours.

''(f) APPLICATION.—An institution of higher education that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

''(1) the number of students to be served under this section;

''(2) a description of the scholarships and counseling services that will be provided under this section; and

''(3) a description of how the program under this section will be evaluated.

''(g) PERIOD OF GRANT.—The Secretary may award a grant under this section for a period of 5 years.

''(h) EVALUATION.—

''(1) IN GENERAL.—Each institution of higher education receiving a grant under this section shall conduct an annual evaluation of the impact of the grant and shall provide the evaluation to the Secretary. The Secretary shall disseminate to the public the findings, information on best practices, and lessons learned, with respect to the evaluations.

''(2) RANDOM ASSIGNMENT RESEARCH DESIGN.—The evaluation shall be conducted using a random assignment research design with the following requirements:

''(A) When students are recruited for the program, all students will be told about the program and the evaluation.

''(B) Baseline data will be collected from all applicants for assistance under this section.

''(C) Students will be assigned randomly to 2 groups, which will consist of—

''(i) a program group that will receive the scholarship and the additional counseling services; and

''(ii) a control group that will receive whatever regular financial aid and counseling services are available to all students at the institution of higher education.

''(3) PREVIOUS COHORTS.—In conducting the evaluation for the second and third years of the program, each institution of higher education shall include information on previous cohorts of students as well as students in the current program year.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''PART M—STUDENT SAFETY AND CAMPUS EMERGENCY MANAGEMENT

''SEC. 871. STUDENT SAFETY AND CAMPUS EMERGENCY MANAGEMENT.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to institutions of higher education or consortia of institutions of higher education to enable institutions of higher education or consortia to pay the Federal share of the cost of carrying out the authorized activities described in subsection (c).

''(2) CONSULTATION WITH THE ATTORNEY GENERAL AND THE SECRETARY OF HOMELAND SECURITY.—Where appropriate, the Secretary shall award grants under this section in consultation with the Attorney General of the United States and the Secretary of Homeland Security.

''(3) DURATION.—The Secretary shall award each grant under this section for a period of 2 years.

''(4) LIMITATION ON INSTITUTIONS AND CONSORTIA.—An institution of higher education or consortium shall be eligible for only 1 grant under this section.

''(b) FEDERAL SHARE; NON-FEDERAL SHARE.—

''(1) IN GENERAL.—The Federal share shall be 50 percent.

''(2) NON-FEDERAL SHARE.—The institution of higher education or consortium shall provide the non-Federal share, which may be provided from other Federal, State, and local resources dedicated to emergency preparedness and response.

''(c) AUTHORIZED ACTIVITIES.—Each institution of higher education or consortium receiving a grant under this section may use the grant funds to carry out 1 or more of the following:

''(1) Developing and implementing a state-of-the-art emergency communications system for each campus of an institution of higher education or consortium, in order to contact students via cellular, text message, or other state-of-the-art communications methods when a significant emergency or dangerous situation occurs. An institution or consortium using grant funds to carry out this paragraph shall also, in coordination with the appropriate State and local emergency management authorities—

''(A) develop procedures that students, employees, and others on a campus of an institution of higher education or consortium will be directed to follow in the event of a significant emergency or dangerous situation; and

''(B) develop procedures the institution of higher education or consortium shall follow to inform, within a reasonable and timely manner, students, employees, and others on a campus in the event of a significant emergency or dangerous situation, which procedures shall include the emergency communications system described in this paragraph.

''(2) Supporting measures to improve safety at the institution of higher education or consortium, such as—

''(A) security assessments;

''(B) security training of personnel and students at the institution of higher education or consortium;

''(C) where appropriate, coordination of campus preparedness and response efforts with local law enforcement, local emergency management authorities, and other agencies, to improve coordinated responses in emergencies among such entities; and

''(D) establishing a hotline that allows a student or staff member at an institution or consortium to report another student or staff member at the institution or consortium who the reporting student or staff member believes may be a danger to the reported student or staff member or to others.

''(3) Coordinating with appropriate local entities the provision of, mental health services for students enrolled in the institution of higher education or consortium, including mental health crisis response and intervention services, to individuals affected by a campus or community emergency.

''(d) APPLICATION.—Each institution of higher education or consortium desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(e) TECHNICAL ASSISTANCE.—The Secretary shall coordinate technical assistance provided by State and local emergency management agencies, the Department of Homeland Security, and other agencies as appropriate, to institutions of higher education or consortia that request assistance in developing and implementing the activities assisted under this section.

''(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

''(1) to provide a private right of action to any person to enforce any provision of this section;

''(2) to create a cause of action against any institution of higher education or any employee of the institution for any civil liability; or

''(3) to affect the Family Educational Rights and Privacy Act of 1974 or the regulations issued under section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''SEC. 872. MODEL EMERGENCY RESPONSE POLICIES, PROCEDURES, AND PRACTICES.

''The Secretary of Education, the Attorney General of the United States, and the Secretary of Homeland Security shall jointly have the authority—

''(1) to advise institutions of higher education on model emergency response policies, procedures, and practices; and

''(2) to disseminate information concerning those policies, procedures, and practices.''.

SEC. 802. ADDITIONAL PROGRAMS.

Title VIII (as added by section 801) is further amended by adding at the end the following:

''PART N—SCHOOL OF VETERINARY MEDICINE COMPETITIVE GRANT PROGRAM

''SEC. 876. SCHOOL OF VETERINARY MEDICINE COMPETITIVE GRANT PROGRAM.

''(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the 'Secretary') shall award competitive grants to eligible entities for the purpose of improving public health preparedness through increasing the number of veterinarians in the workforce.

''(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under subsection (a), an entity shall—

''(1) be—

''(A) a public or other nonprofit school of veterinary medicine that is accredited by a nationally recognized accrediting agency or association recognized by the Secretary of Education pursuant to part H of title IV;

''(B) a public or nonprofit, department of comparative medicine, department of veterinary science, school of public health, or school of medicine that is accredited by a nationally recognized accrediting agency or association recognized by the Secretary of Education pursuant to part H of title IV and that offers graduate training for veterinarians in a public health practice area as determined by the Secretary; or

''(C) a public or nonprofit entity that—

''(i) conducts recognized residency training programs for veterinarians that are approved by a veterinary specialty organization that is recognized by the American Veterinary Medical Association; and

''(ii) offers postgraduate training for veterinarians in a public health practice area as determined by the Secretary; and

''(2) prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require.

''(c) CONSIDERATION OF APPLICATIONS.—The Secretary shall establish procedures to ensure that applications under subsection (b)(2) are rigorously reviewed and that grants are competitively awarded based on—

''(1) the ability of the applicant to increase the number of veterinarians who are trained in specified public health practice areas as determined by the Secretary;

''(2) the ability of the applicant to increase capacity in research on high priority disease agents; or

''(3) any other consideration the Secretary determines necessary.

''(d) PREFERENCE.—In awarding grants under subsection (a), the Secretary shall give preference to applicants that demonstrate a comprehensive approach by involving more than one school of veterinary medicine, department of comparative medicine, department of veterinary science, school of public health, school of medicine, or residency training program that offers postgraduate training for veterinarians in a public health practice area as determined by the Secretary.

''(e) USE OF FUNDS.—Amounts received under a grant under this section shall be used by a grantee to increase the number of veterinarians in the workforce through paying costs associated with the expansion of academic programs at schools of veterinary medicine, departments of comparative medicine, departments of veterinary science, or entities offering residency training programs, or academic programs that offer postgraduate training for veterinarians or concurrent training for veterinary students in specific areas of specialization, which costs may include minor renovation and improvement in classrooms, libraries, and laboratories.

''(f) DEFINITION OF PUBLIC HEALTH PRACTICE.—In this section, the term 'public health practice' includes bioterrorism and emergency preparedness, environmental health, food safety and food security, regulatory medicine, diagnostic laboratory medicine, and biomedical research.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years. Amounts appropriated under this subsection shall remain available until expended.

''PART O—EARLY FEDERAL PELL GRANT COMMITMENT DEMONSTRATION PROGRAM

''SEC. 881. EARLY FEDERAL PELL GRANT COMMITMENT DEMONSTRATION PROGRAM.

''(a) DEMONSTRATION PROGRAM AUTHORITY.—

''(1) IN GENERAL.—The Secretary is authorized to carry out an Early Federal Pell Grant Commitment Demonstration Program under which—

''(A) the Secretary awards grants to 4 State educational agencies, in accordance with paragraph (2), to pay the administrative expenses incurred in participating in the demonstration program under this section; and

''(B) the Secretary awards Federal Pell Grants to participating students in accordance with this section.

''(2) GRANTS.—

''(A) IN GENERAL.—From amounts appropriated under subsection (h) for a fiscal year, the Secretary is authorized to award grants to 4 State educational agencies to enable the State educational agencies to pay the administrative expenses incurred in participating in a demonstration program under which 8th grade students who are eligible for a free or reduced price meal described in subsection (b)(1)(B) receive a commitment to receive a Federal Pell Grant early in their academic careers.

''(B) EQUAL AMOUNTS.—The Secretary shall award grants under this section in equal amounts to each of the 4 participating State educational agencies.

''(b) DEMONSTRATION PROJECT REQUIREMENTS.—Each of the 4 demonstration projects assisted under this section shall meet the following requirements:

''(1) PARTICIPANTS.—

''(A) IN GENERAL.—The State educational agency shall make participation in the demonstration project available to 2 cohorts of students, which shall consist of—

''(i) 1 cohort of 8th grade students who begin the participation in academic year 2008–2009; and

''(ii) 1 cohort of 8th grade students who begin the participation in academic year 2009–2010.

''(B) STUDENTS IN EACH COHORT.—Each cohort of students shall consist of not more than 10,000 8th grade students who qualify for a free or reduced price meal under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966.

''(2) STUDENT DATA.—The State educational agency shall ensure that student data from local educational agencies serving students who participate in the demonstration project, as well as student data from local educational agencies serving a comparable group of students who do not participate in the demonstration project, are available for evaluation of the demonstration project, except that in no case shall such data be provided in a manner that would reveal personally identifiable information about an individual student.

''(3) FEDERAL PELL GRANT COMMITMENT.—Each student who participates in the demonstration project receives a commitment from the Secretary to receive a Federal Pell Grant during the first academic year that the student is in attendance at an institution of higher education as an undergraduate, if the student applies for Federal financial aid (via the FAFSA or EZ FAFSA) during the student's senior year of secondary school and during succeeding years.

''(4) APPLICATION PROCESS.—The Secretary shall establish an application process to select State educational agencies to participate in the demonstration program and State educational agencies shall establish an application process to select local educational agencies within the State to participate in the demonstration project.

''(5) LOCAL EDUCATIONAL AGENCY PARTICIPATION.—Subject to the 10,000 statewide student limitation described in paragraph (1), a local educational agency serving students, not less than 50 percent of whom are eligible for a free or reduced price meal under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, shall be eligible to participate in the demonstration project.

''(c) STATE EDUCATIONAL AGENCY APPLICATIONS.—

''(1) IN GENERAL.—Each State educational agency desiring to participate in the demonstration program under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

''(2) CONTENTS.—Each application shall include—

''(A) a description of the proposed targeted information campaign for the demonstration project and a copy of the plan described in subsection (f)(2);

''(B) a description of the student population that will receive an early commitment to receive a Federal Pell Grant under this section;

''(C) an assurance that the State educational agency will fully cooperate with the ongoing evaluation of the demonstration project; and

''(D) such other information as the Secretary may require.

''(d) SELECTION CONSIDERATIONS.—

''(1) SELECTION OF STATE EDUCATIONAL AGENCIES.—In selecting State educational agencies to participate in the demonstration program under this section, the Secretary shall consider—

''(A) the number and quality of State educational agency applications received;

''(B) the Department's capacity to oversee and monitor each State educational agency's participation in the demonstration program;

''(C) a State educational agency's—

''(i) financial responsibility;

''(ii) administrative capability;

''(iii) commitment to focusing State resources, in addition to any resources provided under part A of title I of the Elementary and Secondary Education Act of 1965, on students who receive assistance under such part A;

''(iv) ability and plans to run an effective and thorough targeted information campaign

for students served by local educational agencies eligible to participate in the demonstration project; and

''(v) ability to ensure the participation in the demonstration program of a diverse group of students, including with respect to ethnicity and gender.

''(2) LOCAL EDUCATIONAL AGENCY.—In selecting local educational agencies to participate in a demonstration project under this section, the State educational agency shall consider—

''(A) the number and quality of local educational agency applications received;

''(B) the State educational agency's capacity to oversee and monitor each local educational agency's participation in the demonstration project;

''(C) a local educational agency's—

''(i) financial responsibility;

''(ii) administrative capability;

''(iii) commitment to focusing local resources, in addition to any resources provided under part A of title I of the Elementary and Secondary Education Act of 1965, on students who receive assistance under such part A;

''(iv) ability and plans to run an effective and thorough targeted information campaign for students served by the local educational agency; and

''(v) ability to ensure the participation in the demonstration project of a diverse group of students with respect to ethnicity and gender.

''(e) EVALUATION.—

''(1) IN GENERAL.—From amounts appropriated under subsection (h) for a fiscal year, the Secretary shall reserve not more than $1,000,000 to award a grant or contract to an organization outside the Department for an independent evaluation of the impact of the demonstration program assisted under this section.

''(2) COMPETITIVE BASIS.—The grant or contract shall be awarded on a competitive basis.

''(3) MATTERS EVALUATED.—The evaluation described in this subsection shall—

''(A) determine the number of individuals who were encouraged by the demonstration program to pursue higher education;

''(B) identify the barriers to the effectiveness of the demonstration program;

''(C) assess the cost-effectiveness of the demonstration program in improving access to higher education;

''(D) identify the reasons why participants in the demonstration program either received or did not receive a Federal Pell Grant;

''(E) identify intermediate outcomes related to postsecondary education attendance, such as whether participants—

''(i) were more likely to take a college-prep curriculum while in secondary school;

''(ii) submitted any college applications; and

''(iii) took the PSAT, SAT, or ACT;

''(F) identify the number of individuals participating in the demonstration program who pursued an associate's degree or a bachelor's degree, or other postsecondary education;

''(G) compare the findings of the demonstration program with respect to participants to comparison groups (of similar size and demographics) that did not participate in the demonstration program; and

''(H) identify the impact on the parents of students eligible to participate in the demonstration program.

''(4) DISSEMINATION.—The findings of the evaluation shall be reported to the Secretary, who shall widely disseminate the findings to the public.

''(f) TARGETED INFORMATION CAMPAIGN.—

''(1) IN GENERAL.—Each State educational agency receiving a grant under this section shall, in cooperation with the participating local educational agencies within the State and the Secretary, develop a targeted information campaign for the demonstration program assisted under this section.

''(2) PLAN.—Each State educational agency receiving a grant under this section shall include in the application submitted under subsection (c) a written plan for their proposed targeted information campaign. The plan shall include the following:

''(A) OUTREACH.—A description of the outreach to students and their families at the beginning and end of each academic year of the demonstration project, at a minimum.

''(B) DISTRIBUTION.—How the State educational agency plans to provide the outreach described in subparagraph (A) and to provide the information described in subparagraph (C).

''(C) INFORMATION.—The annual provision by the State educational agency to all students and families participating in the demonstration program of information regarding—

''(i) the estimated statewide average cost of attendance for an institution of higher education for each academic year, which cost data shall be disaggregated by—

''(I) type of institution, including—

''(aa) 2-year public degree-granting institutions of higher education;

''(bb) 4-year public degree-granting institutions of higher education; and

''(cc) 4-year private degree-granting institutions of higher education;

''(II) component, including—

''(aa) tuition and fees; and

''(bb) room and board;

''(ii) Federal Pell Grants, including—

''(I) the maximum Federal Pell Grant for each award year;

''(II) when and how to apply for a Federal Pell Grant; and

''(III) what the application process for a Federal Pell Grant requires;

''(iii) State-specific college savings programs;

''(iv) State merit-based financial aid;

''(v) State need-based financial aid; and

''(vi) Federal financial aid available to students, including eligibility criteria for such aid and an explanation of the Federal financial aid programs, such as the Student Guide published by the Department of Education (or any successor to such document).

''(3) COHORTS.—The information described in paragraph (2)(C) shall be provided to 2 cohorts of students annually for the duration of the students' participation in the demonstration program. The 2 cohorts shall consist of—

''(A) 1 cohort of 8th grade students who begin the participation in academic year 2008–2009; and

''(B) 1 cohort of 8th grade students who begin the participation in academic year 2009–2010.

''(4) RESERVATION.—Each State educational agency receiving a grant under this section shall reserve not more than 15 percent of the grant funds received each fiscal year to carry out the targeted information campaign described in this subsection.

''(g) SUPPLEMENT, NOT SUPPLANT.—A State educational agency shall use grant funds received under this section only to supplement the funds that would, in the absence of such funds, be made available from non-Federal sources for students participating in the demonstration program under this section, and not to supplant such funds.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''PART P—HENRY KUUALOHA GIUGNI KUPUNA MEMORIAL ARCHIVES

''SEC. 886. HENRY KUUALOHA GIUGNI KUPUNA MEMORIAL ARCHIVES.

''(a) GRANTS AUTHORIZED.—The Secretary is authorized to award a grant to the University of Hawaii Academy for Creative Media for the establishment, maintenance, and periodic modernization of the Henry Kuualoha Giugni Kupuna Memorial Archives at the University of Hawaii.

''(b) USE OF FUNDS.—The Henry Kuualoha Giugni Kupuna Memorial Archives shall use the grant funds received under this section—

''(1) to facilitate the acquisition of a secure web accessible repository of Native Hawaiian historical data rich in ethnic and cultural significance to the United States for preservation and access by future generations;

''(2) to award scholarships to facilitate access to a postsecondary education for students who cannot afford such education;

''(3) to support programmatic efforts associated with the web-based media projects of the archives;

''(4) to create educational materials, from the contents of the archives, that are applicable to a broad range of indigenous students, such as Native Hawaiians, Alaskan Natives, and Native American Indians;

''(5) to develop outreach initiatives that introduce the archival collections to elementary schools and secondary schools;

''(6) to develop supplemental web-based resources that define terms and cultural practices innate to Native Hawaiians;

''(7) to rent, lease, purchase, maintain, or repair educational facilities to house the archival collections;

''(8) to rent, lease, purchase, maintain, or repair computer equipment for use by elementary schools and secondary schools in accessing the archival collections;

''(9) to provide pre-service and in-service teacher training to develop a core group of kindergarten through grade 12 teachers who are able to provide instruction in a way that is relevant to the unique background of indigenous students, such as Native Hawaiians, Alaskan Natives, and Native American Indians, in order to—

''(A) facilitate greater understanding by teachers of the unique background of indigenous students; and

''(B) improve student achievement; and

''(10) to increase the economic and financial literacy of postsecondary education students through the dissemination of best practices used at other institutions of higher education regarding debt and credit management and economic decision-making.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

SEC. 803. STUDENT LOAN CLEARINGHOUSE.

(a) DEVELOPMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Education shall establish 1 or more clearinghouses of information on student loans (including loans under parts B and D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq. and 1087a et seq.) and private loans, for both undergraduate and graduate students) for use by prospective borrowers or any person desiring information regarding available interest rates and other terms from lenders. Such a clearinghouse shall—

(1) have no affiliation with any institution of higher education or any lender;

(2) accept nothing of value from any lender, guaranty agency, or any entity affiliated with a lender or guaranty agency, except

that the clearinghouse may establish a flat fee to be charged to each listed lender, based on the costs necessary to establish and maintain the clearinghouse;

(3) provide information regarding the interest rates, fees, borrower benefits, and any other matter that the Department of Education determines relevant to enable prospective borrowers to select a lender;

(4) provide interest rate information that complies with the Federal Trade Commission guidelines for consumer credit term disclosures; and

(5) be a nonprofit entity.

(b) PUBLICATION OF LIST.—The Secretary of Education shall publish a list of clearinghouses described in subsection (a) on the website of the Department of Education and such list shall be updated not less often than every 90 days.

(c) DISCLOSURE.—Beginning on the date the first clearinghouse described in subsection (a) is established, each institution of higher education that receives Federal assistance under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) and that designates 1 or more lenders as preferred, suggested, or otherwise recommended shall include a standard disclosure developed by the Secretary of Education on all materials that reference such lenders to inform students that the students might find a more attractive loan, with a lower interest rate, by visiting a clearinghouse described in subsection (a).

(d) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress on whether students are using a clearinghouse described in subsection (a) to find and secure a student loan. The report shall assess whether students could have received a more attractive loan, one with a lower interest rate or better benefits, by using a clearinghouse described in subsection (a) instead of a preferred lender list.

SEC. 804. MINORITY SERVING INSTITUTIONS FOR ADVANCED TECHNOLOGY AND EDUCATION.

At the end of title VIII (as added by section 801), add the following:

"PART Q—MINORITY SERVING INSTITUTIONS FOR ADVANCED TECHNOLOGY AND EDUCATION

"SEC. 890. PURPOSES.

''The purposes of the program under this part are to—

''(1) strengthen the ability of eligible institutions to provide capacity for instruction in digital and wireless network technologies; and

''(2) strengthen the national digital and wireless infrastructure by increasing national investment in telecommunications and technology infrastructure at eligible institutions.

"SEC. 891. DEFINITION OF ELIGIBLE INSTITUTION.

''In this part, the term 'eligible institution' means an institution that is—

''(1) a historically Black college or university that is a part B institution, as defined in section 322;

''(2) a Hispanic-serving institution, as defined in section 502(a);

''(3) a Tribal College or University, as defined in section 316(b);

''(4) an Alaska Native-serving institution, as defined in section 317(b);

''(5) a Native Hawaiian-serving institution, as defined in section 317(b); or

''(6) an institution determined by the Secretary to have enrolled a substantial number of minority, low-income students during the previous academic year who received a Federal Pell Grant for that year.

"SEC. 892. MINORITY SERVING INSTITUTIONS FOR ADVANCED TECHNOLOGY AND EDUCATION.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to eligible institutions to enable the eligible institutions to carry out the activities described in subsection (d).

''(2) GRANT PERIOD.—The Secretary may award a grant to an eligible institution under this part for a period of not more than 5 years.

''(b) APPLICATION AND REVIEW PROCEDURE.—

''(1) IN GENERAL.—To be eligible to receive a grant under this part, an eligible institution shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. The application shall include—

''(A) a program of activities for carrying out 1 or more of the purposes described in section 890; and

''(B) such other policies, procedures, and assurances as the Secretary may require by regulation.

''(2) REGULATIONS.—After consultation with appropriate individuals with expertise in technology and education, the Secretary shall establish a procedure by which to accept and review such applications and publish an announcement of such procedure, including a statement regarding the availability of funds, in the Federal Register.

''(3) APPLICATION REVIEW CRITERIA.—The application review criteria used by the Secretary for grants under this part shall include consideration of—

''(A) demonstrated need for assistance under this part; and

''(B) diversity among the types of eligible institutions receiving assistance under this part.

''(c) MATCHING REQUIREMENT.—

''(1) IN GENERAL.—An eligible institution that receives a grant under this part shall agree that, with respect to the costs to be incurred by the institution in carrying out the program for which the grant is awarded, such institution will make available (directly or through donations from public or private entities) non-Federal contributions in an amount equal to 25 percent of the amount of the grant awarded by the Secretary, or $500,000, whichever is the lesser amount.

''(2) WAIVER.—The Secretary shall waive the matching requirement for any eligible institution with no endowment, or an endowment that has a current dollar value as of the time of the application of less than $50,000,000.

''(d) USES OF FUNDS.—An eligible institution shall use a grant awarded under this part—

''(1) to acquire equipment, instrumentation, networking capability, hardware and software, digital network technology, wireless technology, and infrastructure;

''(2) to develop and provide educational services, including faculty development, related to science, technology, engineering, and mathematics;

''(3) to provide teacher preparation and professional development, library and media specialist training, and early childhood educator and teacher aide certification or licensure to individuals who seek to acquire or enhance technology skills in order to use technology in the classroom or instructional process to improve student achievement;

''(4) to form consortia or collaborative projects with a State, State educational agency, local educational agency, community-based organization, national nonprofit organization, or business, including a minority business, to provide education regarding technology in the classroom;

''(5) to provide professional development in science, technology, engineering, or mathematics to administrators and faculty of eligible institutions with institutional responsibility for technology education;

''(6) to provide capacity-building technical assistance to eligible institutions through remote technical support, technical assistance workshops, distance learning, new technologies, and other technological applications; and

''(7) to foster the use of information communications technology to increase scientific, technological, engineering, and mathematical instruction and research.

''(e) DATA COLLECTION.—An eligible institution that receives a grant under this part shall provide the Secretary with any relevant institutional statistical or demographic data requested by the Secretary.

''(f) INFORMATION DISSEMINATION.—The Secretary shall convene an annual meeting of eligible institutions receiving grants under this part for the purposes of—

''(1) fostering collaboration and capacity-building activities among eligible institutions; and

''(2) disseminating information and ideas generated by such meetings.

''(g) LIMITATION.—An eligible institution that receives a grant under this part that exceeds $2,500,000 shall not be eligible to receive another grant under this part until every other eligible institution that has applied for a grant under this part has received such a grant.

"SEC. 893. ANNUAL REPORT AND EVALUATION.

''(a) ANNUAL REPORT REQUIRED FROM RECIPIENTS.—Each eligible institution that receives a grant under this part shall provide an annual report to the Secretary on the eligible institution's use of the grant.

''(b) EVALUATION BY SECRETARY.—The Secretary shall—

''(1) review the reports provided under subsection (a) each year; and

''(2) evaluate the program authorized under this part on the basis of those reports every 2 years.

''(c) CONTENTS OF EVALUATION.—The Secretary, in the evaluation under subsection (b), shall—

''(1) describe the activities undertaken by the eligible institutions that receive grants under this part; and

''(2) assess the short-range and long-range impact of activities carried out under the grant on the students, faculty, and staff of the institutions.

''(d) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall submit a report on the program supported under this part to the authorizing committees that shall include such recommendations, including recommendations concerning the continuing need for Federal support of the program, as may be appropriate.

"SEC. 894. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

TITLE IX—AMENDMENTS TO OTHER LAWS

PART A—EDUCATION OF THE DEAF ACT OF 1986

SEC. 901. LAURENT CLERC NATIONAL DEAF EDUCATION CENTER.

Section 104 of the Education of the Deaf Act of 1986 (20 U.S.C. 4304) is amended—

(1) by striking the section heading and inserting ''**LAURENT CLERC NATIONAL DEAF EDUCATION CENTER**'';''

(2) in subsection (a)(1)(A), by inserting ''the Laurent Clerc National Deaf Education Center (referred to in this section as the 'Clerc Center') to carry out'' after ''maintain and operate''; and

(3) in subsection (b)—

(A) in the matter preceding subparagraph (A) of paragraph (1), by striking ''elementary and secondary education programs'' and inserting ''Clerc Center'';

(B) in paragraph (2), by striking ''elementary and secondary education programs'' and inserting ''Clerc Center''; and

(C) by adding at the end the following:

''(5) The University, for purposes of the elementary and secondary education programs carried out at the Clerc Center, shall—

''(A)(i) select challenging academic content standards, challenging student academic achievement standards, and academic assessments of a State, adopted and implemented, as appropriate, pursuant to paragraphs (1) and (3) of section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1) and (3)) and approved by the Secretary; and

''(ii) implement such standards and assessments for such programs by not later than the beginning of the 2009–2010 academic year;

''(B) annually determine whether such programs at the Clerc Center are making adequate yearly progress, as determined according to the definition of adequate yearly progress defined (pursuant to section 1111(b)(2)(C) of such Act (20 U.S.C. 6311(b)(2)(C))) by the State that has adopted and implemented the standards and assessments selected under subparagraph (A)(i); and

''(C) publicly report the results of the academic assessments implemented under subparagraph (A) and whether the programs at the Clerc Center are making adequate yearly progress, as determined under subparagraph (B).''.

SEC. 902. AGREEMENT WITH GALLAUDET UNIVERSITY.

Section 105(b)(4) of the Education of the Deaf Act of 1986 (20 U.S.C. 4305(b)(4)) is amended—

(1) by striking ''the Act of March 3, 1931 (40 U.S.C. 276a–276a–5) commonly referred to as the Davis-Bacon Act'' and inserting ''subchapter IV of chapter 31 of title 40, United States Code, commonly referred to as the Davis-Bacon Act''; and

(2) by striking ''section 2 of the Act of June 13, 1934 (40 U.S.C. 276c)'' and inserting ''section 3145 of title 40, United States Code''.

SEC. 903. AGREEMENT FOR THE NATIONAL TECHNICAL INSTITUTE FOR THE DEAF.

Section 112 of the Education of the Deaf Act of 1986 (20 U.S.C. 4332) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the first sentence—

(I) by striking ''an institution of higher education'' and inserting ''the Rochester Institute of Technology, Rochester, New York''; and

(II) by striking ''of a'' and inserting ''of the''; and

(ii) by striking the second sentence;

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

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

''(2) If, pursuant to the agreement established under paragraph (1), either the Secretary or the Rochester Institute of Technology terminates the agreement, the Secretary shall consider proposals from other institutions of higher education and enter into an agreement with one of those institutions for the establishment and operation of a National Technical Institution for the Deaf.''; and

(2) in subsection (b)—

(A) in paragraph (3), by striking ''Committee on Labor and Human Resources of the Senate'' and inserting ''Committee on Health, Education, Labor, and Pensions of the Senate''; and

(B) in paragraph (5)—

(i) by striking ''the Act of March 3, 1931 (40 U.S.C. 276a–276a–5) commonly referred to as the Davis-Bacon Act'' and inserting ''subchapter IV of chapter 31 of title 40, United States Code, commonly referred to as the Davis-Bacon Act''; and

(ii) by striking ''section 2 of the Act of June 13, 1934 (40 U.S.C. 276c)'' and inserting ''section 3145 of title 40, United States Code''.

SEC. 904. CULTURAL EXPERIENCES GRANTS.

(a) CULTURAL EXPERIENCES GRANTS.—Title I of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.) is amended by adding at the end the following:

''PART C—OTHER PROGRAMS

''SEC. 121. CULTURAL EXPERIENCES GRANTS.

''(a) IN GENERAL.—The Secretary shall, on a competitive basis, make grants to, and enter into contracts and cooperative agreements with, eligible entities to support the activities described in subsection (b).

''(b) ACTIVITIES.—In carrying out this section, the Secretary shall support activities providing cultural experiences, through appropriate nonprofit organizations with a demonstrated proficiency in providing such activities, that—

''(1) enrich the lives of deaf and hard-of-hearing children and adults;

''(2) increase public awareness and understanding of deafness and of the artistic and intellectual achievements of deaf and hard-of-hearing persons; or

''(3) promote the integration of hearing, deaf, and hard-of-hearing persons through shared cultural, educational, and social experiences.

''(c) APPLICATIONS.—An eligible entity that desires to receive a grant, or enter into a contract or cooperative agreement, under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

(b) CONFORMING AMENDMENT.—The title heading of title I of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.) is amended by adding at the end ''; OTHER PROGRAMS''.

SEC. 905. AUDIT.

Section 203 of the Education of the Deaf Act of 1986 (20 U.S.C. 4353) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking ''sections'' and all that follows through the period and inserting ''sections 102(b), 105(b)(4), 112(b)(5), 203(c), 207(b)(2), subsections (c) through (f) of section 207, and subsections (b) and (c) of section 209.''; and

(B) in paragraph (3), by inserting ''and the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate'' after ''Secretary''; and

(2) in subsection (c)(2)(A), by striking ''Committee on Labor and Human Resources of the Senate'' and inserting ''Committee on Health, Education, Labor, and Pensions of the Senate''.

SEC. 906. REPORTS.

Section 204 of the Education of the Deaf Act of 1986 (20 U.S.C. 4354) is amended—

(1) in the matter preceding paragraph (1), by striking ''Committee on Labor and Human Resources of the Senate'' and inserting ''Committee on Health, Education, Labor, and Pensions of the Senate'';

(2) in paragraph (1), by striking ''preparatory,'';

(3) in paragraph (2)(C), by striking ''upon graduation/completion'' and inserting ''on the date that is 1 year after the date of graduation or completion''; and

(4) in paragraph (3)(B), by striking ''of the institution of higher education'' and all that follows through the period and inserting ''of NTID programs and activities.''.

SEC. 907. MONITORING, EVALUATION, AND REPORTING.

Section 205 of the Education of the Deaf Act of 1986 (20 U.S.C. 4355) is amended—

(1) in subsection (b), by striking ''The Secretary, as part of the annual report required under section 426 of the Department of Education Organization Act, shall include a description of'' and inserting ''The Secretary shall annually transmit information to Congress on''; and

(2) in subsection (c), by striking ''fiscal years 1998 through 2003'' and inserting ''fiscal years 2008 through 2013''.

SEC. 908. LIAISON FOR EDUCATIONAL PROGRAMS.

Section 206(a) of the Education of the Deaf Act of 1986 (20 U.S.C. 4356(a)) is amended by striking ''Not later than 30 days after the date of enactment of this Act, the'' and inserting ''The''.

SEC. 909. FEDERAL ENDOWMENT PROGRAMS FOR GALLAUDET UNIVERSITY AND THE NATIONAL TECHNICAL INSTITUTE FOR THE DEAF.

Section 207(h) of the Education of the Deaf Act of 1986 (20 U.S.C. 4357(h)) is amended by striking ''fiscal years 1998 through 2003'' each place it appears and inserting ''fiscal years 2008 through 2013''.

SEC. 910. OVERSIGHT AND EFFECT OF AGREEMENTS.

Section 208(a) of the Education of the Deaf Act of 1986 (20 U.S.C. 4359(a)) is amended by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate''.

SEC. 911. INTERNATIONAL STUDENTS.

Section 209 of the Education of the Deaf Act of 1986 (20 U.S.C. 4359a) is amended—

(1) in subsection (a)—

(A) by striking ''preparatory, undergraduate,'' and inserting ''undergraduate'';

(B) by striking ''Effective with'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), effective with''; and

(C) by adding at the end the following:

''(2) DISTANCE LEARNING.—International students who participate in distance learning courses that are at NTID or the University and who are residing outside of the United States shall—

''(A) not be counted as international students for purposes of the cap on international students under paragraph (1), except that in any school year no United States citizen who applies to participate in distance learning courses that are at the University or NTID shall be denied participation in such courses because of the participation of an international student in such courses; and

''(B) not be charged a tuition surcharge, as described in subsection (b).''; and

(2) by striking subsections (b), (c), and (d), and inserting the following:

''(b) TUITION SURCHARGE.—Except as provided in subsections (a)(2)(B) and (c), the tuition for postsecondary international students enrolled in the University (including

undergraduate and graduate students) or NTID shall include, for academic year 2008–2009 and any succeeding academic year, a surcharge of—

''(1) 100 percent for a postsecondary international student from a non-developing country; and

''(2) 50 percent for a postsecondary international student from a developing country.

''(c) REDUCTION OF SURCHARGE.—

''(1) IN GENERAL.—Beginning with the academic year 2008–2009, the University or NTID may reduce the surcharge—

''(A) under subsection (b)(1) from 100 percent to not less than 50 percent if—

''(i) a student described under subsection (b)(1) demonstrates need; and

''(ii) such student has made a good faith effort to secure aid through such student's government or other sources; and

''(B) under subsection (b)(2) from 50 percent to not less than 25 percent if—

''(i) a student described under subsection (b)(2) demonstrates need; and

''(ii) such student has made a good faith effort to secure aid through such student's government or other sources.

''(2) DEVELOPMENT OF SLIDING SCALE.—The University and NTID shall develop a sliding scale model that—

''(A) will be used to determine the amount of a tuition surcharge reduction pursuant to paragraph (1); and

''(B) shall be approved by the Secretary.

''(d) DEFINITION.—In this section, the term 'developing country' means a country with a per-capita income of not more than $4,825, measured in 1999 United States dollars, as adjusted by the Secretary to reflect inflation since 1999.''.

SEC. 912. RESEARCH PRIORITIES.

Section 210(b) of the Education of the Deaf Act of 1986 (20 U.S.C. 4359b(b)) is amended by striking ''Committee on Education and the Workforce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate'' and inserting ''Committee on Education and Labor of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate''.

SEC. 913. AUTHORIZATION OF APPROPRIATIONS.

Section 212 of the Education of the Deaf Act of 1986 (20 U.S.C. 4360a) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''fiscal years 1998 through 2003'' and inserting ''fiscal years 2008 through 2013''; and

(2) in subsection (b), by striking ''fiscal years 1998 through 2003'' and inserting ''fiscal years 2008 through 2013''.

PART B—UNITED STATES INSTITUTE OF PEACE ACT

SEC. 921. UNITED STATES INSTITUTE OF PEACE ACT.

(a) POWERS AND DUTIES.—Section 1705(b)(3) of the United States Institute of Peace Act (22 U.S.C. 4604(b)(3)) is amended by striking ''the Arms Control and Disarmament Agency,''.

(b) BOARD OF DIRECTORS.—Section 1706 of the United States Institute of Peace Act (22 U.S.C. 4605) is amended—

(1) by striking ''(b)(5)'' each place the term appears and inserting ''(b)(4)''; and

(2) in subsection (e), by adding at the end the following:

''(5) The term of a member of the Board shall not commence until the member is confirmed by the Senate and sworn in as a member of the Board.''.

(c) FUNDING.—Section 1710 of the United States Institute of Peace Act (22 U.S.C. 4609) is amended—

(1) by striking ''to be appropriated'' and all that follows through the period at the end and inserting ''to be appropriated such sums as may be necessary for fiscal years 2008 through 2013.''; and

(2) by adding at the end the following:

''(d) EXTENSION.—Any authorization of appropriations made for the purposes of carrying out this title shall be extended in the same manner as applicable programs are extended under section 422 of the General Education Provisions Act.''.

PART C—THE HIGHER EDUCATION AMENDMENTS OF 1998

SEC. 931. REPEALS.

The following provisions of title VIII of the Higher Education Amendments of 1998 (Public Law 105–244) are repealed:

(1) Part A.
(2) Part C (20 U.S.C. 1070 note).
(3) Part F (20 U.S.C. 1862 note).
(4) Part J.
(5) Section 861.
(6) Section 863.

SEC. 932. GRANTS TO STATES FOR WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS.

Section 821 of the Higher Education Amendments of 1998 (20 U.S.C. 1151) is amended to read as follows:

''SEC. 821. GRANTS TO STATES FOR IMPROVED WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS.

''(a) DEFINITION.—In this section, the term 'youth offender' means a male or female offender under the age of 35, who is incarcerated in a State prison, including a prerelease facility.

''(b) GRANT PROGRAM.—The Secretary of Education (in this section referred to as the 'Secretary')—

''(1) shall establish a program in accordance with this section to provide grants to the State correctional education agencies in the States, from allocations for the States under subsection (h), to assist and encourage youth offenders to acquire functional literacy, life, and job skills, through—

''(A) the pursuit of a postsecondary education certificate, or an associate or bachelor's degree while in prison; and

''(B) employment counseling and other related services which start during incarceration and end not later than 1 year after release from confinement; and

''(2) may establish such performance objectives and reporting requirements for State correctional education agencies receiving grants under this section as the Secretary determines are necessary to assess the effectiveness of the program under this section.

''(c) APPLICATION.—To be eligible for a grant under this section, a State correctional education agency shall submit to the Secretary a proposal for a youth offender program that—

''(1) identifies the scope of the problem, including the number of youth offenders in need of postsecondary education and vocational training;

''(2) lists the accredited public or private educational institution or institutions that will provide postsecondary educational services;

''(3) lists the cooperating agencies, public and private, or businesses that will provide related services, such as counseling in the areas of career development, substance abuse, health, and parenting skills;

''(4) describes specific performance objectives and evaluation methods (in addition to, and consistent with, any objectives established by the Secretary under subsection (b)(2)) that the State correctional education agency will use in carrying out its proposal, including—

''(A) specific and quantified student outcome measures that are referenced to outcomes for non-program participants with similar demographic characteristics; and

''(B) measures, consistent with the data elements and definitions described in subsection (d)(1)(A), of—

''(i) program completion, including an explicit definition of what constitutes a program completion within the proposal;

''(ii) knowledge and skill attainment, including specification of instruments that will measure knowledge and skill attainment;

''(iii) attainment of employment both prior to and subsequent to release;

''(iv) success in employment indicated by job retention and advancement; and

''(v) recidivism, including such subindicators as time before subsequent offense and severity of offense;

''(5) describes how the proposed programs are to be integrated with existing State correctional education programs (such as adult education, graduate education degree programs, and vocational training) and State industry programs;

''(6) describes how the proposed programs will have considered or will utilize technology to deliver the services under this section; and

''(7) describes how students will be selected so that only youth offenders eligible under subsection (e) will be enrolled in postsecondary programs.

''(d) PROGRAM REQUIREMENTS.—Each State correctional education agency receiving a grant under this section shall—

''(1) annually report to the Secretary regarding—

''(A) the results of the evaluations conducted using data elements and definitions provided by the Secretary for the use of State correctional education programs;

''(B) any objectives or requirements established by the Secretary pursuant to subsection (b)(2); and

''(C) the additional performance objectives and evaluation methods contained in the proposal described in subsection (c)(4) as necessary to document the attainment of project performance objectives; and

''(2) provide to each State for each student eligible under subsection (e) not more than—

''(A) $3,000 annually for tuition, books, and essential materials; and

''(B) $300 annually for related services such as career development, substance abuse counseling, parenting skills training, and health education.

''(e) STUDENT ELIGIBILITY.—A youth offender shall be eligible for participation in a program receiving a grant under this section if the youth offender—

''(1) is eligible to be released within 5 years (including a youth offender who is eligible for parole within such time);

''(2) is 35 years of age or younger; and

''(3) has not been convicted of—

''(A) a 'criminal offense against a victim who is a minor' or a 'sexually violent offense', as such terms are defined in the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14071 et seq.); or

''(B) murder, as described in section 1111 of title 18, United States Code.

''(f) LENGTH OF PARTICIPATION.—A State correctional education agency receiving a grant under this section shall provide educational and related services to each participating youth offender for a period not to exceed 5 years, 1 year of which may be devoted to study in a graduate education degree program or to remedial education services for students who have obtained a secondary school diploma or its recognized equivalent. Educational and related services shall start during the period of incarceration in prison or prerelease, and the related services may

continue for not more than 1 year after release from confinement.

''(g) EDUCATION DELIVERY SYSTEMS.—State correctional education agencies and cooperating institutions shall, to the extent practicable, use high-tech applications in developing programs to meet the requirements and goals of this section.

''(h) ALLOCATION OF FUNDS.—From the funds appropriated pursuant to subsection (i) for each fiscal year, the Secretary shall allot to each State an amount that bears the same relationship to such funds as the total number of students eligible under subsection (e) in such State bears to the total number of such students in all States.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2008 through 2013.''.

SEC. 933. UNDERGROUND RAILROAD EDUCATIONAL AND CULTURAL PROGRAM.

Section 841(c) of the Higher Education Amendments of 1998 (20 U.S.C. 1153(c)) is amended by striking ''this section'' and all that follows through the period at the end and inserting ''this section such sums as may be necessary for fiscal years 2008 through 2013.''.

SEC. 934. OLYMPIC SCHOLARSHIPS UNDER THE HIGHER EDUCATION AMENDMENTS OF 1992.

Section 1543(d) of the Higher Education Amendments of 1992 (20 U.S.C. 1070 note) is amended by striking ''to be appropriated'' and all that follows through the period at the end and inserting ''to be appropriated such sums as may be necessary for fiscal years 2008 through 2013.''.

PART D—INDIAN EDUCATION

Subpart 1—Tribal Colleges and Universities

SEC. 941. REAUTHORIZATION OF THE TRIBALLY CONTROLLED COLLEGE OR UNIVERSITY ASSISTANCE ACT OF 1978.

(a) CLARIFICATION OF THE DEFINITION OF NATIONAL INDIAN ORGANIZATION.—Section 2(a)(6) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)(6)) is amended by striking ''in the field of Indian education'' and inserting ''in the fields of tribally controlled colleges and universities and Indian higher education''.

(b) INDIAN STUDENT COUNT.—Section 2(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)) is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (6) the following:

''(7) 'Indian student' means a student who is—

''(A) a member of an Indian tribe; or

''(B) a biological child of a member of an Indian tribe, living or deceased;''.

(c) CONTINUING EDUCATION.—Section 2(b) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(b)) is amended—

(1) in the matter preceding paragraph (1), by striking ''paragraph (7) of subsection (a)'' and inserting ''subsection (a)(8)'';

(2) by striking paragraph (5) and inserting the following:

''(5) DETERMINATION OF CREDITS.—Eligible credits earned in a continuing education program—

''(A) shall be determined as 1 credit for every 10 contact hours in the case of an institution on a quarter system, or 15 contact hours in the case of an institution on a semester system, of participation in an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction, as described in the criteria established by the International Association for Continuing Education and Training; and

''(B) shall be limited to 10 percent of the Indian student count of a tribally controlled college or university.''; and

(3) by striking paragraph (6).

(d) ACCREDITATION REQUIREMENT.—Section 103 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1804) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(3) by inserting after paragraph (3), the following:

''(4)(A) is accredited by a nationally recognized accrediting agency or association determined by the Secretary of Education to be a reliable authority with regard to the quality of training offered; or

''(B) according to such an agency or association, is making reasonable progress toward accreditation.''.

(e) TECHNICAL ASSISTANCE CONTRACTS.—Section 105 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1805) is amended—

(1) by striking the section designation and heading and all that follows through ''The Secretary shall'' and inserting the following:

''SEC. 105. TECHNICAL ASSISTANCE CONTRACTS.

''(a) TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—The Secretary shall'';

(2) in the second sentence, by striking ''In the awarding of contracts for technical assistance, preference shall be given'' and inserting the following:

''(2) DESIGNATED ORGANIZATION.—The Secretary shall require that a contract for technical assistance under paragraph (1) shall be awarded''; and

(3) in the third sentence, by striking ''No authority'' and inserting the following:

''(b) EFFECT OF SECTION.—No authority''.

(f) AMOUNT OF GRANTS.—Section 108(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1808(a)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting the subparagraphs appropriately;

(2) by striking ''(a) Except as provided in section 111,'' and inserting the following:

''(a) REQUIREMENT.—

''(1) IN GENERAL.—Except as provided in paragraph (2) and section 111,'';

(3) in paragraph (1) (as redesignated by paragraphs (1) and (2))—

(A) in the matter preceding subparagraph (A) (as redesignated by paragraph (1))—

(i) by striking ''him'' and inserting ''the Secretary''; and

(ii) by striking ''product of'' and inserting ''product obtained by multiplying'';

(B) in subparagraph (A) (as redesignated by paragraph (1)), by striking ''section 2(a)(7)'' and inserting ''section 2(a)(8)''; and

(C) in subparagraph (B) (as redesignated by paragraph (1)), by striking ''$6,000,'' and inserting ''$8,000, as adjusted annually for inflation.''; and

(4) by striking ''except that no grant shall exceed the total cost of the education program provided by such college or university.'' and inserting the following:

''(2) EXCEPTION.—The amount of a grant under paragraph (1) shall not exceed an amount equal to the total cost of the education program provided by the applicable tribally controlled college or university.''.

(g) GENERAL PROVISIONS REAUTHORIZATION.—Section 110(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1810(a)) is amended—

(1) in paragraphs (1), (2), (3), and (4), by striking ''1999'' and inserting ''2008'';

(2) in paragraphs (1), (2), and (3), by striking ''4 succeeding'' and inserting ''5 succeeding'';

(3) in paragraph (2), by striking ''$40,000,000'' and inserting ''such sums as may be necessary'';

(4) in paragraph (3), by striking ''$10,000,000'' and inserting ''such sums as may be necessary''; and

(5) in paragraph (4), by striking ''succeeding 4'' and inserting ''5 succeeding''.

(h) ENDOWMENT PROGRAM REAUTHORIZATION.—Section 306(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1836(a)) is amended—

(1) by striking ''1999'' and inserting ''2008''; and

(2) by striking ''4 succeeding'' and inserting ''5 succeeding''.

(i) TRIBAL ECONOMIC DEVELOPMENT REAUTHORIZATION.—Section 403 of the Tribal Economic Development and Technology Related Education Assistance Act of 1990 (25 U.S.C. 1852) is amended—

(1) by striking ''$2,000,000 for fiscal year 1999'' and inserting ''such sums as may be necessary for fiscal year 2008''; and

(2) by striking ''4 succeeding'' and inserting ''5 succeeding''.

(j) TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS.—

(1) IN GENERAL.—The Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) is amended by adding at the end the following:

''Subtitle V—Tribally Controlled Postsecondary Career and Technical Institutions

''SEC. 501. DEFINITION OF TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTION.

''In this title, the term 'tribally controlled postsecondary career and technical institution' has the meaning given the term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

''SEC. 502. TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS PROGRAM.

''(a) IN GENERAL.—Subject to the availability of appropriations, for fiscal year 2008 and each fiscal year thereafter, the Secretary shall—

''(1) subject to subsection (b), select 2 tribally controlled postsecondary career and technical institutions to receive assistance under this title; and

''(2) provide funding to the selected tribally controlled postsecondary career and technical institutions to pay the costs (including institutional support costs) of operating postsecondary career and technical education programs for Indian students at the tribally controlled postsecondary career and technical institutions.

''(b) SELECTION OF CERTAIN INSTITUTIONS.—

''(1) REQUIREMENT.—For each fiscal year during which the Secretary determines that a tribally controlled postsecondary career and technical institution described in paragraph (2) meets the definition referred to in section 501, the Secretary shall select that tribally controlled postsecondary career and technical institution under subsection (a)(1) to receive funding under this section.

''(2) INSTITUTIONS.—The 2 tribally controlled postsecondary career and technical institutions referred to in paragraph (1) are—

''(A) the United Tribes Technical College; and

''(B) the Navajo Technical College.

''(c) METHOD OF PAYMENT.—For each applicable fiscal year, the Secretary shall provide funding under this section to each tribally controlled postsecondary career and technical institution selected for the fiscal year under subsection (a)(1) in a lump sum payment for the fiscal year.

''(d) DISTRIBUTION.—

''(1) IN GENERAL.—For fiscal year 2009 and each fiscal year thereafter, of amounts made available pursuant to section 504, the Secretary shall distribute to each tribally controlled postsecondary career and technical institution selected for the fiscal year under subsection (a)(1) an amount equal to the greater of—

''(A) the total amount appropriated for the tribally controlled postsecondary career and technical institution for fiscal year 2006; or

''(B) the total amount appropriated for the tribally controlled postsecondary career and technical institution for fiscal year 2008.

''(2) EXCESS AMOUNTS.—If, for any fiscal year, the amount made available pursuant to section 504 exceeds the sum of the amounts required to be distributed under paragraph (1) to the tribally controlled postsecondary career and technical institutions selected for the fiscal year under subsection (a)(1), the Secretary shall distribute to each tribally controlled postsecondary career and technical institution selected for that fiscal year a portion of the excess amount, to be determined by—

''(A) dividing the excess amount by the aggregate Indian student count (as defined in section 117(h) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2327(h)) of such institutions for the prior academic year; and

''(B) multiplying the quotient described in subparagraph (A) by the Indian student count of each such institution for the prior academic year.

''SEC. 503. APPLICABILITY OF OTHER LAWS.

''(a) IN GENERAL.—Paragraphs (4) and (7) of subsection (a), and subsection (b), of section 2, sections 105, 108, 111, 112 and 113, and titles II, III, and IV shall not apply to this title.

''(b) INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE.—Funds made available pursuant to this title shall be subject to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''(c) ELECTION TO RECEIVE.—A tribally controlled postsecondary career and technical institution selected for a fiscal year under section 502(b) may elect to receive funds pursuant to section 502 in accordance with an agreement between the tribally controlled postsecondary career and technical institution and the Secretary under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) if the agreement is in existence on the date of enactment of the Higher Education Amendments of 2007.

''(d) OTHER ASSISTANCE.—Eligibility for, or receipt of, assistance under this title shall not preclude the eligibility of a tribally controlled postsecondary career and technical institutions to receive Federal financial assistance under—

''(1) any program under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.);

''(2) any program under the Carl D. Perkins Career and Technical Education Act of 2006; or

''(3) any other applicable program under which a benefit is provided for—

''(A) institutions of higher education;

''(B) community colleges; or

''(C) postsecondary educational institutions.

''SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as are necessary for fiscal year 2008 and each fiscal year thereafter to carry out this title.''.

(2) CONFORMING AMENDMENTS.—Section 117 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2327) is amended—

(A) by striking subsection (a) and inserting the following:

''(a) GRANT PROGRAM.—Subject to the availability of appropriations, the Secretary shall make grants under this section, to provide basic support for the education and training of Indian students, to tribally controlled postsecondary career and technical institutions that are not receiving Federal assistance as of the date on which the grant is provided under—

''(1) title I of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1802 et seq.); or

''(2) the Navajo Community College Act (25 U.S.C. 640a et seq.).''; and

(B) by striking subsection (d) and inserting the following:

''(d) APPLICATIONS.—To be eligible to receive a grant under this section, a tribally controlled postsecondary career and technical institution that is not receiving Federal assistance under title I of the Tribally Controlled College or University Assistance Act (25 U.S.C. 1802 et seq.) or the Navajo Community College Act (25 U.S.C. 640a et seq.) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.''.

(k) SHORT TITLE.—

(1) IN GENERAL.—The first section of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 note; Public Law 95–471) is amended to read as follows:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Tribally Controlled Colleges and Universities Assistance Act of 1978'.''.

(2) REFERENCES.—Any reference in law (including regulations) to the Tribally Controlled College or University Assistance Act of 1978 shall be considered to be a reference to the ''Tribally Controlled Colleges and Universities Assistance Act of 1978''.

Subpart 2—Navajo Higher Education

SEC. 945. SHORT TITLE.

This subpart may be cited as the ''Navajo Nation Higher Education Act of 2006''.

SEC. 946. REAUTHORIZATION OF NAVAJO COMMUNITY COLLEGE ACT.

(a) PURPOSE.—Section 2 of the Navajo Community College Act (25 U.S.C. 640a) is amended—

(1) by striking ''Navajo Tribe of Indians'' and inserting ''Navajo Nation''; and

(2) by striking ''the Navajo Community College'' and inserting ''Diné College''.

(b) GRANTS.—Section 3 of the Navajo Community College Act (25 U.S.C. 640b) is amended—

(1) in the first sentence—

(A) by inserting ''the'' before ''Interior'';

(B) by striking ''Navajo Tribe of Indians'' and inserting ''Navajo Nation''; and

(C) by striking ''the Navajo Community College'' and inserting ''Diné College''; and

(2) in the second sentence—

(A) by striking ''Navajo Tribe'' and inserting ''Navajo Nation''; and

(B) by striking ''Navajo Indians'' and inserting ''Navajo people''.

(c) STUDY OF FACILITIES NEEDS.—Section 4 of the Navajo Community College Act (25 U.S.C. 640c) is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking ''the Navajo Community College'' and inserting ''Diné College''; and

(ii) by striking ''August 1, 1979'' and inserting ''October 31, 2010''; and

(B) in the second sentence, by striking ''Navajo Tribe'' and inserting ''Navajo Nation'';

(2) in subsection (b), by striking ''the date of enactment of the Tribally Controlled Community College Assistance Act of 1978'' and inserting ''October 1, 2007''; and

(3) in subsection (c), in the first sentence, by striking ''the Navajo Community College'' and inserting ''Diné College''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 5 of the Navajo Community College Act (25 U.S.C. 640c–1) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''$2,000,000'' and all that follows through the end of the paragraph and inserting ''such sums as are necessary for fiscal years 2008 through 2013.''; and

(B) by adding at the end the following:

''(3) Sums described in paragraph (2) shall be used to provide grants for construction activities, including the construction of buildings, water and sewer facilities, roads, information technology and telecommunications infrastructure, classrooms, and external structures (such as walkways).'';

(2) in subsection (b)(1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''the Navajo Community College'' and inserting ''Diné College''; and

(ii) by striking '', for each fiscal year'' and all that follows through ''for—'' and inserting ''such sums as are necessary for fiscal years 2008 through 2013 to pay the cost of—'';

(B) in subparagraph (A)—

(i) by striking ''college'' and inserting ''College'';

(ii) in clauses (i) and (iii), by striking the commas at the ends of the clauses and inserting semicolons; and

(iii) in clause (ii), by striking '', and'' at the end and inserting ''; and'';

(C) in subparagraph (B), by striking the comma at the end and inserting a semicolon;

(D) in subparagraph (C), by striking '', and'' at the end and inserting a semicolon;

(E) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(F) by adding at the end the following:

''(E) improving and expanding the College, including by providing, for the Navajo people and others in the community of the College—

''(i) higher education programs;

''(ii) career and technical education;

''(iii) activities relating to the preservation and protection of the Navajo language, philosophy, and culture;

''(iv) employment and training opportunities;

''(v) economic development and community outreach; and

''(vi) a safe learning, working, and living environment.''; and

(3) in subsection (c), by striking ''the Navajo Community College'' and inserting ''Diné College''.

(e) EFFECT ON OTHER LAWS.—Section 6 of the Navajo Community College Act (25 U.S.C. 640c–2) is amended—

(1) by striking ''the Navajo Community College'' each place it appears and inserting ''Diné College''; and

(2) in subsection (b), by striking ''college'' and inserting ''College''.

(f) PAYMENTS; INTEREST.—Section 7 of the Navajo Community College Act (25 U.S.C. 640c–3) is amended by striking ''the Navajo Community College'' each place it appears and inserting ''Diné College''.

''SEC. 428L. LOAN REPAYMENT FOR CIVIL LEGAL ASSISTANCE ATTORNEYS.

''(a) PURPOSE.—The purpose of this section is to encourage qualified individuals to enter and continue employment as civil legal assistance attorneys.

''(b) DEFINITIONS.—In this section:

''(1) CIVIL LEGAL ASSISTANCE ATTORNEY.—The term 'civil legal assistance attorney' means an attorney who—

''(A) is a full-time employee of a nonprofit organization that provides legal assistance with respect to civil matters to low-income individuals without a fee;

''(B) as such employee, provides civil legal assistance as described in subparagraph (A) on a full-time basis; and

''(C) is continually licensed to practice law.

''(2) STUDENT LOAN.—The term 'student loan' means—

''(A) subject to subparagraph (B), a loan made, insured, or guaranteed under part B, D, or E of this title; and

''(B) a loan made under section 428C or 455(g), to the extent that such loan was used to repay—

''(i) a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a Federal Direct PLUS Loan;

''(ii) a loan made under section 428, 428B, or 428H; or

''(iii) a loan made under part E.

''(c) PROGRAM AUTHORIZED.—The Secretary shall carry out a program of assuming the obligation to repay a student loan, by direct payments on behalf of a borrower to the holder of such loan, in accordance with subsection (d), for any borrower who—

''(1) is employed as a civil legal assistance attorney; and

''(2) is not in default on a loan for which the borrower seeks repayment.

''(d) TERMS OF AGREEMENT.—

''(1) IN GENERAL.—To be eligible to receive repayment benefits under subsection (c), a borrower shall enter into a written agreement with the Secretary that specifies that—

''(A) the borrower will remain employed as a civil legal assistance attorney for a required period of service of not less than 3 years, unless involuntarily separated from that employment;

''(B) if the borrower is involuntarily separated from employment on account of misconduct, or voluntarily separates from employment, before the end of the period specified in the agreement, the borrower will repay the Secretary the amount of any benefits received by such employee under this agreement;

''(C) if the borrower is required to repay an amount to the Secretary under subparagraph (B) and fails to repay such amount, a sum equal to that amount shall be recoverable by the Federal Government from the employee by such methods as are provided by law for the recovery of amounts owed to the Federal Government;

''(D) the Secretary may waive, in whole or in part, a right of recovery under this subsection if it is shown that recovery would be against equity and good conscience or against the public interest; and

''(E) the Secretary shall make student loan payments under this section for the period of the agreement, subject to the availability of appropriations.

''(2) REPAYMENTS.—

''(A) IN GENERAL.—Any amount repaid by, or recovered from, an individual under this subsection shall be credited to the appropriation account from which the amount involved was originally paid.

''(B) MERGER.—Any amount credited under subparagraph (A) shall be merged with other sums in such account and shall be available for the same purposes and period, and subject to the same limitations, if any, as the sums with which the amount was merged.

''(3) LIMITATIONS.—

''(A) STUDENT LOAN PAYMENT AMOUNT.—Student loan repayments made by the Secretary under this section shall be made subject to such terms, limitations, or conditions as may be mutually agreed upon by the borrower and the Secretary in an agreement under paragraph (1), except that the amount paid by the Secretary under this section shall not exceed—

''(i) $6,000 for any borrower in any calendar year; or

''(ii) an aggregate total of $40,000 in the case of any borrower.

''(B) BEGINNING OF PAYMENTS.—Nothing in this section shall authorize the Secretary to pay any amount to reimburse a borrower for any repayments made by such borrower prior to the date on which the Secretary entered into an agreement with the borrower under this subsection.

''(e) ADDITIONAL AGREEMENTS.—

''(1) IN GENERAL.—On completion of the required period of service under an agreement under subsection (d), the borrower and the Secretary may, subject to paragraph (2), enter into an additional agreement in accordance with subsection (d).

''(2) TERM.—An agreement entered into under paragraph (1) may require the borrower to remain employed as a civil legal assistance attorney for less than 3 years.

''(f) AWARD BASIS; PRIORITY.—

''(1) AWARD BASIS.—Subject to paragraph (2), the Secretary shall provide repayment benefits under this section on a first-come, first-served basis, and subject to the availability of appropriations.

''(2) PRIORITY.—The Secretary shall give priority in providing repayment benefits under this section in any fiscal year to a borrower who—

''(A) has practiced law for 5 years or less and, for at least 90 percent of the time in such practice, has served as a civil legal assistance attorney;

''(B) received repayment benefits under this section during the preceding fiscal year; and

''(C) has completed less than 3 years of the first required period of service specified for the borrower in an agreement entered into under subsection (d).

''(g) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.''.

PART E—OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

SEC. 951. SHORT TITLE.

This part may be cited as the ''John R. Justice Prosecutors and Defenders Incentive Act of 2007''.

SEC. 952. LOAN REPAYMENT FOR PROSECUTORS AND DEFENDERS.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by inserting after part II (42 U.S.C. 3797cc et seq.) the following:

''PART JJ—LOAN REPAYMENT FOR PROSECUTORS AND PUBLIC DEFENDERS

''SEC. 3001. GRANT AUTHORIZATION.

''(a) PURPOSE.—The purpose of this section is to encourage qualified individuals to enter and continue employment as prosecutors and public defenders.

''(b) DEFINITIONS.—In this section:

''(1) PROSECUTOR.—The term 'prosecutor' means a full-time employee of a State or local agency who—

''(A) is continually licensed to practice law; and

''(B) prosecutes criminal or juvenile delinquency cases at the State or local level (including supervision, education, or training of other persons prosecuting such cases).

''(2) PUBLIC DEFENDER.—The term 'public defender' means an attorney who—

''(A) is continually licensed to practice law; and

''(B) is—

''(i) a full-time employee of a State or local agency who provides legal representation to indigent persons in criminal or juvenile delinquency cases (including supervision, education, or training of other persons providing such representation);

''(ii) a full-time employee of a nonprofit organization operating under a contract with a State or unit of local government, who devotes substantially all of his or her full-time employment to providing legal representation to indigent persons in criminal or juvenile delinquency cases, (including supervision, education, or training of other persons providing such representation); or

''(iii) employed as a full-time Federal defender attorney in a defender organization established pursuant to subsection (g) of section 3006A of title 18, United States Code, that provides legal representation to indigent persons in criminal or juvenile delinquency cases.

''(3) STUDENT LOAN.—The term 'student loan' means—

''(A) a loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.);

''(B) a loan made under part D or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq. and 1087aa et seq.); and

''(C) a loan made under section 428C or 455(g) of the Higher Education Act of 1965 (20 U.S.C. 1078–3 and 1087e(g)) to the extent that such loan was used to repay a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a loan made under section 428 or 428H of such Act.

''(c) PROGRAM AUTHORIZED.—The Attorney General shall establish a program by which the Department of Justice shall assume the obligation to repay a student loan, by direct payments on behalf of a borrower to the holder of such loan, in accordance with subsection (d), for any borrower who—

''(1) is employed as a prosecutor or public defender; and

''(2) is not in default on a loan for which the borrower seeks forgiveness.

''(d) TERMS OF AGREEMENT.—

''(1) IN GENERAL.—To be eligible to receive repayment benefits under subsection (c), a borrower shall enter into a written agreement that specifies that—

''(A) the borrower will remain employed as a prosecutor or public defender for a required period of service of not less than 3 years, unless involuntarily separated from that employment;

''(B) if the borrower is involuntarily separated from employment on account of misconduct, or voluntarily separates from employment, before the end of the period specified in the agreement, the borrower will repay the Attorney General the amount of any benefits received by such employee under this section;

''(C) if the borrower is required to repay an amount to the Attorney General under subparagraph (B) and fails to repay such amount, a sum equal to that amount shall be recoverable by the Federal Government from the employee (or such employee's estate, if applicable) by such methods as are provided by law for the recovery of amounts owed to the Federal Government;

''(D) the Attorney General may waive, in whole or in part, a right of recovery under this subsection if it is shown that recovery would be against equity and good conscience or against the public interest; and

''(E) the Attorney General shall make student loan payments under this section for the period of the agreement, subject to the availability of appropriations.

''(2) REPAYMENTS.—

''(A) IN GENERAL.—Any amount repaid by, or recovered from, an individual or the estate of an individual under this subsection

shall be credited to the appropriation account from which the amount involved was originally paid.

''(B) MERGER.—Any amount credited under subparagraph (A) shall be merged with other sums in such account and shall be available for the same purposes and period, and subject to the same limitations, if any, as the sums with which the amount was merged.

''(3) LIMITATIONS.—

''(A) STUDENT LOAN PAYMENT AMOUNT.—Student loan repayments made by the Attorney General under this section shall be made subject to such terms, limitations, or conditions as may be mutually agreed upon by the borrower and the Attorney General in an agreement under paragraph (1), except that the amount paid by the Attorney General under this section shall not exceed—

''(i) $10,000 for any borrower in any calendar year; or

''(ii) an aggregate total of $60,000 in the case of any borrower.

''(B) BEGINNING OF PAYMENTS.—Nothing in this section shall authorize the Attorney General to pay any amount to reimburse a borrower for any repayments made by such borrower prior to the date on which the Attorney General entered into an agreement with the borrower under this subsection.

''(e) ADDITIONAL AGREEMENTS.—

''(1) IN GENERAL.—On completion of the required period of service under an agreement under subsection (d), the borrower and the Attorney General may, subject to paragraph (2), enter into an additional agreement in accordance with subsection (d).

''(2) TERM.—An agreement entered into under paragraph (1) may require the borrower to remain employed as a prosecutor or public defender for less than 3 years.

''(f) AWARD BASIS; PRIORITY.—

''(1) AWARD BASIS.—Subject to paragraph (2), the Attorney General shall provide repayment benefits under this section—

''(A) giving priority to borrowers who have the least ability to repay their loans, except that the Attorney General shall determine a fair allocation of repayment benefits among prosecutors and public defenders, and among employing entities nationwide; and

''(B) subject to the availability of appropriations.

''(2) PRIORITY.—The Attorney General shall give priority in providing repayment benefits under this section in any fiscal year to a borrower who—

''(A) received repayment benefits under this section during the preceding fiscal year; and

''(B) has completed less than 3 years of the first required period of service specified for the borrower in an agreement entered into under subsection (d).

''(g) REGULATIONS.—The Attorney General is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

''(h) STUDY.—Not later than 1 year after the date of enactment of this section, the Government Accountability Office shall study and report to Congress on the impact of law school accreditation requirements and other factors on law school costs and access, including the impact of such requirements on racial and ethnic minorities.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.''.

SA 5251. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 17. MORATORIUM OF OIL AND GAS LEASING IN CERTAIN AREAS OF GULF OF MEXICO.

(a) IN GENERAL.—Section 104(a) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432) is amended—

(1) by striking paragraph (1);

(2) in paragraph (2), by striking ''125 miles'' and inserting ''50 miles'';

(3) in paragraph (3), by striking ''100 miles'' each place it appears and inserting ''50 miles''; and

(4) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(b) REGULATIONS.—

(1) IN GENERAL.—The Secretary of the Interior shall promulgate regulations that establish appropriate environmental safeguards for the exploration and production of oil and natural gas on the outer Continental Shelf.

(2) MINIMUM REQUIREMENTS.—At a minimum, the regulations shall include—

(A) provisions requiring surety bonds of sufficient value to ensure the mitigation of any foreseeable incident;

(B) provisions assigning liability to the leaseholder in the event of an incident causing damage or loss, regardless of the negligence of the leaseholder or lack of negligence;

(C) provisions no less stringent than those contained in the Spill Prevention, Control, and Countermeasure regulations promulgated under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.);

(D) provisions ensuring that—

(i) no facility for the exploration or production of resources is visible to the unassisted eye from any shore of any coastal State; and

(ii) the impact of offshore production facilities on coastal vistas is otherwise mitigated;

(E) provisions to ensure, to the maximum extent practicable, that exploration and production activities will result in no significant adverse effect on fish or wildlife (including habitat), subsistence resources, or the environment; and

(F) provisions that will impose seasonal limitations on activity to protect breeding, spawning, and wildlife migration patterns.

(c) CONFORMING AMENDMENT.—Section 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54; 119 Stat. 521) (as amended by section 103(d) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432)) is amended by inserting ''and any other area that the Secretary of the Interior may offer for leasing, preleasing, or any related activity under section 104 of that Act'' after ''2006)''.

SEC. 18. DISPOSITION OF REVENUES FROM NEW PRODUCING AREAS OF THE EASTERN GULF OF MEXICO.

The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding at the end the following:

''SEC. 32. DISPOSITION OF REVENUES FROM NEW PRODUCING AREAS OF THE EASTERN GULF OF MEXICO.

''(a) DEFINITIONS.—In this section:

''(1) COASTAL POLITICAL SUBDIVISION.—The term 'coastal political subdivision' means a political subdivision of an Eastern Gulf producing State any part of which political subdivision is—

''(A) within the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) of the Eastern Gulf producing State as of the date of enactment of this section; and

''(B) not more than 200 nautical miles from the geographic center of any leased tract.

''(2) EASTERN GULF PRODUCING STATE.—The term 'Eastern Gulf producing State' means each of the States of Alabama, Florida, Louisiana, Mississippi, and Texas.

''(3) MORATORIUM AREA.—The term 'moratorium area' means an area covered by section 104(a) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432) (as in effect on the day before the date of enactment of this section).

''(4) NEW PRODUCING AREA.—The term 'new producing area' means any moratorium area beyond the submerged land of a State that is located greater than 50 miles from the coastline of the State of Florida.

''(5) QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—The term 'qualified outer Continental Shelf revenues' means all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this section for new producing areas.

''(b) PETITION FOR LEASING NEW PRODUCING AREAS.—

''(1) IN GENERAL.—Beginning on the effective date of the regulations promulgated pursuant to section 17(b) of the Stop Excessive Energy Speculation Act of 2008, the Governor of a State, with the concurrence of the legislature of the State, with a new producing area within the offshore administrative boundaries beyond the submerged land of the State may submit to the Secretary a petition requesting that the Secretary make the new producing area available for oil and gas leasing.

''(2) ACTION BY SECRETARY.—Notwithstanding section 18, as soon as practicable after receipt of a petition under paragraph (1), the Secretary shall approve the petition if the Secretary determines that leasing the new producing area would not create an unreasonable risk of harm to the marine, human, or coastal environment.

''(c) DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM NEW PRODUCING AREAS.—

''(1) IN GENERAL.—Notwithstanding section 9 and subject to the other provisions of this subsection, for each applicable fiscal year, the Secretary of the Treasury shall deposit—

''(A) 50 percent of qualified outer Continental Shelf revenues in the general fund of the Treasury; and

''(B) 50 percent of qualified outer Continental Shelf revenues in a special account in the Treasury from which the Secretary shall disburse—

''(i) 75 percent to Eastern Gulf producing States in accordance with paragraph (2); and

''(ii) 25 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 460*l*–5).

''(2) ALLOCATION TO EASTERN GULF PRODUCING STATES AND COASTAL POLITICAL SUBDIVISIONS.—

''(A) ALLOCATION TO EASTERN GULF PRODUCING STATES.—Effective for fiscal year 2009 and each fiscal year thereafter, the amount made available under paragraph (1)(B)(i) shall be allocated to each Eastern Gulf producing State in amounts (based on a formula established by the Secretary by regulation) that are inversely proportional to the respective distances between the point on the coastline of each Eastern Gulf producing State that is closest to the geographic center of the applicable leased tract and the geographic center of the leased tract.

''(B) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS.—

''(i) IN GENERAL.—The Secretary shall pay 20 percent of the allocable share of each Eastern Gulf producing State, as determined under subparagraph (A), to the coastal political subdivisions of the Eastern Gulf producing State.

''(ii) ALLOCATION.—The amount paid by the Secretary to coastal political subdivisions shall be allocated to each coastal political subdivision in accordance with subparagraphs (B) and (C) of section 31(b)(4).

''(3) MINIMUM ALLOCATION.—The amount allocated to an Eastern Gulf producing State each fiscal year under paragraph (2)(A) shall be at least 10 percent of the amounts available under paragraph (1)(B)(i).

''(4) TIMING.—The amounts required to be deposited under subparagraph (B) of paragraph (1) for the applicable fiscal year shall be made available in accordance with that subparagraph during the fiscal year immediately following the applicable fiscal year.

''(5) AUTHORIZED USES.—

''(A) IN GENERAL.—Subject to subparagraph (B), each Eastern Gulf producing State and coastal political subdivision shall use all amounts received under paragraph (2) in accordance with all applicable Federal and State laws, only for 1 or more of the following purposes:

''(i) Projects and activities for the purposes of coastal protection, including conservation, coastal restoration, hurricane protection, and infrastructure directly affected by coastal wetland losses.

''(ii) Mitigation of damage to fish, wildlife, or natural resources.

''(iii) Implementation of a federally approved marine, coastal, or comprehensive conservation management plan.

''(iv) Mitigation of the impact of outer Continental Shelf activities through the funding of onshore infrastructure projects.

''(v) Planning assistance and the administrative costs of complying with this section.

''(B) LIMITATION.—Not more than 3 percent of amounts received by an Eastern Gulf producing State or coastal political subdivision under paragraph (2) may be used for the purposes described in subparagraph (A)(v).

''(6) ADMINISTRATION.—Amounts made available under paragraph (1)(B) shall—

''(A) be made available, without further appropriation, in accordance with this subsection;

''(B) remain available until expended; and

''(C) be in addition to any amounts appropriated under—

''(i) other provisions of this Act;

''(ii) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.); or

''(iii) any other provision of law.''.

SA 5252. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. MORATORIUM OF OIL AND GAS LEASING IN CERTAIN AREAS OF GULF OF MEXICO.

(a) IN GENERAL.—Section 104(a) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432) is amended—

(1) by striking paragraph (1);

(2) in paragraph (2), by striking ''125 miles'' and inserting ''50 miles'';

(3) in paragraph (3), by striking ''100 miles'' each place it appears and inserting ''50 miles''; and

(4) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(b) REGULATIONS.—

(1) IN GENERAL.—The Secretary of the Interior shall promulgate regulations that establish appropriate environmental safeguards for the exploration and production of oil and natural gas on the outer Continental Shelf.

(2) MINIMUM REQUIREMENTS.—At a minimum, the regulations shall include—

(A) provisions requiring surety bonds of sufficient value to ensure the mitigation of any foreseeable incident;

(B) provisions assigning liability to the leaseholder in the event of an incident causing damage or loss, regardless of the negligence of the leaseholder or lack of negligence;

(C) provisions no less stringent than those contained in the Spill Prevention, Control, and Countermeasure regulations promulgated under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.);

(D) provisions ensuring that—

(i) no facility for the exploration or production of resources is visible to the unassisted eye from any shore of any coastal State; and

(ii) the impact of offshore production facilities on coastal vistas is otherwise mitigated;

(E) provisions to ensure, to the maximum extent practicable, that exploration and production activities will result in no significant adverse effect on fish or wildlife (including habitat), subsistence resources, or the environment; and

(F) provisions that will impose seasonal limitations on activity to protect breeding, spawning, and wildlife migration patterns.

(c) CONFORMING AMENDMENT.—Section 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54; 119 Stat. 521) (as amended by section 103(d) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432)) is amended by inserting ''and any other area that the Secretary of the Interior may offer for leasing, preleasing, or any related activity under section 104 of that Act'' after ''2006)''.

SA 5253. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. DOMESTIC PRODUCTION.

(a) REPEAL.—Section 433 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2152) is repealed.

(b) COMMENCEMENT OF COMMERCIAL LEASING.—Section 369(e) of the Energy Policy Act of 2005 (42 U.S.C. 15927(e)) is amended in the second sentence by inserting '', not earlier than December 31, 2011,'' before ''conduct''.

SEC. ___. ADVANCED BATTERIES FOR ELECTRIC DRIVE VEHICLES.

(a) DEFINITIONS.—In this section:

(1) ADVANCED BATTERY.—The term ''advanced battery'' means an electrical storage device that is suitable for a vehicle application.

(2) ENGINEERING INTEGRATION COSTS.—The term ''engineering integration costs'' includes the cost of engineering tasks relating to—

(A) the incorporation of qualifying components into the design of an advanced battery; and

(B) the design of tooling and equipment and the development of manufacturing processes and material for suppliers of production facilities that produce qualifying components or advanced batteries.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(b) ADVANCED BATTERY RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—The Secretary shall—

(A) expand and accelerate research and development efforts for advanced batteries; and

(B) emphasize lower cost means of producing abuse-tolerant advanced batteries with the appropriate balance of power and energy capacity to meet market requirements.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $100,000,000 for each of fiscal years 2010 through 2014.

(c) DIRECT LOAN PROGRAM.—

(1) IN GENERAL.—Subject to the availability of appropriated funds, not later than 1 year after the date of enactment of this Act, the Secretary shall carry out a program to provide a total of not more than $250,000,000 in loans to eligible individuals and entities for not more than 30 percent of the costs of 1 or more of—

(A) reequipping a manufacturing facility in the United States to produce advanced batteries;

(B) expanding a manufacturing facility in the United States to produce advanced batteries; or

(C) establishing a manufacturing facility in the United States to produce advanced batteries.

(2) ELIGIBILITY.—

(A) IN GENERAL.—To be eligible to obtain a loan under this subsection, an individual or entity shall—

(i) be financially viable without the receipt of additional Federal funding associated with a proposed project under this subsection;

(ii) provide sufficient information to the Secretary for the Secretary to ensure that the qualified investment is expended efficiently and effectively; and

(iii) meet such other criteria as may be established and published by the Secretary.

(B) CONSIDERATION.—In selecting eligible individuals or entities for loans under this subsection, the Secretary may consider whether the proposed project of an eligible individual or entity under this subsection would—

(i) reduce manufacturing time;

(ii) reduce manufacturing energy intensity;

(iii) reduce negative environmental impacts or byproducts; or

(iv) increase spent battery or component recycling

(3) RATES, TERMS, AND REPAYMENT OF LOANS.—A loan provided under this subsection—

(A) shall have an interest rate that, as of the date on which the loan is made, is equal to the cost of funds to the Department of the Treasury for obligations of comparable maturity;

(B) shall have a term that is equal to the lesser of—

(i) the projected life, in years, of the eligible project to be carried out using funds from the loan, as determined by the Secretary; or

(ii) 25 years; and

(C) may be subject to a deferral in repayment for not more than 5 years after the date on which the eligible project carried out using funds from the loan first begins operations, as determined by the Secretary.

(4) PERIOD OF AVAILABILITY.—A loan under this subsection shall be available for—

(A) facilities and equipment placed in service before December 30, 2020; and

(B) engineering integration costs incurred during the period beginning on the date of enactment of this Act and ending on December 30, 2020.

(5) FEES.—The cost of administering a loan made under this subsection shall not exceed $100,000.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for each of fiscal years 2009 through 2013.

(d) SENSE OF THE SENATE ON PURCHASE OF PLUG-IN ELECTRIC DRIVE VEHICLES.—It is the sense of the Senate that, to the maximum extent practicable, the Federal Government should implement policies to increase the purchase of plug-in electric drive vehicles by the Federal Government.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the committee on Armed Services be authorized to meet during the session of the Senate on Tuesday July 29, 2008, at 5:30 p.m..

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BAUCUS. 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 July 29, 2008 at 10 a.m., to conduct a committee hearing entitled ''State of the Insurance Industry: Examining the Current Regulatory and Oversight Structure.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BAUCUS. 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 Tuesday, July 29,2008, at 10:30 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, July 29, 2008, at 10 a.m., in 215 Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 29, 2008, at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH EDUCATION, LABOR, AND PENSIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''Dangerous Dust: Is OSHA Doing Enough to Protect Workers?'' on Tuesday, July 29, 2008. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BAUCUS. 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 ''Music and Radio in the 21st Century: Assuring Fair Rates and Rules Across Platforms'' on Tuesday, July 29, 2008, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 29, 2008, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air and Nuclear Safety, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Tuesday, July 29, 2008 in room 406 of the Dirksen Senate Office Building at 10 a.m. to hold a hearing entitled, ''EPA's Clean Air Interstate Rule (CAIR): Recent Court Decision and Its Implications.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. BAUCUS. 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 Tuesday, July 29, at 9:30 a.m., to conduct a hearing entitled, ''Payroll Tax Abuse: Businesses Owe Billions and What Needs To Be Done About It.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that Catherine Zebrowski, a fellow in Senator BROWN's office, be granted the privilege of the floor during consideration of S. 3335, the Jobs, Energy, Families, and Disaster Relief Act of 2008.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following Finance Committee staff be allowed floor privileges: Eric Taylor, Damian Kudelka, Helia Jazayeri, Mollie Lane, Adam Lythgoe, Ashleen Williams, Susan Hinck, Kevin Olp, Lucan Hamilton, Katie Meyer, Matt Smith, Connie Cookson, Hy Hinojosa, Mary Baker, and Bridget Mallon.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRASSLEY. I ask unanimous consent that Paraskevi Maddox, Lyndsey Arnold, and Cale Kassel be granted the privilege of the floor during the duration of the 110th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, JULY 30, 2008

Mr. SALAZAR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. tomorrow, July 30; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the motion to proceed to S. 2035, the media shield legislation. I further ask that the hour prior to the cloture vote be equally divided and controlled by the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each, with the final 20 minutes under the control of the two leaders, with the majority leader controlling the final 10 minutes prior to the vote and with 10 minutes of majority time under the control of Senator LEAHY; that upon the use or yielding back of time, the Senate proceed to vote on the motion to invoke cloture on the motion to proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SALAZAR. Mr. President, Senators should expect the first vote of the day to begin tomorrow around 11 a.m. That vote will be on the motion to proceed to the media shield bill. If cloture is not invoked, Senators should be prepared for a cloture vote on the motion to proceed to the tax extenders bill, S. 3335.

ORDER FOR ADJOURNMENT

Mr. SALAZAR. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senator ARLEN SPECTER.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

FREE FLOW OF INFORMATION ACT

Mr. SPECTER. Mr. President, I have sought recognition to speak on the

Free Flow of Information Act, which is the reporters' privilege legislation. At the outset, I thank the cosponsors, Senators SCHUMER, LUGAR, DODD, and GRAHAM. I especially thank Senator LUGAR for his contribution to this legislation, because he was the first to take a stand for this issue some time ago.

This legislation is very important to maintain the flow of information to the American people from the newspapers and radio and television stations. It is necessary because we have seen in recent times a flurry of subpoenas being issued to reporters to disclose their confidential sources. A reporter's source of information depends upon their being able to fulfill a commitment of confidentiality. It is unnecessary to recite the long history of the investigative reporting which has provided so much good to the American people or, for that matter, the people of the world. We have had reporters ferret out corruption in government, misfeasance, and wrongdoing. Senators turn the first part of every day to the newspapers to see what is occurring in the world. Frequently in the mix of the news, there are investigative reports which tell Senators more than even our staffs know. I believe Thomas Jefferson put it best in the founding days of the Republic, when he said that if he had to choose newspapers without government or government without newspapers, he would choose newspapers without government.

This legislation passed the Senate Judiciary Committee by the decisive vote of 15 to 4. A version passed the House of Representatives by an overwhelming margin of 398 to 21. It is worth noting that both of the presumptive candidates for President are supportive of this legislation. Senator OBAMA is a cosponsor, and Senator MCCAIN has publicly confirmed that he would vote for this legislation. A group of some 40 sitting State attorneys general, including both Democrats and Republicans, have written in support of this legislation. More than 100 newspapers from all parts of the country have endorsed this legislation, including the Washington Post, the Washington Times, the New York Times, and the Philadelphia Inquirer. I will make a part of the RECORD a full list of those newspapers and public media operations in support of this legislation.

There have been some 72 subpoenas issued since 2006. The chilling effect has been overwhelming, in part because of the issuance of subpoenas and contempt citations. For example, the case of Judith Miller of the New York Times has received extensive publicity. She was jailed for around 85 days for failing to disclose the source of information she had in the case involving the outing of CIA agent Valerie Plame. It has always been a mystery to me why Judith Miller was held in contempt, when it was known that Deputy Secretary of State Armitage was the source of the information. But a special prosecutor subpoenaed numerous witnesses and conducted a very high profile publicity investigation. Ultimately, Judith Miller spent 85 days in jail under very unpleasant circumstances. I can personally attest to the conditions because Michael O'Neal, my chief counsel when I chaired the Judiciary Committee, and I visited her in the Virginia prison where she was detained. The legislation which we are proposing is necessary to maintain the flow of information.

I think it is vital to emphasize that this legislation benefits the American people, allowing them access to the news and information that results from investigative reporting. Investigative reporting has done so much for the public welfare in disclosing fraud, corruption, misfeasance, and wrongdoing at all levels of the Government, as well as at all levels of private, corporate, and public life.

This issue and the vote which is imminent pose a problem for this Senator because of the practice which has evolved to preclude amendments from being offered. We are only facing tomorrow the motion for cloture on the motion to proceed. I do think we ought to proceed to this bill. It is my hope that the majority leader will not act to preclude other Senators from offering amendments. This is a subject I have addressed at considerable length on the global warming bill. I have talked about it on the FAA bill. I have discussed it with the oil speculators bill. It is a matter of great concern as to what has happened to the operation of the Senate.

When I came to this world's greatest deliberative body some 28 years ago, the tradition of the Senate had been maintained that any Senator could offer virtually any amendment on any bill at any time. That was the great unique quality of the Senate and the ability of any Senator to offer an amendment to call public attention to an important issue, to have the floor of the Senate to publicize the issue and to move for the enactment of legislation. But what has happened, surprisingly only in the last 15 years—and it has happened by majority leaders of both parties—is that a procedure has been adopted on what is called filling the tree. That is an arcane expression, known only inside the Beltway. But let me explain it.

When a bill is on the agenda, it is the prerogative of the majority leader to call for action of the Senate. Then the majority leader, under Senate practice and custom, has the right of first recognition. So that the rule that the first Senator to ask for recognition gets the recognition is true, unless the majority leader has sought recognition. On cases of a tie, it is the majority leader. As a matter of practice, nobody challenges the majority leader's right to first recognition. So after the bill is before the Senate, the majority leader then offers an amendment. Then he offers another amendment. Without going into all of the details, a procedure is adopted where no other Senator can offer an amendment.

What has happened on global warming, for example, where I came to the floor and outlined four amendments which I intended to offer on a very important bill, I was precluded from offering them, because the Senate majority leader had taken action to put this procedure in effect on so-called filling the tree. The FAA bill came up, which had funding for a new satellite system for air safety. I had amendments to offer, very important for my State, on overflights from the Philadelphia International Airport and for scheduling issues, where the airport was overscheduled, leading to long delays; people, myself included, sitting on the tarmac waiting to take off.

The tearing that I undertake is a result, for those who see me wiping my eyes, not for any sorrow about what I am doing but a consequence of having Hodgkin's. It makes a fellow pale and thin. Tough but tolerable, as I put it, and I have been able to stay on the job. But if anybody is watching on C–SPAN 2, which is highly doubtful, they may wonder why I am tearing. I am not crying. I am tearing because of the impact of all of the chemicals from the treatment of Hodgkin's.

At any rate, I was commenting about the Philadelphia airport. This affects the State of New Jersey. The Presiding Officer is a Senator from the State of New Jersey. You sit on the tarmac at the Philadelphia airport for a long time because they are overbooked. It is like a restaurant that has 100 seats and they put in 150 patrons. Well, you can't get your table on a reservation. You have a flight leaving at 7 a.m. You wait until many other planes have left. Or when you land, the airport is overbooked, and it is not a very pleasant sensation to circle the city of Philadelphia for a long period of time in the fog and in the rain, wondering how good those air controllers are. They are pretty good, but it is something you wonder about in any event.

We weren't able to offer amendments on the FAA bill. We haven't been able to offer amendments on the oil speculators bill. The headlines in the newspapers over the weekend were: Republicans block oil speculators bill. They recited the Senators from the Philadelphia region, and they noted that the distinguished Senator who is presiding now, Senator MENENDEZ, voted in favor of advancing the bill, as did Senator LAUTENBERG, as did Senator CASEY, as did Senator CARPER, as did Senator BIDEN. Only ARLEN SPECTER voted not to advance the bill. You don't get the picture in a short story. You don't get the picture in the recitation of the vote that I voted against cloture because neither I nor any other Senator had the opportunity to offer amendments. So that if we get to that point, I am conflicted as to what to do. But I don't think we will face that tomorrow with the motion to proceed. I am hopeful we will pass that by a very substantial majority.

There have been opponents who have come to the floor to debate this bill. It is important to note that as a result of the hearings which were held when I was chairman, Senator KYL stated there have been no hearings on this bill in the 110th Congress. Well, when I chaired the Judiciary Committee in the 109th Congress in 2005 and 2006, we had three hearings on the subject and went into the issue in some detail. Senator KYL said the Government could not get information to investigate an act of terrorism. That is not so. The bill states specifically that it is reasonably likely to stop, prevent, or mitigate any, or identify the perpetrator of an act of international terrorism or domestic terrorism, there will be no shield.

Those who have raised objections to the bill have been taken into account. The bill has been substantially improved.

For example, the bill now explicitly states that sensitive governmental information will not be disclosed in open court. The provisions have always been subjected to the Classified Information Protection Act. It had always been available to prosecutors. But when the concern was raised, we put in the specific provision that a ''Federal court may receive and consider submissions from the parties in camera or under seal, and where the court determines appropriate, ex parte'' in order to protect sensitive information.

The bill further provides that the definition of a covered person has been narrowed to ensure it protects only legitimate journalists. The definition of the Second Circuit has been adopted. That definition has worked very well. It requires that the individual have the intent to distribute the information to the public and that he or she had such intent at the time that he or she gathered the information.

The provision also provides that even if terrorists pose as journalists, they do not qualify for the act's protections. The modifications create an expedited appeals process, ensuring that litigation regarding whether the privilege applies will be quickly resolved.

This is motivated by the case involving USA Today reporter, Tony Loci, who was held in contempt of court and fined $5,000 a day. The judge entered an order that her employer or friends and relatives could not pay it. Fortunately for Tony Loci, that case was settled so the contempt citation did not stand.

Numerous journalists across the country have seen what happened to Tony Loci and Judith Miller. It has had a very chilling effect on their activities. People who might give sensitive information under the promises of confidentiality are reluctant to share that information.

Also, under the revisions, prosecutors will not have to prove they have exhausted all other options for finding the information or the information is essential to their investigation.

So what we have, in essence, is very important legislation. It is very important to the functioning of the democracy that there be a free press to report to the American people what has happened, especially on investigative reporting. You cannot have a free press if a reporter cannot obtain information from a confidential source, promise confidentiality, and then deliver. And you cannot have a free press if people such as Tony Loci and Judith Miller are subjected to contempt citations—large fines with Tony Loci, actual imprisonment with Judith Miller of some 85 days.

So this bill is long past due. I am glad to see it brought to the floor. I am hopeful the majority leader will not pursue a course of filling the tree to preclude amendments. I am hopeful we can return to the day when the Senate regains its luster as the world's greatest deliberative body, which means that any 1 of the other 99 Senators can offer amendments, and that it is not just the one Senator, the senior Senator from Nevada, who has the position of majority leader, who can, in effect, dictate what happens in the Senate.

Yesterday, we had a heated exchange on the floor. When we finished voting on the cloture motion, the majority leader refused to allow a quorum call to be taken off. If anyone may be watching on C–SPAN, a quorum call is when there is the absence of a quorum. There are frequent quorum calls when no one seeks recognition. But it is a relatively infrequent occurrence that there is quorum. A quorum means 51 or more Senators. Right now, we are 50 Senators short of a quorum. Most of the time, you only have a few Senators on the floor who may be speaking—three or four. When there are votes, there are many Senators on the floor.

But it is a relatively rare occurrence that a quorum is present. So if someone suggests there is an absence of a quorum, there is a quorum call. And a quorum call cannot be taken off except by unanimous consent or to have a live quorum or to have a motion for the attendance of absent Senators.

But, invariably, when there is a quorum call and someone asks unanimous consent—or virtually invariably—it is granted unless somebody wants to hold up an action on something that is pending. But I have not seen, in my tenure in the Senate, a denial of an application to eliminate the quorum call so speeches can be made.

I and other Senators were waiting for more than an hour. And in conjunction with what the majority leader has done on filling the tree in denying 99 other Senators—mostly minority Senators—the right to offer amendments and refusing to allow the quorum to be lifted, I used the word ''tyrannical,'' and I stand by that.

This body is a great body and has earned great prestige worldwide and I think has earned the stature of the world's greatest deliberative body because of the ability of Senators to offer amendments and the ability of Senators to speak. To be on this floor in a quorum call and to be denied an opportunity to speak is not quite a denial of my first-amendment rights. I can go to the Radio and TV Gallery and call a news conference or walk out and talk to reporters or go on the steps. But having been elected to the Senate, and having a commission to serve here, when no one is on the floor speaking, and there is no reason why I ought to be denied an opportunity to speak except for the technicality of a quorum call, I take umbrage at it. It is just one indication of how we have to go back to the—well, you might call them the old days. Maybe they were good old days, where the Senate functioned with every Senator being able to offer amendments.

A critical part of the functioning of our Government, I suggest, is the ability of the free press to function and reporters to get confidential information, to be able to promise confidentiality and to be able to deliver without being fearful of being held in contempt of court and being put in jail.

Mr. President, before yielding the floor, I ask unanimous consent that the full text of a substitute be printed in the RECORD, which contains the modifications referred to in the course of my oral statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Free Flow of Information Act of 2008''.

SEC. 2. COMPELLED DISCLOSURE FROM COVERED PERSONS.

(a) CONDITIONS FOR COMPELLED DISCLOSURE.—In any proceeding or in connection with any issue arising under Federal law, a Federal entity may not compel a covered person to comply with a subpoena, court order, or other compulsory legal process seeking to compel the production of protected information, unless a Federal court in the jurisdiction in which the subpoena, court order, or other compulsory legal process has been or would be issued determines, by a preponderance of the evidence, after providing notice and an opportunity to be heard to such covered person—

(1) that the party seeking to compel production of such protected information has exhausted all reasonably known alternative sources of the protected information; and

(2) that—

(A) in a criminal investigation or prosecution—

(i) there are reasonable grounds to believe, based on information obtained from a source other than the covered person, that a crime has occurred;

(ii) there are reasonable grounds to believe, based on information obtained from a source other than the covered person, that the protected information sought is essential to the investigation or prosecution or to the defense against the prosecution; and

(iii) nondisclosure of the information would be contrary to the public interest, taking into account both the interest in compelling disclosure (including the extent of any harm to national security) and the public interest in gathering and disseminating the information or news conveyed and maintaining the free flow of information; or

(B) in a matter other than a criminal investigation or prosecution—

(i) based on information obtained from a source other than the covered person, the protected information sought is essential to the resolution of the matter; and

(ii) the interest in disclosure clearly outweighs the public interest in gathering and disseminating the information or news conveyed and maintaining the free flow of information.

(b) LIMITATIONS ON DEMAND FOR PROTECTED INFORMATION.—A subpoena, court order, or other compulsory legal process seeking protected information that is compelled under subsection (a) shall, to the extent possible be narrowly tailored in purpose, subject matter, and period of time covered so as to avoid compelling production of peripheral, nonessential, or speculative information.

SEC. 3. EXCEPTION RELATING TO EYEWITNESS OBSERVATION OR CRIMINAL OR TORTIOUS CONDUCT BY THE COVERED PERSON.

(a) IN GENERAL.—Section 2 shall not apply to any protected information obtained as the result of the eyewitness observations by a covered person of alleged criminal conduct or the commission of alleged criminal or tortious conduct by the covered person, including any physical evidence or visual or audio recording of the observed conduct.

(b) EXCEPTIONS.—

(1) IN GENERAL.—This section shall not apply, and section 2 shall apply, if the alleged criminal or tortious conduct is the act of communicating information to a covered person.

(2) CLASSIFIED INFORMATION.—Notwithstanding paragraph (1), this section shall not apply, and section 5 shall apply, if the alleged criminal or tortious conduct is an unauthorized release of properly classified information.

SEC. 4. EXCEPTION TO PREVENT AN ACT OF TERRORISM, DEATH, KIDNAPPING, SEXUAL ABUSE OF A MINOR, OR SUBSTANTIAL BODILY INJURY.

(a) IN GENERAL.—Section 2 shall not apply to any protected information that a Federal court finds is reasonably likely to stop, prevent, or mitigate, or identify the perpetrator of, an act of international terrorism or domestic terrorism, as those terms are defined in section 2331 of title 18, United States Code.

(b) OTHER ACTIVITIES.—Section 2 shall not apply to any protected information that a Federal court finds is reasonably likely to stop, prevent, or mitigate a specific case of—

(1) death;

(2) kidnapping;

(3) substantial bodily harm;

(4) conduct that would violate section 2251 or section 2252 of title 18, United States Code (relating to the sexual exploitation of children and child pornography); or

(5) incapacitation or destruction of critical infrastructure (as defined in section 1016(e) of the USA PATRIOT Act (42 U.S.C. 5195c(e))).

SEC. 5. EXCEPTION TO PREVENT HARM TO THE NATIONAL SECURITY.

Section 2 shall not apply to any protected information, and a Federal court shall compel the disclosure of such protected information, if the court—

(1) finds that the protected information—

(A) would assist in stopping or preventing significant and articulable harm to national security; or

(B) relates to an unauthorized release of properly classified information that has caused or will cause significant and articulable harm to the national security; and

(2) takes into account the balancing of the harm described in paragraph (1) against the public interest in gathering and disseminating the information or news conveyed.

SEC. 6. COMPELLED DISCLOSURE FROM COMMUNICATIONS SERVICE PROVIDERS.

(a) CONDITIONS FOR COMPELLED DISCLOSURE.—If any document or other information from the account of a person who is known to be, or reasonably likely to be, a covered person is sought from a communications service provider, sections 2 through 5 shall apply in the same manner that such sections apply to any document or information sought from a covered person.

(b) NOTICE AND OPPORTUNITY PROVIDED TO COVERED PERSONS.—A Federal court may compel the disclosure of a document or other information described in subsection (a) only after the covered person from whose account such document or other information is sought has been given—

(1) notice of the subpoena, court order, or other compulsory legal process for such document or other information from the communications service provider not later than the time at which such subpoena, court order, or other compulsory legal process is issued to the communications service provider; and

(2) an opportunity to be heard by the court.

(c) EXCEPTION TO NOTICE REQUIREMENT.—Upon motion by a Federal entity, notice and opportunity to be heard under subsection (b) may be delayed for not more than 45 days if the court determines that there is substantial basis for believing that such notice would pose a substantial threat to the integrity of a criminal or national security investigation or intelligence gathering, or that exigent circumstances exist. This period may be extended by the court for an additional period of not more than 45 days each time the court makes such a determination.

SEC. 7. SOURCES AND WORK PRODUCT PRODUCED WITHOUT PROMISE OR AGREEMENT OF CONFIDENTIALITY.

Nothing in this Act shall supersede, dilute, or preempt any law or court decision regarding a subpoena, court order, or other compulsory legal process relating to disclosure by a covered person or communications service provider of—

(1) information identifying a source who provided information without a promise or agreement of confidentiality made by the covered person; or

(2) records or other information, or contents of a communication obtained without a promise or agreement that such records, other information, or contents of a communication would be confidential.

SEC. 8. PROCEDURES FOR REVIEW AND APPEAL.

(a) CONDITIONS FOR EX PARTE REVIEW OR SUBMISSIONS UNDER SEAL.—With regard to any determination made by a Federal court under this Act, upon a showing of good cause, that Federal court may receive and consider submissions from the parties in camera or under seal, and if the court determines it is necessary, ex parte.

(b) CONTEMPT OF COURT.—With regard to any determination made by a Federal court under this Act, a Federal court may find a covered person to be in civil or criminal contempt if the covered person fails to comply with an order of a Federal court compelling disclosure of protected information.

(c) TO PROVIDE FOR TIMELY DETERMINATION.—With regard to any determination to be made by a Federal court under this Act, that Federal court, to the extent practicable, shall make that determination not later than 30 days after the date of receiving a motion requesting the court make that determination.

(d) EXPEDITED APPEAL PROCESS.—

(1) IN GENERAL.—The courts of appeal shall have jurisdiction—

(A) of appeals by a Federal entity or covered person of an interlocutory order of a Federal court under this Act; and

(B) in an appeal of a final decision of a Federal court by a Federal entity or covered person, to review any determination of a Federal court under this Act.

(2) EXPEDITION OF APPEALS.—It shall be the duty of a Federal court to which an appeal is made under this subsection to advance on the docket and to expedite to the greatest possible extent the disposition of that appeal.

SEC. 9. RULE OF CONSTRUCTION.

Nothing in this Act may be construed to—

(1) preempt any State law relating to defamation, slander, or libel;

(2) modify the requirements of section 552a of title 5, United States Code, or Federal laws or rules relating to grand jury secrecy (except that this Act shall apply in any proceeding and in connection with any issue arising under that section or the Federal laws or rules relating to grand jury secrecy);

(3) preclude a plaintiff from asserting a claim of defamation against a covered person, regardless of whether the claim is raised in a State or Federal court; or

(4) create new obligations, or affect or modify the authorities or obligations of a Federal entity with respect to the acquisition or dissemination of information pursuant to the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

SEC. 10. DEFINITIONS.

In this Act:

(1) COMMUNICATIONS SERVICE PROVIDER.—The term ''communications service provider''—

(A) means a person that transmits information of the customer's choosing by electronic means; and

(B) includes a telecommunications carrier, an information service provider, an interactive computer service provider, and an information content provider (as such terms are defined in sections 3 or 230 of the Communications Act of 1934 (47 U.S.C. 153 and 230)).

(2) COVERED PERSON.—The term ''covered person''—

(A) means a person who—

(i) with the primary intent to investigate events and procure material in order to disseminate to the public news or information concerning local, national, or international events or other matters of public interest, regularly gathers, prepares, collects, photographs, records, writes, edits, reports, or publishes on such matters by—

(I) conducting interviews;

(II) making direct observation of events; or

(III) collecting reviewing or analyzing original writings, statements, communications, reports, memoranda, records, transcripts, documents, photographs, recordings, tapes, materials, data or other information whether in paper, electronic or other form; and

(ii) has such intent at the inception of the newsgathering process;

(B) includes a supervisor, employer, parent company, subsidiary, or affiliate of such person; and

(C) does not include any person—

(i) who is a foreign power or an agent of a foreign power, or as to whom there is probable cause to believe that the person is a foreign power or an agent of a foreign power, as those terms are defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801);

(ii) who is a foreign terrorist organization designated under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a));

(iii) who is designated as a Specially Designated Global Terrorist by the Department of the Treasury under Executive Order Number 13224 (50 U.S.C. 1701 note);

(iv) who is a specially designated terrorist, as that term is defined in section 595.311 of title 31, Code of Federal Regulations (or any successor thereto); or

(v) who is a terrorist organization, as that term is defined in section 212(a)(3)(B)(vi)(II) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi)(II)).

(3) DOCUMENT.—The term ''document'' means writings, recordings, and photographs, as those terms are defined by rule 1001 of the Federal Rules of Evidence (28 U.S.C. App.).

(4) FEDERAL ENTITY.—The term ''Federal entity'' means an entity or employee of the judicial or executive branch or an administrative agency of the Federal Government with the power to issue a subpoena, court order, or issue other compulsory legal process.

(5) PROPERLY CLASSIFIED INFORMATION.—The term ''properly classified information'' means information or documents that have been classified in accordance with Executive Orders, statutes, applicable procedures, and regulations regarding classification of information or documents.

(6) PROTECTED INFORMATION.—The term ''protected information'' means—

(A) information identifying a source who provided information under a promise or agreement of confidentiality made by a covered person; or

(B) any records, contents of a communication, documents, or information that a covered person obtained or created upon a promise or agreement that such records, contents of a communication, documents, or information would be confidential.

Amend the title so as to read: ''A bill to maintain the free flow of information to the public by prescribing conditions under which Federal entities may compel disclosure of confidential information from journalists.''.

Mr. SPECTER. I thank the Chair and yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 7:08 p.m., adjourned until Wednesday, July 30, 2008, at 10 a.m.

EXTENSIONS OF REMARKS

EARMARK DISCLOSURE

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. LATHAM. Madam Speaker, I wish to make the following disclosure in accordance with the new Republican Earmark Transparency Standards requiring Members to place a statement in the CONGRESSIONAL RECORD prior to a floor vote on a bill that includes earmarks they have requested, describing how the funds will be spent and justifying the use of federal taxpayer funds.

Requesting Member: Congressman TOM LATHAM.

Bill Number: H.R. 6599, the Military Construction, Veterans Affairs and Related Agencies Appropriations Act for Fiscal Year 2009.

Account: MilCon, Air National Guard.

Legal Name of Requesting Entity: Iowa Air National Guard.

Address of Requesting Entity: 7700 NW Beaver Drive, Johnston, Iowa 50131.

Description of Request: Appropriation of $5.6 million for the construction of a new Vehicle Maintenance Facility and remodeling of the existing Communications Facility located at the 133rd Test Squadron in Fort Dodge, Iowa. Updating facilities at the 133rd Test Squadron is of the utmost importance and highest priority for the Iowa National Guard. This project is approved on the U.S. Air Force Future Year Defense Plan (FYDP), and has been assigned the number HEMT039066. The facility is significantly short of space due to the expansion of the unit's mission, manning and resources. Since it is the only unit designated to test future Command and Control (C2) projects for the U.S. Air Force, the performance of the 133rd Test Squadron is vital to Air Force missions. A detailed financial plan based on form DD 1391 required by the Department of Defense for military construction projects follows.

COST ESTIMATE

ITEM	U/M	Quantity	Unit cost	Cost ($000)
Vehicle Maintenance/Comm Training Facility.	SF	32,369	.....	4,171
Vehicle Maintenance Area.	SF	7,000	210	(1,470)
Age Addition To Comm Area.	SF	2,600	186	(484)
Upgrade Communications Area.	SF	22,769	91	(2,072)
Anti-Terrorism/Force Protection Measures.	SF	32,369	2	(65)
Leed Certification.	LS	.....	.....	(80)
Supporting Facilities	.....	.....	.....	864
Pavements	LS	.....	.....	(115)
Utilities	LS	.....	.....	(150)
Site Improvements/Parking.	LS	.....	.....	(100)
Communications Support.	LS	.....	.....	(100)
Pre-Wired Work Stations.	LS	.....	.....	(130)
Temporary Trailers.	LS	.....	.....	(220)

COST ESTIMATE—Continued

ITEM	U/M	Quantity	Unit cost	Cost ($000)
Demolition/Asbestos Removal.	SF	3,270	15	(49)
Subtotal	.....	.....	.....	5,035
Contingency (5%)	.....	.....	.....	252
Total Contract Cost ...	.....	.....	.....	5,287
Supervision, Inspection And Overhead (6%).	.....	.....	.....	317
Total Request	.....	.....	.....	5,604
Total Request (Rounded).	.....	.....	.....	5,600

10. Description of Proposed Construction: New Construction: Reinforced concrete foundation and floor slab with steel-framed masonry walls and sloped roof structure. Includes overhead crane/hoist, all utilities, pavements, fire protection, site improvements, and support. All interior wall, ceilings, interior finishes and pre-wired work stations. Alteration: Rearrange and extend interior walls and utilities. Provide anti-terrorism force protection measures. Demolish three buildings (304 SM) and landscape the site. Air Conditioning: 60 Tons.

Requirement: 32,369 SF Adequate: 0 SF Substandard: 22,769 SF

Project: Vehicle Maintenance and Communications Training Facility (Current Mission).

Requirement: The base requires an adequately sized, properly configured, and environmentally safe vehicle maintenance facility for operations and training. Vehicles to be repaired and maintained include cars, trucks, sweepers, and snowplows. Functional areas consist of maintenance bays, paint bay, office area, parts/tool storage, battery shop, vehicle dispatch, fuel dispensing facility and wash rack. An adequately sized and properly configured facility is required for the operations, maintenance, and training in support of a 132-personnel combat communications squadron responsible for tactical communications-electronics systems. Functional areas include the command section, communication systems (i.e. satellite, base, and network), communications center, combat support, secure storage, deployment control center, classrooms, physical fitness center, dining area, and medical training.

Current Situation: The vehicle maintenance functions are accomplished in a facility that has reached the end of its useful life. Facility maintenance and repair of the mechanical and electrical systems are no longer cost effective due to the lack of replacement parts. The facility is significantly short of maintenance, office, and training space due to the expansion of the unit's manning and resources over the years. Maintenance and repair operations on larger vehicles must be done outside because they do not fit in the small bays. The facility has numerous safety, health, and environmental hazards. The communications and electronics facility portion of this project will reconfigure and renovate existing spaces while adding to the complex to alleviate facility shortfalls. Mission accomplishment and Status of Readiness and Training System (SORTS) levels are degraded as there is no adequate space to properly store civil engineering equipment, generators, and equipment assets to be deployable within response time criteria given winter conditions. The 133rd is accomplishing part of the test mission requirements in a facility on the other side of the airport driveway. This requires them to take valuable time and manpower to get to the support functions such as medical and supply items. The area is 12 percent short of the required space needed to support the mission. Several Control and Reporting Center (CRC) testing events have been located in building 102, which has been identified to be demolished. This facility requires roof repairs and electrical and mechanical upgrades to meet code requirements. The space is not functionally set-up to house a test squadron, which causes interruptions in training/testing requirements. They do not have the space to test, maintain, train and repair equipment that they are required to support. The office space is not properly configured. The Aerospace Ground Equipment (AGE) facility (building 101) is not functionally efficient as an AGE shop with its current layout. Equipment is stored outside due to lack of covered storage space. The administrative area is congested and not properly configured. The existing forced air heat system is inefficient and requires repair. The existing floor drains are not connected to an oil water separator. The majority of the base infrastructure system is over 40 years old and has been upgraded only as part of new construction. Parts of the system that have not been upgraded are deteriorated due to age.

Impact If Not Provided: Operations and training suffer from lack of up-to-date and adequate facilities. The overcrowded and antiquated facility seriously degrades the unit's capability to maintain a safe, operationally ready fleet, and severely limits the unit's ability to train. Continued safety and environmental problems with possible violations of federal and state environmental statutes. Quality of life is negatively impacted affecting morale, recruiting, and retention.

Additional: This project meets the criteria/scope specified in Air National Guard Handbook 32–1084, ''Facility Requirements'' and is in compliance with the base master plan. These facilities are ''inhabited'' buildings and meet the standoff distance requirements. There is minimal threat and the level of protection is low so minimum construction standards have been applied. All known alternatives options were considered during the development of this project. No other option could meet the mission requirements; therefore, no economic analysis was needed or performed. The following buildings will be demolished as a result of this project: 101 (214 SM), 104 (45 SM), and 105 (45 SM) for a total of 304 SM.

Vehicle maintenance area: 7,000 SF = 650 SM.

Age addition to comm area 2,600 SF = 242 SM.

Upgrade communications area: 22,769 SF = 2,115 SM.

Demolition/asbestos removal: 3,270 SF = 304 SM.

OFFSHORE DRILLING

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. GENE GREEN of Texas. Madam Speaker, with today's high price of gasoline, I would like to insert into the RECORD an article reprinted in the Baytown Sun which highlights the need for offshore drilling in our country.

[From the Fort Worth Star-Telegram, Jun. 24, 2008]

OFFSHORE DRILLING

The legendary Willie Sutton robbed banks because, as he famously explained, that's where the money was.

The United States should take a cue from the late Sutton. It needs to expand drilling for oil and natural gas in offshore waters because that's where many of the nation's biggest untapped petroleum deposits probably can be found. At a time when gasoline prices have soared to the once-unthinkable level of $4 per gallon, the country is more vulnerable than ever in terms of its exceptionally heavy reliance on foreign oil.

President Bush urged Wednesday that Congress remove a 27-year-old moratorium on offshore drilling. The ban includes waters off the East and West Coasts and in the eastern Gulf of Mexico off southwest Florida. Bush also called for drilling in the Arctic National Wildlife Refuge in Alaska and areas of the western continental United States with large oil-shale deposits.

Annual U.S. oil production is about 1.8 billion barrels. The Interior Department estimates that up to 10 times that amount—about 19 billion barrels—is potentially recoverable in offshore areas that currently are off-limits to drillers, according to a McClatchy Newspapers report on Bush's proposal.

Democrats called the proposal a gimmick that will backfire on the Republicans.

The Star-Telegram Editorial Board long has supported significantly expanded offshore drilling. We also favor drilling in a limited portion of the Arctic refuge that constitutes only about 8 percent of that vast preserve, which is roughly the size of South Carolina. We're also open to considering expanded drilling in some areas of the Western U.S. . . .

. . . Congress probably won't give serious consideration to lifting the moratorium until after a new president takes office in January. Even if the moratorium were lifted today, motorists shouldn't expect any near-term relief from record-high fuel prices. Major offshore oil and natural gas projects generally take several years to complete and are very expensive. The price tag for a gigantic offshore oil production platform in extremely deep waters could exceed $1 billion.

Likewise, if the Arctic refuge suddenly were opened to drilling, it could be 10 years before oil was produced.

Nevertheless, adopting such policies to expand future oil and natural gas production could contribute to lower energy prices further down the line.

In 2007, 26.8 percent of U.S. oil production and 14.2 percent of natural gas production came from offshore wells.

An exciting discovery by Chevron and two partners in the Gulf of Mexico in late 2006 illustrates the potential for big fields offshore. A test oil well, dubbed ''Jack 2,'' was drilled 175 miles off Louisiana to a total depth of 5.3 miles (19 times the height of New York's 102-story Empire State Building), making it the deepest well successfully tested in the Gulf. It flowed at a prolific 6,000-plus barrels a day and was drilled in a promising geological trend known as the Lower Tertiary, which runs about 200 miles east to west and 30 to 40 miles north to south, Chevron spokesman Mickey Driver said. The area potentially could yield 3 to 15 billion barrels and become the largest domestic oil find since Alaska's Prudhoe Bay discovery in 1968, according to media reports.

CELEBRATING THE LIFE OF DR. BARBARA ANN TEER

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. RANGEL. Madam Speaker, I rise today to pay tribute to the life and legacy of one of my district's most important leaders, Dr. Barbara Ann Teer, who left this world on July 21, 2008.

Dr. Teer was born on June 18, 1937 in East St. Louis, Illinois to a family of teachers and leaders dedicated to community development. After graduating from the University of Illinois with a degree in dance, she moved to New York City to pursue a career as a dancer, actress, and director. As a performer in New York City, she found work in such shows as 1961's Where's Daddy? and 1966's Kwamina.

Dissatisfied with the options available to her as a black performer in a predominately hegemonic artistic field, she founded the National Black Theatre, NBT, so that African Americans could meet, share and discuss their creative ideas. She immersed herself in what became a forty year venture that would change the cultural landscape of the performing arts world.

As a cultural visionary she believed in the fundamentals of self-love and spirituality. In 1983, her commitment to and vision of free expression led her to expand the NBT and to purchase a 64,000 square foot building on 125th Street and Fifth Avenue. The new building not only allowed her to house one of the largest New Sacred Yoruba Arts Collection in the Western Hemisphere, but through the artwork she was able to continue the objective of the NBT to provide a place of inspiration and self-expression through spirituality.

With the National Black Theatre, Dr. Teer created an exceptional institution that to this day continues to inspire cultural appreciation and transformation, social change, freedom of expression, historic relevance, self-empowerment, and futuristic innovation.

Dr. Teer dedicated her life to creating a platform that would allow people to experiment through trial and error so that they could achieve a spiritual aura that would allow them to fully express themselves through the performing arts. Through all her tremendous efforts and achievements, Dr. Teer has been duly honored, receiving countless awards and numerous Honorary Doctorate Degrees.

Although Dr. Barabara Ann Teer has passed, her life's work will continue to affect those who are searching for a way to break free from a world that sometimes limits their ability to express their minds and souls. Dr. Barabara Ann Teer was a visionary, a cultural icon. She will be greatly missed, but not forgotten.

TRIBUTE TO PEGGY BANG

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize Peggy Bang of Mason City, Iowa, on being named the 2007–08 Higher Ed Art Educator of the Year by Art Educators of Iowa.

Peggy is celebrating her 35th year as an art educator, the last 23 of which have been spent at North Iowa Area Community College, NIACC, in Mason City, where she is the current visual arts instructor. After spending the early years of her career teaching elementary art, Peggy earned an MS from Bank Street College in cooperation with Parson School of Design in New York.

Peggy, who was a founding member of the MacNider Art Museum foundation, has been a board member of the museum for the past 21 years and is the current Vice President. She also played an important role in the restoration of the Frank Lloyd Wright-designed Stockman House in Mason City and was the first coordinator for the statewide Youth Art Month.

Over the years, Peggy has contributed greatly to her community through her involvement in art, inspiring many students along the way. I am honored to represent Peggy Bang in Congress, and I wish her the very best as she continues to serve as a mentor and role model to the students and instructors at NIACC and the Mason City community.

EARMARK DECLARATION

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. SHAYS. Madam Speaker, in compliance with Republican Conference earmark disclosure requirements, I would like to submit the following statement for the RECORD.

Bill Number: H.R. 6599, The Military Construction and Veterans Affairs FY09 Appropriations bill.

Account: Military Construction/VA; Department of Defense; Air National Guard.

Legal Name of Requesting Entity: Connecticut Air National Guard located at Bradley International Airport, Connecticut.

Address of Requesting Entity: Bradley International Airport, Schoephoester Road, Windsor Locks, CT 06096.

Description of Request: Along with the entire Connecticut House Congressional delegation, I received a $7,200,000 earmark for construction of an engine shop at Bradley International Airport to support the unit's assigned mission of providing an engine Centralized Immediate Repair Facility capability and also provide the capability for a Joint Cargo beddown. The engines maintained will support the mission operations of A–10 aircraft equipped units in the Air Force and the Air National Guard.

Federal funding will be used to construct the new engine facility, which is required to support 78 PAA equivalents, in addition to parts storage, additional engine storage, shipping and receiving, personnel training and administrative support areas.

The current facility lacks adequate space and engine docks to conduct intermediate engine repair. It does not have adequate parts storage areas, shipping and receiving capabilities and administrative and training areas for the increased manpower necessary to handle the over 3-fold increase in assigned workload. The existing facility also lacks adequate parking and existing base road violates the anti-terrorist force protection standoff requirements.

TRIBUTE TO COLONEL IANNUZZI

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. SESTAK. Madam Speaker, in recognition of 24 years of devoted service to the United States Air Force and the United States of America. Beginning with his graduation and commissioning from Pennsylvania State University, Col. Iannuzzi has been an extraordinary pilot, leader, husband, and father. A Veteran of OIF, OEF, Southern Watch, Allied Force, Desert Shield and Desert Storm, he has played a vital role in a revolution in military operations unlike any in the history of warfare. In the course of his career he has lived throughout the United States and overseas. As such, he understands on personal and professional levels the vital role the United States plays in shaping world events. As a squadron CO he had enormous influence on thousands of young men and women who will forever remember his strength in difficult situations, and use his example to shape their decisions in response to life's challenges. However, Colonel Iannuzzi's greatest accomplishment is his family. His many achievements would lack full meaning without the love of his wife Maria and three children. Absent their inspiration and support, the long deployments and many separations would have been unimaginable. For 24 years Col. Iannuzzi has stood watch for his family and his country. I represent all Americans, and particularly your friends and neighbors in Delaware County, when I say thank you for a job extremely well done, and welcome home!

HOUSING AND ECONOMIC RECOVERY ACT OF 2008

SPEECH OF

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Mr. ORTIZ. Mr. Speaker, I rise in support of H.R. 3221, the American Housing Rescue and Foreclosure Prevention Act.

This bill provides a long-awaited helping hand to many of our hard-working citizens, and I commend Chairman BARNEY FRANK and my House colleagues for diligently working with the Senate and the administration to craft a bill that helps individuals and neighborhoods struggling with foreclosure, in addition to ensuring that Fannie Mae and Freddie Mac remain on solid footing.

Owning one's own home is the epitome of the American Dream. Unfortunately, too many people have found themselves struggling after becoming trapped in complicated, poorly-explained mortgages with exploding interest rates. Already, I have received a call from a homeowner hoping this bill will help him refinance into a mortgage that won't eat up the bulk of his income. With gas prices rising, food prices rising, and wages stagnant, most homeowners just don't have the money to cover a mortgage payment that jumps by 30 or 50 percent.

According to the Center for Responsible Lending, one in 35 Texas homeowners could face foreclosure in the next 2 years—almost 1,400 of them in my district. While this bill won't help all those homeowners, it will help many. By providing an avenue for people to remain in their homes, paying an affordable mortgage, we help not only those individuals, but the neighborhoods that would otherwise be left to deal with abandoned and vacant homes.

As too many neighborhoods and cities are discovering, this housing crisis affects more people than just those who lose their homes. It affects their neighbors, whose property values are in decline as their neighborhoods empty out. It affects cities that must provide services yet are losing property tax revenues. Cities and towns are on the frontlines of this crisis, and this bill gives them an important tool to help neighborhoods recover, by allowing them to purchase and rehabilitate foreclosed homes and resell them at cost. I applaud all my colleagues in the House for passing this important legislation.

TOM LANTOS AND HENRY J. HYDE UNITED STATES GLOBAL LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS AND MALARIA REAUTHORIZATION ACT OF 2008

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2008

Mr. RANGEL. Mr. Speaker, I rise today in support of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis and Malaria Reauthorization Act of 2008 (H.R. 5501) to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

I would first like to thank Honorable HOWARD L. BERMAN for introducing this important legislation. The devastation of the HIV/AIDS disease does not discriminate, and impacts the lives of us all. Recent reports from the United Nations state that more than thirty-three million people globally have been infected with HIV/AIDS.

This legislation takes a comprehensive approach to combating global infectious diseases, specifically HIV/AIDS, malaria and tuberculosis by providing funding for the prevention, education, testing, and treatment. I support and applaud the substantial funding that H.R. 5501 provides to fight infectious diseases around the world. I am happy to see that this bill authorizes $48 billion in spending over five years for AIDS, malaria and tuberculosis. The bill would also authorize operational research and health workforce strengthening initiatives, and would eliminate the ban on HIV positive visitors and otherwise qualified immigrants from entering the United States.

The HIV/AIDS pandemic has erased decades of progress in improving the lives of families in the developing world and has claimed over 20 million lives since its inception. By supporting H.R. 5501, the U.S. government has taken another major step in keeping its commitment to the global AIDS response.

IN HONOR OF COLONEL KEITH LOVEJOY

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. BISHOP of Georgia. Madam Speaker, I rise today to honor COL Keith Lovejoy of the United States Army. Colonel Lovejoy, who is retiring, has been the Garrison Commander of Fort Benning in the Second Congressional District of Georgia, which I am privileged to represent.

Keith Lovejoy is a native of California. He holds a bachelor of arts from Norwich University, and a masters in personnel administration from Central Michigan University. He also has completed several intensive and challenging military training graduate courses, including one at the Army War College in Carlisle, Pennsylvania.

Colonel Lovejoy, who is retiring after a more than 30-year career of service to the United States, has held a variety of troop and command positions both in the United States and overseas. The bases across the country where he has served include Fort Lewis, Washington; Fort Riley, Kansas; Fort Polk, Louisiana; Fort Hood, Texas; and now, Fort Benning, Georgia.

In between his postings at Army bases, Colonel Lovejoy also taught those who also sought to serve. From 1989 through 1993, he served as the Assistant Professor of Military Science at the Virginia Military Institute in Lexington, Virginia.

Over the years, Colonel Lovejoy has become a very decorated officer. He is a recipient of the Legion of Merit, the Bronze Star Medal, the Meritorious Service Medal, the Medal with seven Oak Leaf Clusters, the Forces Expeditionary Medal, the Iraqi Campaign Medal, and the Global War on Terrorism Expeditionary and Service Medals. His many awards speak for themselves about his commitment to our country.

Colonel Lovejoy is married to the former Carol Jean Barber of Columbus, Georgia. They have two children: Justin, a recent graduate of Kansas State University and now a First Lieutenant stationed at Fort Campbell, Kentucky, and Jessica, currently a student at Auburn University.

Through many postings, and many assignments in different places that I am certain placed strain on himself and his family, Colonel Lovejoy, in every sense, epitomizes the meaning of the phrase "service above self."

Madam Speaker, it indeed is an honor and a privilege to know this great man who not only shows the qualities of a dedicated soldier, but also does what is best for his country.

CONGRATULATIONS TO THE O'SULLIVANS ON THEIR 50TH WEDDIING ANNIVERSARY

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. COSTA. Madam Speaker, I rise today to congratulate Mr. and Mrs. Owen Michael O'Sullivan on the cerebration of their 50th wedding anniversary.

Owen and Geannine O'Sullivan were married 50 years on June 14, 2008. They raised 4 children and have 12 grandchildren.

Owen was born in 1935 in New York City, NY, where he lived with his parents, two brothers and a sister. He graduated from Cardinal Hayes H.S. in 1953 where he studied trombone and further developed his love of music. After attending what is now known as the School of Visual Arts in NYC, Owen was drafted into the Army where his musical skills helped him become a member of the U.S. Army Band.

Geannine Bernard O'Sullivan was born in New York City in 1935. Subsequent to completing high school, Geannine was admitted to the Fashion Academy in NYC. After successfully graduating, she worked as a designer and illustrator in the city. Here she learned how designs turned into the reality of actual production. To this day, she still uses her talent and skills in the design and hand sewing of beautiful St. Nicholas dolls.

Owen met Geannine on a blind date before going overseas. However, they remained pen pals until his return in 1956. They eventually moved to Morris County, NJ, where Owen, having started in the printing industry, opened his own advertising agency, Graphicus 14. His agency grew, as did their family. Four children later, the agency became O'Sullivan Advertising/Public Relations located in Morristown, NJ. Geannine became president of Special Occasion Dresses for Children.

Owen and Geannine, devout Catholics, also gave back to their community. Their endless charity and community involvements, as well as their strong values, were known in many organizations such as the Junior Chamber of Commerce, interfaith groups and Catholic church groups. One of Owen's proudest achievements was when he was made a Knight of Malta. Presently Owen and Geannine are active on the board of the Caring Basket Gala of Assumption College for Sisters. Owen is the Charter Chairman and Geannine is a strong backup and Committee member. Over the last 7 years, they have raised over $630,000 and helped save the college.

Nothing, though, was more important in their lives then their sense of family. ''Family always comes first,'' they always said, and that was demonstrated almost daily throughout their 50 years together.

Congratulations again to Owen and Geannine O'Sullivan. Their story is reflective of the American dream, the children of immigrants, working hard and playing by the rules to create better lives for themselves and their children. As a result, they have made their community, their church, New Jersey, and our Nation a better place to live for future generations.

THE NEED FOR OFFSHORE DRILLING

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. GENE GREEN of Texas. Madam Speaker, with today's high price of gasoline, I would like to insert into the RECORD an article from the Baytown Sun which highlights the need for additional domestic resources through offshore drilling.

[From the Fort Worth Star-Telegram, Jun. 20, 2008]

OFFSHORE DRILLING

Led by President Bush and Sen. John McCain, a growing number of politicians say they are willing to drop strict environmental protections to allow more offshore drilling for oil. Our response: ''what took y'all so long?''

It's pretty clear to most of us on the Sun editorial board that when it comes to energy, what we really need is to produce more, use less, and find new sources of power.

This nation cannot afford to put off serious energy reform any longer. Let's start with more domestic drilling by lifting the 27-year-old federal ban on offshore drilling. The moratorium applies to all federal waters, which extend three miles from the coastlines.

However, offshore drilling is no panacea. It certainly doesn't provide a short-term answer to the high gasoline prices that have angered Americans. It would take up to five years to start pumping significant amounts of oil from new wells.

But it's a step in the right direction. Working Americans rightly believe their government has a duty to finally assure the energy security of this country.

All across this state and nation, people are hurting. Small farmers, truckers, and taxi drivers are unable to cover costs. Small business owners are struggling to meet payroll. The cost of living is rising, and the value of paychecks is falling. All of this is in large part because the price of oil is too high, and the supply of oil is too uncertain.

The American people have had enough of high gas prices and our government's unwillingness to take care of us.

According to the U.S. Department of the Interior and Congressman Ted Poe, there are approximately 420 trillion cubic feet of natural gas and more than 86 billion barrels of oil yet to be discovered along the Outer Continental Shelf in the lower 48 States. That is enough oil or natural gas to:

Maintain current oil production for 87 years and current natural gas production for 68 years;

Produce gasoline for 116 million cars and heating oil for 47 million homes for 15 years;

Replace current imports from the Persian Gulf for 59 years;

Produce sufficient natural gas to heat 75 million homes for 60 years;

And supply current industrial and commercial needs for 29 years or supply electricity generating needs for 55 years.

We are the only country in the world that does not fully cultivate their oil and natural gas resources. There is absolutely no good reason why we cannot expand current offshore drilling in the Gulf of Mexico to the coasts of Florida, California and the eastern seaboard.

TRIBUTE TO MARVIN HAMMOND

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. DUNCAN. Madam Speaker, Marvin Hammond, a longtime friend, has now retired for the second time, first from Knoxville Utilities Board, and now from the Hallsdale-Powell Utility District.

I did all sorts of odd jobs as a boy—selling programs and refreshments at ball games, mowing yards—but my first hourly-pay job was as a groundskeeper at Holston-Chilhowee Ball Park in East Knoxville.

I was 15, and I made $1.00 an hour. My first boss was a 19-year-old named Marvin Hammond. He worked under Coach Raleigh Johnson, but Marvin was the one who told me what to do.

From that time in the early 1960s, I have thought of Marvin Hammond as one of the finest men I have ever known.

He went from his job as manager of Holston High School athletic teams to a position as a trainer in the Cincinnati Reds Farm System and got to know many of the all-time great baseball players, such as Pete Rose and others.

He spent most of his career as an executive with the Knoxville Utilities Board. He was one of the most popular and respected employees of KUB.

I remember my first race for Congress in 1988 when he was driving me and some other people on a campaign swing to some distant parts in our district.

One of the other campaigners, jokingly but pretending to be serious, complained about his ''huge'' utility bill. Marvin, very concerned, said, ''Lance, How much was it?'' When Lance replied ''$36,'' Marvin almost ran off the road.

I remember another time when I was a judge, Marvin found that I was Cubmaster of a Cub Scout troop. He told me he could get several canoes from another church and he knew some people who owned a dairy farm 45 miles away with a big lake on it.

He spent his whole day getting the canoes, helping the boys tour the farm, do the canoe rides, cook out, and then load everything back up for the return.

When I was first starting my law practice and needing to make some money, Marvin told me he was head of off-campus instruction in Knoxville for Walters State Community College.

He hired me, for $500 a semester, to teach political science, I believe for three semesters. Many of the students were police officers, which also helped me in my law practice.

So, you can see, Madam Speaker, that Marvin Hammond has had a big influence on my life. I am very grateful to him.

But he has helped so many people over the years, and I am certain he has made his community and the Nation much better by all he has done.

Sandra Clark, another longtime friend and the publisher of the Halls Shopper News, has

written a column in tribute to Marvin Hammond. I would like to have it reprinted in the RECORD and call it to the attention of my colleagues and others.

[From the Shopper-News, July 21, 2008]

MISSING MARVIN

If ever there was a man who opted to wear out rather than rust out, it is Marvin Hammond.

He's retired again, but don't count on it sticking with Marvin.

A crisis in Maynardville left folks without water over the Fourth of July holiday. City officials asked Hallsdale-Powell Utility District for help, and Hammond was quick to respond. ''Hook them up,'' he said, ''and we'll work out the paperwork later.''

''One man told me he had a shower for the first time in 10 days,'' Hammond said last week.

Utility districts network in order to sell water across systems when necessary. Maynardville Utility District had not tapped into HPUD's new water plant on Norris Lake. There are issues with water pressure and leaks up there, but these are engineering concerns—fixable.

Hammond had the vision to build a new water plant on Norris Lake and to expand the one on Melton Hill Lake. Hallsdale-Powell customers won't be running out of water. And Hammond leaves the district in a position to sell water to our neighbors.

Hammond was named president of HPUD in 2000. He took the title president emeritus last week as Darren Cardwell was elevated to the top job. Cardwell is just the third leader of HPUD, the district built by general manager Allan Gill of Powell.

Hammond, who earlier had retired from KUB, found a district with money in the bank and low rates; he left a district in debt with substantially higher rates.

Construction foreman Greg McCloud said it best: ''Hallsdale was getting bigger (more customers), but we were not getting better.''

Hammond set out to improve customer relations and to build partnerships with regulatory bodies such as the Environmental Protection Agency and the Tennessee Department of Environment and Conservation. He replaced much of the 150 miles of 2-inch galvanized water line and looked for leaks that were draining off 39 percent of HPUD's treated water. He hired engineers and consultants to upgrade the wastewater system and put a halt to violations at the treatment plant.

Engineer Nick Jackson said no violations have been reported for 25 consecutive months, and HPUD will receive the Water Environment Association operational excellence award this week at the WEA conference in Knoxville. The award covers a 2-state region of Kentucky and Tennessee.

Hammond is credited with development of a long range strategic plan which includes expanding HPUD's service area.

In 1999, HPUD served 21,780 customers with physical plant assets of $66 million.

Today, the district serves 28,200 customers with physical plant assets of $144 million.

Sometimes we just get lucky.

Halls and Powell residents were blessed with the leadership of Allan Gill—a man with military bearing who brooked no nonsense and built a water system through grit and willpower.

Likewise, we were blessed with the leadership of Marvin Hammond—a man with vision for the future and the courage to raise the rates to pay for progress.

TRIBUTE TO THE NATIONAL INSTITUTES OF HEALTH

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. SIMPSON. Madam Speaker, I rise today to pay tribute to the National Institutes of Health (NIH) and the important research it is doing. The federal government's investment in NIH research regularly pays tremendous dividends to the American taxpayer. Federal funding supports NIH—to conduct biomedical research at its Maryland campus as well as research conducted at hundreds of medical centers, independent research laboratories, and colleges and universities across the country. Today, I would like to highlight research being done at NIH to alleviate the economic and personal suffering caused by Alzheimer's disease.

Alzheimer's disease, one of the most frightening memory-robbing disorders, interferes with the lives of 2.5 to 5 million older Americans, including over 200,000 people under the age of 65. Individuals with Alzheimer's disease may have trouble recalling addresses, major events, and the names of their own family members. Making meals and managing finances can become difficult. Over time, problems with memory and thinking get even worse. Alzheimer's disease costs the United States almost $150 billion in medical care and lost productivity each year. With an aging population, this number will continue to grow larger and larger. By the year 2030, Alzheimer's disease is predicted to affect 7.7 million people in the United States over the age of 65. By 2015, Medicare costs for beneficiaries with Alzheimer's disease and other dementias are expected to more than double from $91 billion in 2005 to $189 billion.

Fortunately, research funded by the NIH has helped generate new treatments that can aid memory loss. Studies determined that a brain afflicted with Alzheimer's disease contains decreased levels of acetylcholine, a chemical that aids in memory and thought. Based on this finding, researchers developed several medications now available, termed cholinesterase inhibitors, which attempt to maintain normal levels of acetylcholine and can aid memory, thinking, and functional abilities in some people with Alzheimer's disease. While the effects of these drugs tend to be fairly short-lived and they do not stop the progression of the disease, they can be very helpful to some patients with Alzheimer's disease.

Moreover, great progress has been made in understanding the brain abnormalities that underlie Alzheimer's disease, thanks to research involving genetics, biochemistry, and cell biology. Researchers are on the threshold of developing new treatments that target these flaws in an effort to preserve brain circuits and help maintain memory function in patients with Alzheimer's disease. New drugs are being developed that target different biological pathways, which, following years of basic science research, have also been implicated in memory. With continued study, scientists believe a variety of improved treatments will be able to aid more people with memory impairments for longer periods of time and perhaps prevent the onset of Alzheimer's disease or slow its progression.

We have so much more to learn about the brain, and NIH-funded researchers nationwide, including in my own state of Idaho, are working to understand how it functions and to identify potential new therapies and treatments. That national research commitment gives the millions of people suffering from Alzheimer's disease, and the millions more who care for them, hope that treatments for this devastating disease are on the horizon.

TRIBUTE TO ALISON CHAMBERS AND ELLIE SAVERY

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize the efforts of two young citizens, Alison Chambers and Ellie Savery, in rescuing two boys in West Lake Okoboji in Iowa.

On Tuesday, July 15, at 1:30 p.m., Alison and Ellie noticed two swimmers calling for help in the choppy waters of West Lake Okoboji. The young women, trained lifeguards and swimmers on the Fort Dodge, Iowa High School team, reacted immediately and swam 25 yards out to the stranded swimmers. Moments later, the young women returned the two boys safely back to the dock. Many of the bystanders praised Ellie and Alison for their heroic rescue after they got out of the water.

The diligent effort of these young women is a testament to the bravery and compassion of Iowans; willing to do whatever is necessary for a neighbor in need. I commend them for their heroism and cooperation. I am honored to represent both of them in the United States Congress, and wish each of them health and happiness in the future.

RECOGNIZING LONNIE AND LIBBY WILLIAMS UPON THEIR 50TH WEDDING ANNIVERSARY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today in recognition of Lonnie and Libby Williams Upon their 50th wedding anniversary.

Libby Barnes and Lonnie Williams began their courtship in 1956 in Milton, Florida. The two were introduced by Ms. Williams's cousin and immediately started dating. The couple recalls with fondness the ''Toot N Tell It'' drive-in restaurant they often frequented and remembers the days when their friends would congregate at the restaurant and ''just talk.''

At the time, Milton was still a small town—not the burgeoning city it is today—and, as the couple reminisces, ''there wasn't a lot to do.'' Unperturbed by these geographic restrictions, the couple took advantage of the religious opportunities in the area and often attended the Pace Assembly of God Church together. After dating for 2 years, the couple was married on August 22, 1958.

The Williamses have been blessed with a wonderful, large family. With four children and

eight grandchildren, Lonnie and Libby Williams are constantly active and reminded of their good fortune. The couple cites their faith as the center point of their relationship and advises that the secret to marital bliss is to ''never go to bed angry.''

Madam Speaker, on behalf of the United States Congress, I am proud to recognize Mr. and Mrs. Williams on their 50th wedding anniversary. They are truly an outstanding family and an asset to the First District of Florida.

EARMARK DECLARATION

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. McHUGH. Madam Speaker, I submit the following:

Requesting Member: Congressman JOHN M. MCHUGH.

Bill Number: H.R. 6599.

Account: Military Construction, Army.

Legal Name of Requesting Entity: Congressman JOHN M. MCHUGH.

Address of Requesting Entity: 2366 Rayburn House Office Building, Washington, DC 20515.

Provide an earmark of $6.9 million for Project Number 57711 to construct a fire station at Fort Drum, New York. The entity to receive funding for this project is Fort Drum, located in Watertown, New York 13601. The funding will be used for military construction to help meet installation health and safety requirements.

CELEBRATING CARIBBEAN-AMERICAN HERITAGE MONTH

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. RANGEL. Madam Speaker, I rise today to recognize and celebrate Caribbean-American Heritage Month and the wonderful implications it has for how far this country has come. To have a month in which we solely celebrate the contributions of those who have been oppressed and were deemed unequal by the very country they helped to build is recognition by the Congress of the United States that this great country is better and brighter because of their presence. Caribbean-American Heritage Month has given us the opportunity as a nation to recognize the everyday heroes in the Caribbean community that bring their hope, joy, and immeasurable talents to America.

When celebrating Caribbean-American Heritage Month in June we have the opportunity to more clearly illuminate the great economic disparities that are a reality in the Caribbean. The inception of this special month-long celebration has created an exclusive platform to zero in on Caribbean-specific issues like economic development, health, and education.

Caribbean-American Heritage Month recognizes and celebrates the many wonderful people of Caribbean heritage who have gone unrecognized for their immense contributions to this wonderful country. For that, I salute Caribbean-American Heritage Month.

TRIBUTE TO ALLAN ATKINSON

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. LATHAM. Madam Speaker, I rise to recognize the retirement of Chief Administrative Officer of Winneshiek Medical Center, Allan Atkinson, and to express my appreciation for his dedication and commitment to the medical center and Northeast Iowa.

For 25 years, Allan has worked in healthcare administration, spending the last ten years at Winneshiek Medical Center in Decorah, Iowa. His long-term vision and teamwork approach has helped WMC grow and improve tremendously by offering an expanded range of services, experiencing a five-fold patient increase, and undertaking a $17 million expansion and renovation project.

With his many years of experience in healthcare administration, Allan brought valuable knowledge and ideas to the table and credits the hospital's Board of Trustees for being such a great team. Their group effort has generated more quality healthcare options to Northeast Iowa, and I offer Allan and the Board my utmost congratulations and thanks.

I know that my colleagues in the United States Congress join me in commending Allan Atkinson for his service to WMC and Northeast Iowa. I consider it an honor to represent Allan in Congress, and I wish him a long, happy and healthy retirement.

BIRDSEYE QUASQUICENTENNIAL CELEBRATION

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. HILL. Madam Speaker, this year marks the 125th anniversary of the founding of the town of Birdseye, in Dubois County, Indiana. This rural community of approximately 500 citizens represents the epitome of Hoosier values and, like many small communities across the United States, forms the bedrock of our Nation.

The city's ceremonial observance of this anniversary will be held beginning Thursday, August 21, continuing through August 24. A number of celebratory events have been planned, including musical performances, a farm machinery show, a queen contest, parade and children's activities. I look forward to celebrating Birdseye's Quasquicentennial with its residents and supporting some of these events during the celebration.

The foundations of Birdseye began much like other frontier communities as a trading crossroads in the early 1800s. For many years, this crossroads did not have a formal name, but by 1846 migration west had produced enough settlers in this rugged wilderness area to necessitate a Post Office. Benjamin Goodman, a popular minister and postmaster in nearby Worth (later renamed Schnellville), was asked to help select the site for the new office. Upon finding a site he liked, he commented, ''It suit Bird's eye to a T-Y-tee.'' The phrase so struck the other frontiersmen that they named the Post Office and community ''Birdseye.''

It wasn't until 1880, however, that the community took on a more formal appearance as a town. Seven property owners—Enoch and Martha Inman, Elbert and Mary Baxter, John and Sarah Pollard, and Scott Austin—gathered together and laid out a plat, each donating a portion of their land to divide into streets and lots.

This platting proved to be well timed. The expansion of the Louisville, New Albany, and St. Louis Airline Railroad through the community in 1882 created an economic boom, growing the small community's population. By 1883, the community incorporated and held its first town board meeting on December 26, with William Koerner serving as board President.

The early settlers of Birdseye were a hardy bunch. The main source of power was the horse or mule and fields had to be cleared of timber, rocks and other natural debris. The soil, although fertile, was often ''corned to death'' by early farming practices, forcing settlers to use early fertilizers or let the field lay fallow. Citizens relied on each other to help harvest crops, build homes and storage buildings or care for one another in an emergency. Despite changes through the ages, this community spirit persists today and is the foundation of daily life in Birdseye.

The town's history, written and edited by L.L. Tussey for the Quasquicentennial and sponsored by the Birdseye Volunteer Fire Department and the Birdseye Park Board, recalls many of the town's more popular family and community stories. The book contains stories of small, one-room schools from the area and notes the common occurrence of baptisms in the nearby Anderson River. It recalls the annual Birdseye Reunion, when young boys would dress in their finest ''church clothing'' to present themselves to young ladies. They would often purchase tickets for their sweetheart to ride the steam swing—a version of our modern merry-go-round—at the event. An essay included in the book by Sereina Comstock remembers Birdseye's thriving sorghum industry. Known worldwide for its ''smooth texture'' and sweet taste, it was the town's fundamental cash crop at the turn of the 20th century. Farmers processed the sorghum into syrup, graded it according to color, and then sold the product both locally and abroad using the railroad as a distribution network.

Then there are stories like the one about Carl Neukam, written by his grandson Josh Neukam. A tribute to his grandfather, Josh wrote about Carl's service with the 151st Airborne Unit during the Korean War, his strong work ethic with companies such as Jasper Novelty, J.H. Hines, Jasper Desk, and Kimball International, and his love and dedication for his wife Helen Whaley. It tells his unique life stories, such as the time he worked for the State Highway Department and battled for 72 hours straight against a winter storm or his recollection of returning from Korea only to have his plane catch fire. Carl's life may never be highlighted in any history books or be made into a movie, but it is nonetheless a quintessential example of a true American story and of a regular American hero.

Birdseye has grown over the years and seen many changes and improvements to the town. The creation of a Volunteer Fire Department in 1968, the establishment of a municipal park in 1983, and the opening of a new town hall this year are representative of the town's growth and development.

Many more stories from Birdseye serve as a testament to its strong Hoosier values and warm community spirit. But the greatest treasure Birdseye possesses is the people of this small Indiana community. Regardless of the challenges they face or the difficulties that lay ahead of them, they illustrate the best qualities of rural America.

It is an honor and a privilege to represent this community in Congress. I want to congratulate Birdseye on its Quasquicentennial, and look forward to seeing how this unique and wonderful town thrives for decades to come.

INTRODUCTION OF THE SMITHSONIAN INSTITUTION FACILITIES AUTHORIZATION ACT OF 2008

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. OBERSTAR. Madam Speaker, my colleagues and I join together today to introduce the ''Smithsonian Institution Facilities Authorization Act of 2008''.

I thank my colleagues, including Committee on House Administration Chairman BRADY and Ranking Member EHLERS, Committee on Transportation and Infrastructure Ranking Member MICA and Subcommittee Chairwoman NORTON, and the Congressional Regents of the Smithsonian Institution, Mr. BECERRA, Ms. MATSUI, and Mr. SAM JOHNSON of Texas, for their efforts to move this important legislation forward. I also thank the Smithsonian Institution for its effort on behalf of the legislation and welcome the new Secretary, Dr. G. Wayne Clough. I look forward to working with Secretary Clough as the Committee on Transportation and Infrastructure works to address the enormous repair and maintenance backlog of the Smithsonian Institution facilities and ensure that its facilities meet the highest standards of energy efficiency and conservation.

The bill authorizes the Board of Regents of the Smithsonian Institution to design and construct laboratory space to accommodate the Mathias Laboratory at the Smithsonian Environmental Research Center (''SERC'') in Edgewater, Maryland. The bill also authorizes the Board of Regents to construct laboratory space to accommodate the terrestrial research program of the Smithsonian Tropical Research Institute (''STRI'') in Gamboa, Panama. The Committee on Transportation and Infrastructure will consider the Smithsonian Institution Facilities Act on July 31. The Committee will also consider S.J. Res. 35, which provides for the construction of the Very Energetic Radiation Imaging Telescope Array System (VERITAS) project in Arizona. Earlier this year, the Committee on Transportation and Infrastructure reported H.R. 5492, to authorize the Board of Regents to construct a greenhouse facility at its museum support facility in Suitland, Maryland, favorably to the House, and the House passed the bill by voice vote on March 11, 2008. The Committee hopes to bring S.J. Res. 35 to the House in early September. With passage of these bills, the House of Representatives will have completed action on the Smithsonian Institution's construction program for this fiscal year.

Section 2 of the bill authorizes the Board of Regents to design and construct laboratory and support space to accommodate the Mathias Laboratory at the Smithsonian Environmental Research Center in Edgewater, Maryland. The bill authorizes $41 million to design and construct the facility. SERC is a global leader in the study of ecosystems in the coastal zone. The 52,000-square-foot replacement laboratory will be connected to the existing structure to provide an operationally efficient and environmentally sustainable laboratory facility for SERC's research programs. The project will eliminate the use of temporary, unsafe trailers, address substandard, inefficient laboratory facilities, and will substantially reduce the facility's energy use and maintenance costs.

Section 3 of the bill authorizes the Board of Regents to construct laboratory space to accommodate the terrestrial research program of the Smithsonian Tropical Research Institute in Gamboa, Panama. The bill authorizes $14 million to construct the 53,283-square-foot facility. STRI is the principal United States organization devoted to research in tropical biology. Tropical biology is critical to finding untapped resources to add to the important supply of food, pharmaceuticals, and fiber of tropical regions. STRI has outgrown the space available at its current facilities and this bill provides for construction of a new lab in Gamboa, Panama, on the east bank of the Panama Canal. Gamboa is protected by geography from the encroachment of civilization and pollution. The terrestrial research program is critical to understanding the role that tropical plants and soils play in global climate change models and for enriching knowledge of tropical biodiversity.

I urge my colleagues to join me in supporting the ''Smithsonian Institution Facilities Authorization Act of 2008'', and I look forward to working together with my colleagues on these and other Smithsonian Institution issues.

EARMARK DECLARATION

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Ms. GRANGER. Madam Speaker, I submit the following:

Requesting Member: Congresswoman KAY GRANGER.

Project name (as it appears in the bill): Security Forces Building/Combat Arms Addition.

Amount received: $5 million.

Bill number: H.R. 6599.

Account: Air National Guard.

Legal name and address of entity receiving earmark: 136th Airlift Wing, Texas Air National Guard, JRB NAS Fort Worth, 200 Hensley Avenue, Fort Worth, Texas 76127–1672.

Description of how the money will be spent and why the use of federal taxpayer funding is justified: The Air Force has increased its need for Security Forces personnel. That has resulted in an increase of Security Forces personnel at the 136th Airlift Wing. Current space and facilities are inadequate (the building is less than 50 percent of the authorized and required size). The project is programmed for FY11 but needs to be constructed earlier to accommodate the training and readiness of the 136th Airlift Wing's growing force of Security Personnel and their role in the Global War on Terror. According to the Future Year Defense Plan, 96 percent of the amount received would go toward contract costs while the remaining 4 percent accounts for contingency, supervision, overhead, and inspection costs.

Description of matching funds: Matching funds are not required for Military Construction projects.

TRIBUTE TO THE HUMBOLDT PUBLIC LIBRARY

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. LATHAM. Madam Speaker, I rise today to congratulate the Humboldt Public Library on its 100th year anniversary. The Humboldt Public Library serves over 4,500 residents of Humboldt, Iowa as well as a number of residents of the surrounding areas in Humboldt County.

In 1908, the city of Humboldt completed its public library with the assistance of an Andrew Carnegie grant. From 1912 to 1963, Mrs. Nellie Pinney served 51 years as the longest serving librarian. At the time of her retirement, the library was circulating 3,500 books a year. Forty-five years later, the Humboldt library has expanded its circulation to 85,000 items to better serve the diverse interests of its citizens and the advanced technology of modern times.

Throughout the many years the Humboldt Public Library staff has thrived to meet the needs of the people in the area by providing excellent information, educational resources and encouraging citizens to read. I congratulate the Humboldt Public Library on this historic anniversary. It is an honor to represent Library Director Nikki Ehlers, the library board of trustees, and all of the Humboldt Library staff in the United States Congress, and I wish the Humboldt Public Library continued success well into the future.

EARMARK DECLARATION

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. LEWIS of California. Madam Speaker, I submit the following: H.R. 6599—The Military Construction and Veterans Affairs FY09 Appropriations bill. Mr. JERRY LEWIS (CA–41): Madam Speaker, pursuant to Republican earmark guidance, I am submitting for the record the following project that has been included in H.R. 6599, the Military Construction and Veterans Affairs FY09 Appropriations bill. This project was authorized in H.R. 5658—the National Defense Authorization Act for Fiscal Year 2009.

Requesting Member: Congressman JERRY LEWIS

Bill Number: H.R. 6599

Account: Military Construction—Navy

Legal Name of Requesting Entity: Marine Corps Base Twentynine Palms

Address of Requesting Entity: 73549 29 Palms Hwy., Twentynine Palms, CA 92277.

Description of Request: Phase I of the Life Long Learning Center (LLLC) project at the

Marine Corps base Twentynine Palms provides a facility to help Marines and their families fulfill their educational goals. The project will replace older, undersized facilities with a 17,000 square foot, three-story building which will include classrooms, office spaces, a computer room and other supporting infrastructure. When completed, the LLLC will facilitate more than 40 higher education classes with an anticipated enrollment exceeding 1500 students per term. The Marine Corps supports this project as it would dramatically improve the quality of life for our soldiers.

EARMARK DECLARATION

HON. ROB BISHOP

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. BISHOP of Utah. Madam Speaker, consistent with House Republican Earmark Standards adopted by House Republicans, I am submitting the following earmark disclosure and certification information for an individual project appropriations request that I made and which was included within the text of H.R. 6599, the ''Military Construction and Veterans Affairs Appropriations Act for Fiscal Year 2009.''

Requesting Member: ROB BISHOP (UT–01)

Bill Number: H.R. 6599—''Military Construction and Veterans Affairs Appropriations Act for Fiscal Year 2009''

1 project was included at my request which qualifies as an earmark under Republican Conference guidelines, as follows:

1. Project: Three-Bay Fire Station, Military Construction

Project Amount: $5.67 million

Account: Air Force, Military Construction (MILCON)

Requesting Entity: Congressman ROB BISHOP

Receiving Entity: Hill Air Force Base; Air Force Materiel Command

Address: 75th Air Base Wing, Hill AFB, Utah 84056.

Project Description and Justification: Construction of new, 3-bay fire station next to the main runway is necessary to correct for violation of Air Force fire protection regulations regarding response times. New facility is necessary to provide adequate fire protection for aircraft, as well as industrial operations on East side of runway in support of vital national defense missions. This project was already approved in the Air Force's Five-Year Defense Plan as being necessary to meet military safety requirements. MILCON projects are inherently necessary as having been requested and reviewed by the applicable military service in the first instance. Congress merely readjusts prioritization of project funds in any given fiscal year based on showing of emerging or critical needs.

Matching Funds: Not applicable (Federal entity).

Detailed Spending Plan: $5.67 million in appropriated dollars will be expended by Hill Air Force Base Civil Engineer Division pursuant to existing Military Construction statutes and regulations under an open bidding competitive process with the private sector, for the construction of a 3-bay Fire Station complex. Additional questions regarding this project may be addressed to: U.S. Air Force, Hill Air Force Base Public Affairs Office (801) 777–5201.

RECOGNIZING MR. ERIK RUSSELL AS A RECIPIENT OF THE 2008 COLORADO AEROSPACE EDUCATION FOUNDATION TEACHER OF THE YEAR AWARD

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. LAMBORN. Madam Speaker, I rise today to commemorate the ongoing career of Mr. Erik Russell as recognized for the 2008 Colorado Aerospace Education Foundation Teacher of the Year Award. His commitment to education in the areas of Science, Technology and Mathematics (STEM) has made a tremendous impact on the 4th graders that he teaches at Odyssey Elementary School in Colorado Springs, Colorado.

As the program director for the Engineering is Elementary Program, Mr. Russell has set the standard for future STEM educators. Mr. Russell's dedication to STEM education has garnered more than $10,000 in grants and donations. From rocketry to Lego robotics and weightless flights to symposiums, his work to bring innovative ideas and real world applications to the classroom clearly ranks him among the best in the education profession.

Mr. Russell's work extends beyond the classroom to the local military, the aerospace industry, and the Air Force Association. His noteworthy accomplishments have also been recognized by the Wall Street Journal.

Madam Speaker, I am proud to recognize the accomplishments of Mr. Eric Russell. I applaud his selfless dedication to students and to the future of STEM education.

PAYING TRIBUTE TO SAFE KIDS USA

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. ROGERS of Michigan. Madam Speaker, I rise to honor the accomplishments of Safe Kids USA, a member of Safe Kids Worldwide, for its work to make our children safe when traveling in motor vehicles. Safe Kids USA and its long time partners, General Motors and Chevrolet, were recently honored by the National Transportation Safety Board (NTSB) for completing their one millionth child safety seat check.

Unfortunately, auto crashes are the leading cause of death for children in the U.S., making it critical that child safety seats be properly installed. Safe Kids and its partners work to train parents and caregivers in the proper installation and use of child safety seats through nationwide car seat checkup events, and on June 12 this year they reached the milestone of one million child safety seats checked for proper installation.

Child safety seats have to be installed correctly to insure the safety of our children, yet statistics show that four in five seats are not installed so they properly protect the child riding in the seat. Correct seat installation is essential.

A Safe Kids inspection provides hands-on training for parents and caregivers in how to use child safety seats the right way. I have hosted and attended car seat checkup events in Michigan where trained technicians worked one-on-one with families to help them learn how to safely transport their children.

I am sure that the one millionth milestone reached by Safe Kids has likely resulted in hundreds of lives being saved. Certainly that prompted the NTSB to honor Safe Kids, GM and Chevrolet with its prestigious Safety Leadership Award, celebrating their collaborative efforts to improve child occupant protection.

The one million seat inspection was achieved by the more than 600 state and local Safe Kids coalitions and chapters, staffed primarily by volunteers, throughout the country. The Safe Kids coalition network is very active in my home state of Michigan, and I encourage all of my colleagues to participate in a Safe Kids/GM child safety event in their own states where they will see firsthand how the non-profit and corporate sectors can work together to advance a lifesaving public health safety message.

Madam Speaker, I ask my colleagues to join me in honoring Safe Kids USA, General Motors and Chevrolet on their extraordinary achievement. They are truly deserving of our respect and admiration.

TRIBUTE TO BARB RIEMENSCHNEIDER

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. LATHAM. Madam Speaker, I rise to recognize Barb Riemenschneider for her ten years of volunteer work with the kindergarten class at Page Elementary School in Boone, Iowa, and to express my appreciation for her dedication and commitment to the youth of Iowa.

''Grandma Barb'' has contributed her time and talents to improving children's lives through education and mentoring. Ten years ago when Barb's granddaughter began kindergarten, Barb began volunteering at the school. Every Friday, she has assisted Rosanne Brown's class with number and letter skills, playing board games, and listening to students read. Her willingness to do the little things built trust with the students and created a positive experience.

Barb leaves her volunteer job having made a lasting impact on many students, and she will be dearly missed by Rosanne and the children at Page Elementary. I consider it an honor to represent Barbara Riemenschneider in the United States Congress, and I wish her the best in her future endeavors.

CARIBBEAN TOURISM OFFICIALS TACKLE ISSUE OF AIRLINE SERVICE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. RANGEL. Madam Speaker, I rise today to enter into the RECORD a July 15, 2008 New York Carib News article entitled: " CARICOM Heads Tourism Talk."

The article speaks of the challenges that the tourism-based Caribbean economy is facing due to high oil prices and a "17 percent cutback on airline services from the United States." Caribbean officials are meeting the challenge of protecting their most profitable industry by gearing up to market the Caribbean as a brand by "looking at the Caribbean as a single space." There have also been talks of combining the regional civil aviation authorities.

Increasingly, Caribbean officials are recognizing the need to unite some of their services in order to increase the viability of their tourism industry in the midst of rising oil prices. One of the discussions and outcomes of the successful New York CARICOM Conference was the possibility of Jet Blue, the popular discount airline, providing service to the Caribbean. With Jet Blue, the Caribbean can regain the much needed air service that is being lost due to high oil prices.

CARICOM HEADS TOURISM TALK

ST JOHN'S, ANTIGUA, CMC—Caribbean Community (CARICOM) leaders began deliberations focusing on the tourism sector that has been a key contributor to their countries' economies.

There are concerns that recent global developments, such as the rising cost of fuel and changes in flight schedules by US-based airlines, could undermine the viability of an industry that provides thousands of jobs for Caribbean nationals.

The leaders will hear special presentations by St. Lucia's Tourism Minister and Chairman of the Caribbean Tourism Organization (CTO) Allan Chastenet and his Antigua and Barbuda counterpart, Harold Lovell, on efforts to make the sector more competitive in light of the new threats, including a 17 percent cutback in airline services from the United States, the region's main tourism market.

Chastenet told the Caribbean Media Corporation (CMC) that oil prices were expected to reach an estimated US$170 a barrel and that this could also be accompanied by a 20 per cent cut in capacity by the US airlines industry.

''Clearly, as the price of oil continues to increase, that may get more serious,'' he said.

The CTO Chairman said that the presentation would again emphasize the need for branding the Caribbean, adding a ''brand is just not marketing, it is a promise''.

''Unfortunately we have not done that,'' he said, adding that the introduction of the satellite accounting system to measure the economic importance of the tourism industry to Caribbean countries was vital.

''Tourism is never reflected in national accounts and if something is not measurable you can't improve upon it,'' he said.

''We are going to do a presentation because we have now found funding to help the governments implement satellite accounting systems in each country.''

The leaders will also discuss the air transportation sector, with Chastenet indicating that the issue of establishing hubs to service the region would be on the agenda.

''Also, we would be looking at the Caribbean as a single space,'' he said, also noting that there is need to combine the various civil aviation authorities in the region.

''One has to consider whether we can achieve more by having one civil aviation authority that would be more cost effective and more prolific in what they are trying to achieve.''

Chastenet said the crisis now confronting the tourism industry has also shown that the operations of the regional airlines are not viable.''One of the things that all of our airlines are proving in this region is that they are not economically viable, so we know that the model we have been using doesn't work and I am really hoping that we really have functional cooperation.

There should be at least a meeting a year in which the regional carriers are sitting down and trying to make sure that their schedules are coincided,'' he said.

''Why should a person have to leave the Bahamas and have to go the (United) States in order to come to the other parts of the Caribbean?

''Why can't that take place through Jamaica and then down into the Eastern Caribbean. It is ridiculous that Caribbean Airlines and LIAT don't even interlock. So those are the things that we will be bringing to the Heads' attention and basically saying this is now having a negative impact on our tourism arrivals.

Host Prime Minister and CARICOM Chairman Baldwin Spencer said that increases in airfares and new airline charges were also contributing to the ''bleak perspectives for the region's tourism-driven economies''.

He said that while he was encouraged by the efforts of the regional airline LIAT to fill the void created by the reduction in airlift by US air carriers, it was not, however, a viable proposition. ''International airlift is a present and critical problem. So, too, regional sea and air transportation for tourism and trade and personal and business travel,'' Spencer said.

EARMARK DECLARATION

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. SAXTON. Madam Speaker, pursuant to House Republican Earmark Guidance, I am including the following request, which has received funding in H.R. 6599.

Project: Unified Security Forces Operations Building.

Cost: $7,400,000.

Account: Military Construction—Defense Wide.

Legal Name of Requesting Entity: McGuire-Dix-Lakehurst Joint Base.

Address of Requesting Entity: 2901 Falcon Lane, McGuire Air Force Base, NJ 08641.

Description of Request: The joint security headquarters is designed to serve all three services and installations. This funding is for the first of two construction phases. The structure will house criminal investigation personnel, training facilities, detention and confinement areas, identification facilities, and an armory and weapons cleaning stations.

CONGRATULATING THE HUGH O'BRIAN YOUTH LEADERSHIP PROGRAM ON THEIR 50TH ANNIVERSARY

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. PUTNAM. Madam Speaker, I rise today to commend the Hugh O'Brian Youth Leadership Program as they celebrate their 50th Anniversary this summer. Since its foundation, HOBY has instilled valuable leadership techniques in over 365,000 high school sophomores creating exceptional leaders for our future.

As a recipient of the Hugh O'Brian Youth Leadership Program my sophomore year in high school, and now a proud alumnus, HOBY afforded me the honor of representing my classmates, my neighbors, and my community. It's not often a teenager gets to be an ambassador—but HOBY has given that chance to hundreds of thousands of students.

HOBY has proved to be an outstanding influence on our younger generations. Each year, with over two million volunteer hours recorded by HOBY students and volunteers, HOBY participants are making a difference. HOBY's success is also evident in the many non-profit organizations that have been created by HOBY alumni, including Food for Thought and Our Education.

HOBY Ambassadors are now recognized in more than 20 countries at the World Leadership Congress. Their program has grown to include students from Argentina, Bolivia, Canada, Mexico, Israel, Hong Kong, Taiwan and Korea. By extending the HOBY experience internationally, it allows HOBY Ambassadors to take one step further and encourage innovative thinking.

May their mission continue to thrive as they "provide lifelong leadership development opportunities that empower youth to achieve their highest potential". Congratulations on 50 years of tremendous success.

TRIBUTE TO LINDA BLOOM AND RICHARD GAARD

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize and congratulate two Iowans, Linda Bloom and Richard Gaard on being named national high school coaches of the year in their respective sports.

Linda Bloom is the Girls' Swimming and Diving coach at Marshalltown High School in Marshalltown, Iowa. She has coached the Bobcats for 22 years and has accumulated a career record of 172–36. She has been named Regional Swim Coach of the Year thirteen times and was the 1993 Iowa State Swimming Coach of the Year. Coach Bloom is the current president of the Iowa Girls and Women's Sports Committee and a member of the Board of Directors of the Iowa Girls High School Athletic Union. She also coaches the Marshalltown Girls' Golf team.

Richard Gaard is the Boys' Golf coach at Decorah High School in Decorah, Iowa. He

has coached the Vikings 36 years and has a career record of 333–123–11. His teams have won nine conference, thirteen district, and nine regional championships. Coach Gaard helped establish and is a charter member of the Iowa Golf Coaches Association. In 2007, he was named the Iowa Golf Coaches' Association Coach of the Year and has been named conference coach of the year 10 times. Coach Gaard is also a football and basketball official as well as the head of Decorah High School's DECA Program.

I know that my colleagues in the United States Congress join me in congratulating Coach Linda Bloom and Coach Richard Gaard on their coaching success and for making a difference in the lives of Iowa's youth. It is an honor to represent Coach Bloom and Coach Gaard in the United States Congress, and I wish them the best as they continue to provide a positive impact as role models and mentors.

EARMARK DECLARATION

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. COLE of Oklahoma. Madam Speaker, I submit the following:

Requesting Member: TOM COLE (OK–4).

Bill Number: H.R. 6599.

Account: Military Construction, Air Force.

Legal Name of Requesting Entity: Tom Cole (OK–4).

Address of Entity: Tinker AFB, 7751 1st St, Tinker AFB, OK 73145.

Description of Request: This $5,400,000 addition to the Air Force MilCon Account will accelerate from within the FYDP the realignment of Air Depot Street at Tinker Gate. This project is fully executable in the next fiscal year, is within the FYDP, supported by the base commander, is a base priority, and has a parametric cost estimate associated with it. The existing roadway alignment poses a safety issue and does not satisfy the Anti-Force/force protection requirements. It is not in compliance with the Manual on Uniform Traffic Control Devices—extreme congestion during morning and afternoon peak traffic flows presents significant driver safety issues as exits are made from a major Interstate onto the entrance to Tinker AFB. The project also provides for a new Pass and Identification building consolidating all operations at the 24-hour gate.

IN RECOGNITION OF THE FIFTIETH ANNIVERSARY OF THE PACE FIRE DEPARTMENT

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today in recognition of the fiftieth anniversary of the Pace, Florida Fire Department.

In 1959 the city of Pace had little access to emergency services. A small group of ten local citizens took matters into their own hands and heeded their community's call for help. With only two donated fire trucks, these ten brave men created the Pace Volunteer Fire Department and began responding to local emergencies. In the beginning, the department had no station to house firemen or fire trucks. Instead, two Pace households used ''fire phones'' to take emergency calls. These households would then phone each firefighter at home to alert them of the fire. With little extra funding for gear, the men often responded to these fires with nothing but the clothes on their backs and courage in their hearts.

As the fire department gained its footing in the Pace area, the local community began to provide funding for a new alert system, a new fire station, and appropriate firefighting gear. The firefighters' wives founded a ladies auxiliary which helped to raise funds and to support their husbands. With such dedicated support from the local society, the fire department quickly grew to over thirty firefighters. Over the past fifty years, the Pace Volunteer Fire Department has expanded from one station and two donated fire engines to four substations and eleven fire trucks. Today, a group of twenty firefighters and ten associate members now respond to over 1,400 emergency calls each year.

The dedicated men and women of the Pace Fire Department have faithfully served their community for fifty years. Each and every day these volunteers respond bravely to our most dangerous disasters, and they ask for nothing in return. Their commitment to the citizens of Pace and passion in fulfilling their duties distinguishes them as one of the best fire departments in the country.

Madam Speaker, on behalf of the United States Congress, I am proud to honor the Pace Fire Department for its fifty years of courageous service to their community.

EARMARK DECLARATION

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. SMITH of Texas. Madam Speaker, I submit the following:

Requesting Member: Congressman LAMAR SMITH.

Bill Number: H.R. 6599.

Account: Defense Medical Program, TRICARE Management Activity, Military Construction, Defense-Wide.

Legal Name of Requesting Entity: Fort Sam Houston.

Address of Requesting Entity: 1206 Stanley Road, Suite A, Fort Sam Houston, TX 78234–5001.

Description of Request: The funding would be used to construct a medical instruction facility. This project provides general and applied instructional space, administrative space and automation-aided classroom space.

EARMARK DECLARATION

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. LAHOOD. Madam Speaker, in accordance with the Republican adopted standards on earmarks, I submit the below detailed explanation of the C-130 Squadron Operations Facility for the 182nd Airlift Wing, Illinois Air National Guard.

Bill Number: H.R. 6599—The Military Construction and Veterans Affairs Appropriations Act for Fiscal Year 2009.

Provisions/Account: MilCon, Air National Guard, JLQN069160.

Name and Address of Requesting Entity: 182nd Airlift Wing, Illinois Air National Guard, 2416 S. Falcon Boulevard, Greater Peoria Regional Airport, Peoria, IL 61607.

Description of Request: This is a top priority for the Illinois Air National Guard. This project has already received architecture and engineering funding from the National Guard Bureau, and will be ready to utilize FY09 funds. This request would provide a properly sized and adequately configured facility to accommodate airlift squadron operations. The current facility is only 86 percent of the authorized space. It is extremely overcrowded and inadequate to support the ongoing airlift mission of this C-130 base. Upon completion of this project, the current Operations building will be reconfigured to address the critical space shortages of other base operations.

EARMARK DECLARATION

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mrs. CUBIN. Madam Speaker, in conformance with Republican Earmark Standards Guidance, I hereby submit the attached detailed finance plan for the C–130 Squadron Operations Facility at the Cheyenne Municipal Airport in Cheyenne, WY. This project is funded at $7,000,000 in H.R. 6599, the Fiscal Year 2009 Military Construction and Veterans Affairs Appropriations Act, as reported by the House Appropriations Committee on July 24, 2008. I am pleased to support this project on behalf of the Wyoming National Guard as they seek to fulfill vital national defense and homeland security requirements in association with the active duty Air Force.

Requesting Member: Rep. BARBARA CUBIN (WY–At Large).

Bill Number: H.R. 6599.

Account: Military Construction; Air National Guard.

Legal Name of Requesting Entity: Wyoming National Guard.

Address of Requesting Entity: 5500 Bishop Boulevard, Cheyenne, WY 82009.

Description of Request: Provide an earmark for $7,000,000 to construct a squadron operations facility at the Cheyenne Municipal Airport in Cheyenne, WY. Specifically, $5,795,000 for basic construction of the approximately 26,200 square foot facility; $200,000 for utilities; $165,000 for roadway and parking pavements; $55,000 for site improvements; $75,000 for communications support; $315,000 in contingency funds for unforeseen expenses; and $396,000 for supervision, inspection and overhead. This request is consistent with the intended and authorized purpose of the Air National Guard's Military Construction account. The Wyoming National

Guard has identified a need for this new, consolidated facility to provide space for administration, training, intelligence, life support, survival equipment, command post, flight planning, aircrew briefing rooms, flight management, and storage. This facility is designed to sustain 24-hour/day operations supporting airborne firefighting, aeromedical evacuation, and homeland defense missions of 12–PAA C–130 aircraft associated with active duty Air Force personnel.

EARMARK DECLARATION

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. SHUSTER. Madam Speaker, consistent with the Republican Leadership's policy on earmarks, I am placing this statement in the CONGRESSIONAL RECORD.

Requesting Member: Congressman BILL SHUSTER (PA—9).

Bill Number: H.R. 6599—The Military Construction and Veterans Affairs FY09 Appropriations bill.

Project Name: Army Reserve Center, Letterkenny Army Depot.

Account: MILCON, Army Reserve.

Legal Name of Requesting Entity: Letterkenny Army Depot.

Address of Requesting Entity: Letterkenny Army Depot, Franklin County, Pennsylvania.

Description of Request/Justification of Federal Funding:

Provide $14.914 million for Army Reserve Center, Letterkenny Army Depot.

It is my understanding that funding for this project would consolidate three area Army Reserve facilities at the Letterkenny Army Depot (LEAD) in Franklin County, Pennsylvania. The project will provide a 300 member training facility with administrative areas, classrooms, assembly hall, arms vault, kitchen, equipment storage areas, physical training rooms, and maintenance facilities. LEAD has set aside 7.5 acres of secure federal land for construction of the Reserve Center. The Center will be constructed behind the Letterkenny fence and adjacent to 600 acres of federal land which are used for Reserve training. This facility will also meet all projected force protection and antiterrorism standards. This project is in the President's FY 2009 budget and the U.S. Army Reserve Fiscal Year 2009 FYDP.

Project Name: Upgrade Munition Igloos, Phase 2, Letterkenny Army Depot.

Account: MILCON, Army.

Legal Name of Requesting Entity: Letterkenny Army Depot.

Address of Requesting Entity: Letterkenny Army Depot, Franklin County, Pennsylvania.

Description of Request / Justification of Federal Funding:

Provide $7.5 million for Upgrade Munition Igloos, Phase 2, Letterkenny Army Depot.

It is my understanding that funding for this project would modify igloo doors and provide concrete ramps to significantly increase productivity and enhance Letterkenny Army Depot's (LEAD), ability to rapidly and safely support mission requirements. Letterkenny is a major receiving, storage, maintenance, and shipping site for both tactical missiles and conventional ammunition. These munitions are stored in 902 igloos constructed in the 1940s to store low technology ammunition that could be carried by hand. 706 of these igloos have 4 foot wide single doors and a two step differential between the pavement and igloo floor. Funding for this project will modify approximately 100 igloos to 10 foot doors and provide concrete ramps direct from the pavement to the igloo. This project is in the U.S. Army Fiscal Year 2011 FYDP. Letterkenny's munitions storage mission continues to grow and its need for upgraded igloos to meet this mission requirement is more immediate than programmed.

Project Name: Carlisle Barracks, Museum Support Facility.

Account: MILCON, Army.

Legal Name of Requesting Entity: Carlisle Barracks.

Address of Requesting Entity: Carlisle, Barracks, Carlisle, Pennsylvania.

Description of Request/Justification of Federal Funding:

Provide $13.4 million for Museum Support Facility, Carlisle Barracks.

It is my understanding that funding will be used to construct a Museum Support Facility to provide curation, conservation, and storage of historical artifacts and art; conservation of manuscripts and associated paper materials; research areas, office, and associated activities to support the U.S. Army Heritage and Educational Center and other Army historical activities in coordination with the Center of Military History. The facility will also provide a major educational and tourist facility in the Central Pennsylvania region.

TRIBUTE TO DEAN HAUGE

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. LATHAM. Madam Speaker, I rise to recognize the retirement of Dean Hauge, groundskeeper at Elmwood-Saint Joseph Cemetery in Mason City, Iowa, after serving his community for over 29 years.

Dean's father, Morris, was the groundskeeper of Elmwood for 27 years prior to Dean taking over the reigns. His uncles Truman Hauge and Virgil Cox also worked at the cemetery. Dean's groundskeeper job at the 120-acre cemetery included maintaining the property, digging and filling graves, erecting tents and chairs for funerals, and assisting families in locating burial sites and headstones. Dean's big heart and dedicated service has helped many families deal with the unfortunate loss of loved ones over many years.

I know that my colleagues in the United States Congress join me in commending Dean for his service to his community and congratulating him on his retirement. I consider it an honor to represent Dean in Congress, and I wish him and his wife Janice a long, happy and healthy retirement.

EARMARK DECLARATION

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. MCKEON. Madam Speaker, I submit the following:

Requesting Member: Congressman HOWARD P. ''BUCK'' MCKEON.

Bill Number: H.R. 6599—The Military Construction and Veterans Affairs Appropriations Act for Fiscal Year 2009.

Account: Military Construction (Milcon), Air Force.

Legal Name of Requesting Entity: Edwards Air Force Base.

Address of Requesting Entity: Edwards AFB, CA 93524.

Description of Request: At my request, a project appropriation of $6,000,000 is included in the Military Construction and Veterans Affairs Appropriations bill to complete construction of a main base operations ramp replacement at Edwards Air Force Base. The Air Force has assessed that the 50-year-old main runway is rapidly deteriorating and is projected to fail in the very near term impacting base operations and flight testing. The Air Force has also determined that temporary relocation of base operations is infeasible and that any delay in funding could result in costs to the government of approximately $4,000,000.

HALTING RAPE AND SEXUAL ASSAULT IN THE U.S. MILITARY

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Ms. HARMAN. Madam Speaker, the stories are shocking in their simplicity and brutality: a female military recruit is pinned down at knifepoint and raped repeatedly in her barracks. Though her attackers hid their faces she identified them by their uniforms. They were her fellow soldiers. During a routine gynecological exam, a female soldier is attacked and raped by her military physician. Yet another young soldier, still adapting to life in a war zone, is raped by her commanding officer. Afraid for her standing in her unit, she feels she has nowhere to turn.

These are true stories, and, sadly, not isolated incidents. Women serving in the U.S. military are more likely to be raped by a fellow soldier than killed by enemy fire in Iraq.

The scope of the problem was brought into acute focus for me during a visit to the West Los Angeles VA Health Center, where I met with female veterans and their doctors. My jaw dropped when the doctors told me that 41 percent of female veterans seen there say they are victims of sexual assault while in the military and 29 percent report being raped during their military service. They spoke of their continued terror, feelings of helplessness, and the downward spirals many of their lives have since taken.

Numbers reported by the Department of Defense show the same sickening pattern. In 2006, 2,947 sexual assaults were reported—73 percent more than in 2004. The DOD's most recent report, released earlier this summer, indicates that 2,688 reports were made in

2007, but a recent shift from calendar year reporting to fiscal year reporting makes comparisons with data from previous years much more difficult.

The Pentagon has made some efforts to manage this epidemic—most notably in 2005, after the media received anonymous e-mail messages about sexual assaults at the Air Force Academy. The press scrutiny and congressional attention that followed led DOD to create the Sexual Assault and Response Office. Since its inception, SAPRO has initiated training and improved reporting of rapes and sexual assaults but has inexplicably failed to track prosecution rates or how victims are faring within the military structure.

At the heart of this crisis is an apparent inability or unwillingness to prosecute rapists in the ranks. According to the DOD's own statistics, a mere 181 out of 2,212 subjects—or 8 percent—investigated for sexual assault in 2007 (including 1,259 reports of rape) were referred to courts martial. In nearly half of the cases investigated, the chain of command took no action and in the majority of those that were acted upon, the offenders were assigned administrative or non-judicial punishment. In other words, slaps on the wrist. In more than one-third of the cases that were not pursued, the commander took no action because of ''insufficient evidence.''

This is in stark contrast to the civil justice system, where 40 percent of those arrested for rape are prosecuted, according to the Department of Justice and FBI.

The DOD must close this gap and remove the obstacles to effective investigation and prosecution. Failure to draw bright red lines produces two harmful consequences: it deters victims from reporting rapes and it fails to deter offenders. The absence of rigorous prosecution perpetuates a culture tolerant of sexual assault and rape—an attitude that says ''boys will be boys.''

The legislation that Mr. TURNER and I introduce today calls on the Secretary of Defense to develop and implement a comprehensive strategy to end assault and rape in the military—to encourage and increase investigations and prosecutions.

I have raised the issue personally with Defense Secretary Gates, Chairman of the Joint Chiefs Admiral Mullen, and Army Secretary Geren, among others. While they express real concern, thus far the military's response has been underwhelming. The apparent lack of urgency is inexcusable.

Congress can do better too. While these sexual assault statistics are readily available, our oversight has failed to come to grips with the magnitude of the crisis. No doubt the abhorrent and graphic nature of the reports makes people uncomfortable. But this is no excuse for inaction. I applaud the National Security and Foreign Affairs Subcommittee of the Oversight and Government Reform Committee for holding hearings later this week to shine a light on the failure of existing policies.

Madam Speaker, most of our service women and men are patriotic, courageous and hard-working people who embody the best of what it means to be an American. The failure to stem sexual assault and rape in the military runs counter to those ideals and shames us all.

INTRODUCTION ON THE CONNELL LAKE WATERSHED PROTECTION AND RECREATION ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. YOUNG of Alaska. Madam Speaker, today I introduce a really simple bill which will help one of the towns in my home State of Alaska. This bill will fix a problem which cannot be solved without this legislation. The bill, entitled the Connell Lake Watershed Protection bill, will allow the Forest Service to apply the Recreation and Public Purposes Act to a vital watershed in the Ketchikan Gateway Borough.

By doing this, the local government, the Borough, can manage and protect the watershed which is now owned by the Forest Service. While the Forest Service can manage this area, it is better that the local government has control of its own watershed since that watershed is located within the Borough's boundaries.

This is a small area—just 880 acres consisting of a natural lake which was enlarged by a dam constructed in the 1950s when the area was used by the now defunct Ketchikan Pulp Company. The company needed a water source and constructed a small dam to enlarge the already existing, natural Connell Lake. That lake has since served as a water source for the Ketchikan area and the Borough wishes to own and maintain the lake and the surrounding area.

If Ketchikan were not completely contained within the Tongass National Forest, there would be an easy solution, the Recreation and Public Purposes Act, which is specifically designed to solve problems like these. If these lands were in the public domain in the lower 48 States, the Bureau of Land Management would simply process a deed under that Act to allow the Borough obtain ownership of the land subject to a reverter if the land is not used for either recreation of public purposes.

However, the Recreation and Public Purposes Act does not apply to the National Forest System. So, Congress must approve the use of the act for this purpose. This is not an unprecedented situation, and Congress has passed similar legislation in the past. For example, in The Southern Nevada Public Land Management act of 1998, P. L. 105–263, Congress approved a bill to allow this Act to be used in both Southern Nevada and in the Tahoe Basin, which lands became part of the National Forest System.

So, Madam Speaker, I ask only that this bill be passed to allow local government to use the Act just as it would in Nevada or any other western state. The Borough is well able to handle this management and will maintain the current management which is as a recreational site and for water source and watershed protection. The full terms and conditions of the Recreation and Public Purposes Act would apply—no exceptions are being asked.

I look forward to rapid consideration and passage of this bill.

PERSONAL EXPLANATION

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. POE. Madam Speaker, on H. Res. 1311—National Gear Up Day, H. Res. 1202—National Guard Youth Challenge Day, H.R. 6493—Aviation Safety Enhancement Act of 2008, I was not able to return to the House because myself and 6 other Members of Congress from Texas had to make an emergency plane landing due to mechanical problems on CO flight 458. Thus this emergency prevented a timely return to Washington, DC.

Had I been present, I would have voted ''yea'' on all three of these measures.

TRIBUTE TO DALE MORSE

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize Dale Morse for his longtime service to the International Lions Club.

Dale has been a member of the Rippey, Iowa Lions Club for 40 years. The International Lions Club is a volunteer organization which works together to answer the needs that challenge communities around the world, including an end to preventable blindness, cleaning local parks and providing essential supplies to victims of natural disasters. Dale's dedication to his community and fulfilling the objectives of the Iowa Lions Club has made a lasting impact on those around him.

Although Dale is no longer able to regularly attend meetings, his Lions Club membership remains active, and his community remains grateful for his service and continued participation. I consider it an honor to represent Dale Morse in the United States Congress, and I wish him the very best in his future.

EARMARK DECLARATION

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. SAXTON. Madam Speaker, pursuant to House Republican Earmark Guidance, I am including the following projects I supported that were included in the 2008 President's Budget and subsequently received funding in H.R. 6599:

Project: Modified Record Range

Cost: $3,825,000

Account: Military Construction—Army

Legal Name of Requesting Entity: McGuire-Dix-Lakehurst Joint Base

Address of Requesting Entity: Command Headquarter, Building 5417, Fort Dix, NJ 08640.

Description of Request: Range will train and test individual soldiers on the skills necessary to identify, engage and defeat stationary infantry targets for day/night qualification requirements with the M16 and M4 rifles. Range improves the capability of Fort Dix, which supports the Army Reserve and National Guard

forces as one of the four main power projection platforms

Project: Advanced Arresting Gear Test Site

Cost: $15,440,000

Account: Military Construction—Navy

Legal Name of Requesting Entity: McGuire-Dix-Lakehurst Joint Base

Address of Requesting Entity: Naval Air Engineering Station, Hwy 547 Building 150–3, Lakehurst, NJ 08733.

Description of Request: Project provides permanent facilities that will be part of the recovery test sites, which will support the new CVN 78 carriers. Advanced Arresting Gear will provide a reliable aircraft recovery system consistent with current technology for controlled deceleration of landing aircraft. The Advanced Arresting Gear will initially serve as the forerunner for ship instillations and eventually serve as the land-based testing facility.

EARMARK DECLARATION

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. WALSH of New York. Madam Speaker, consistent with Republican transparency standards, the following is a disclosure for each of my requested projects in H.R. 6599, the FY 2009 Military Construction-VA Appropriations Bill:

Requesting Member: Rep. JAMES T. WALSH.

Bill Number: H.R. 6599.

Account: Military Construction—Air National Guard.

Legal Name of Representing Entity: Hancock Field, Air National Guard, Syracuse, NY.

Address of Requesting Entity: 6001 East Malloy Road, Syracuse, NY 13211.

Description of Request: (1) Include $5 million for Hancock Field—TFI—Predator IOC/FOC Beddown. This is included in the President's FY 2009 Budget Request. Funding will be used for conversion and upgrade of the Squadron Operations Facility to bed down Predator Operations Center (POC), Ground Control Station (GOC) and squadron operation functions. Rearrange and extend interior walls and utilities. Provide secure areas and Sensitive Compartmentalized Information Facility (SCIF) and alarm systems. Provide sustainable design elements and high efficiency energy-saving features/materials. Provide standby power with uninterruptible power capability. Exterior work includes: utility support, pavements, site improvements, fire protection, and antiterrorism force protection measures. See DD Form 1391 for project details.

(2) Include $5.4 million for Hancock Field—Upgrade ASOS Facilities (Included in FYDP); Funding will be used for an addition: metal framed, masonry slab-on-grade facility with standing seam metal roof, architecturally compatible to existing facility. Rearrange and extend interior walls and utilities. Provide interior walls, ceilings, and floor coverings and finishes as well as plumbing, electrical, heating, ventilation, air conditioning, alarms, and fire detection and suppression functions. Provide exterior support such as pavements, utilities, site improvements, fire protection and all other necessary work as required. Install utility metering and connect to Direct Digital Control System. See DD Form 1391 for project details.

EARMARK DECLARATION

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. ROGERS of Alabama. Madam Speaker, in accordance with the Republican Conference standards regarding Member initiatives, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding the earmark I received as part of the Military Construction and Veterans Affairs Appropriations Act for Fiscal Year 2009.

Requesting Member: Congressman MIKE ROGERS (Alabama).

Bill Number: H.R. 6599, Military Construction—Veterans Affairs Appropriations Act for FY 2009.

Account: MILCON, Army.

Legal Name of Entity: Anniston Army Depot.

Address of Requesting Entity: 7 Frankford Avenue, Anniston, AL 36201.

Description of Request: This earmark provides $1,400,000 for the Lake Yard Interchange. The funding will be used to construct an interchange and inspection building in the ammunition and explosives classification (Lake Yard) area of the Anniston Army Depot. This includes the move of ammunition classification from Turner Yard to the Lake Yard. Additionally, the site utilities will include electrical power, information technology, water, septic tank/field lines. The railroad track work will include new track for the interchange and spur.

EARMARK DECLARATION

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. KNOLLENBERG. Madam Speaker, consistent with New Republican Earmark Disclosure Requirements, I hereby submit the following information regarding earmarks listed in the Fiscal Year 2009 Military Construction and Veterans Affairs Appropriations Act, which to my knowledge, have my name listed as a sponsor of the given earmark. The information provided for each earmark consists of the name of the project, account, funding level, and the justification for the use of taxpayer dollars.

Requesting Member: Representative JOE KNOLLENBERG (R–MI).

Bill Number: H.R. 6599.

Account Information: Army National Guard, Military Construction.

Name of Earmark and Amount Listed in the Report: Urban Assault Course.

Legal Name and Address of Receiving Entity: Michigan National Guard, Camp Grayling.

Earmark Description: The funding will be used for combat leaders to train and evaluate their unit during urban assault practice scenarios.

Requesting Member: Representative JOE KNOLLENBERG (R–MI).

Bill Number: H.R. 6599.

Account Information: Army National Guard, Military Construction.

Name of Earmark and Amount Listed in the Report: Live Fire Shoot House.

Legal Name and Address of Receiving Entity: Michigan National Guard, Camp Grayling.

Earmark Description: The funding will be used for combat leaders to train and evaluate their unit during live fire practice scenarios.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S7579–S7708

Measures Introduced: Ten bills and four resolutions were introduced, as follows: S. 3353–3362, S. Res. 629–631, and S. Con. Res. 96. **Pages S7629–30**

Measures Reported:

S. Res. 618, recognizing the tenth anniversary of the bombings of the United States embassies in Nairobi, Kenya and Dar es Salaam, Tanzania, and memorializing the citizens of the United States, Kenya, and Tanzania whose lives were claimed as a result of the al Qaeda led terrorist attacks.

S. 344, to permit the televising of Supreme Court proceedings.

S. 1211, to amend the Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors, with an amendment in the nature of a substitute.

S. 1515, to establish a domestic violence volunteer attorney network to represent domestic violence victims, with an amendment in the nature of a substitute.

S. 2041, to amend the False Claims Act, with an amendment in the nature of a substitute.

S. 2136, to address the treatment of primary mortgages in bankruptcy, with an amendment in the nature of a substitute. **Page S7628**

Measures Passed:

College Opportunity and Affordability Act: Committee on Health, Education, Labor and Pensions was discharged from further consideration of H.R. 4137, to amend and extend the Higher Education Act of 1965, agreed to Durbin (for Kennedy) Amendment No. 5250, in the nature of a substitute, and after striking all after the enacting clause and inserting in lieu thereof, the text of S. 1642, Senate companion measure, the bill was then passed. **Page S7591**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Kennedy, Dodd, Harkin, Mikulski, Bingaman, Murray, Reed, Clinton, Obama, Sanders, Brown, Enzi, Gregg, Alexander, Burr, Isakson, Murkowski, Hatch, Roberts, Allard, and Coburn. **Page S7591**

Measures Considered:

Jobs, Energy, Families, and Disaster Relief Act: Senate continued consideration of the motion to proceed to consideration of S. 3335, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions. **Page S7594**

Subsequently, the motion to proceed was withdrawn. **Page S7594**

Renewable Energy and Job Creation Act: Senate resumed consideration of the motion to proceed to consideration of H.R. 6049, to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief. **Page S7594**

By 53 yeas to 43 nays (Vote No. 190), three-fifths of those Senators duly chosen and sworn, having not voted in the affirmative, Senate upon reconsideration rejected the motion to close further debate on the motion to proceed to consideration of the bill. **Page S7595**

Free Flow of Information Act: Senate continued consideration of the motion to proceed to consideration of S. 2035, to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media. **Pages S7595–S7619**

A unanimous-consent-time agreement was reached providing for further consideration of the motion to proceed to consideration of the bill at approximately 10 a.m., on Wednesday, July 30, 2008; provided further, that the hour prior to the cloture vote be equally divided and controlled by the two Leaders, or their designees, with Senators permitted to speak for up to 10 minutes each, with the final 20 minutes under the control of the two Leaders, with the Majority Leader controlling the final 10 minutes prior to the vote, and with 10 minutes of majority time under the control of Senator Leahy; and that upon use or yielding back of time Senate then vote on the

motion to invoke cloture on the motion to proceed to consideration of the bill. Page S7704

Messages from the House: Page S7627

Executive Communications: Pages S7627–28

Executive Reports of Committees: Pages S7628–29

Additional Cosponsors: Pages S7630–31

Statements on Introduced Bills/Resolutions: Pages S7631–40

Additional Statements: Pages S7625–26

Amendments Submitted: Pages S7640–S7704

Authorities for Committees to Meet: Page S7704

Privileges of the Floor: Page S7704

Record Votes: One record vote was taken today. (Total—190) Page S7595

Adjournment: Senate convened at 10 a.m. and adjourned at 7:08 p.m., until 10 a.m. on Wednesday, July 30, 2008. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S7704.)

Committee Meetings

(Committees not listed did not meet)

EXECUTIVE SESSION

Committee on Armed Services: Committee met in closed session to consider pending intelligence matters, receiving testimony from Robert M. Gates, Secretary, and Admiral Michael G. Mullen, USN, Chairman, Joint Chiefs of Staff, both of the Department of Defense.

Committee recessed subject to the call.

REGULATORY AND OVERSIGHT STRUCTURE OF INSURANCE INDUSTRY

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the state of the insurance industry, focusing on the current regulatory and oversight structure, after receiving testimony from Steven M. Goldman, New Jersey Department of Banking and Insurance, Trenton, on behalf of the National Association of Insurance Commissioners; Travis B. Plunkett, Consumer Federation of America, Alessandro Iuppa, Zurich North America, on behalf of the American Insurance Association, and Franklin W. Nutter, Reinsurance Association of America, all of Washington, D.C.; John Pearson, Baltimore Life Insurance Company, Owings Mills, Maryland, on behalf of the American Council of Life Insurers; George A. Steadman, Rutherfoord Inc., Roanoke, Virginia, on behalf of the Council of Insurance Agents and Brokers; Tom Minkler, Clark-Mortenson Agency, Keene, New Hampshire, on behalf of the Independent Insurance Agents and Brokers of America, Inc.; and Richard M. Bouhan, National Association of Professional Surplus Lines Offices, Ltd., Kansas City, Missouri.

NOMINATION

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the nomination of John P. Hewko, of Michigan, to be an Assistant Secretary of Transportation, after the nominee testified and answered questions in his own behalf.

EPA

Committee on Environment and Public Works: Subcommittee on Clean Air and Nuclear Safety concluded a hearing to examine the Environmental Protection Agency's (EPA) Clean Air Interstate Rule (CAIR), focusing on a recent court decision and its implications, after receiving testimony from Brian McLean, Director, Office of Atmospheric Programs, Office of Air and Radiation, U.S. Environmental Protection Agency; Jared Snyder, New York State Department of Environmental Conservation, Albany; Christopher Korleski, Ohio Environmental Protection Agency, Columbus; Eric B. Svenson, Jr., Public Service Enterprise Group, and John D. Walke, Natural Resources Defense Council, both of Washington, D.C.; and William H. Spence, PPL Corporation, Allentown, Pennsylvania.

U.S. TRADE POLICY

Committee on Finance: Committee concluded a hearing to examine the future of United States trade policy, focusing on perspectives from former United States Trade Representatives, after receiving testimony from former United States Senator William E. Brock, Brock Offices, Annapolis, Maryland; and Mickey Kantor, Mayer Brown, Carla A. Hills, Hills and Company, and Charlene Barshefsky, Wilmer Hale, all of Washington, D.C.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported the following:

S. 3263, to authorize appropriations for fiscal years 2009 through 2013 to promote an enhanced strategic partnership with Pakistan and its people;

S. 3052, to provide for the transfer of naval vessels to certain foreign recipients;

S. Res. 618, recognizing the tenth anniversary of the bombings of the United States embassies in Nairobi, Kenya and Dar es Salaam, Tanzania, and memorializing the citizens of the United States, Kenya, and Tanzania whose lives were claimed as a result of the al Qaeda led terrorist attacks;

CCW Protocol on Explosive Remnants of War (the ''CCW Protocol V'') (Treaty Doc. 109–10(C)), with one understanding and one declaration;

The Amendment to Article 1 of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (the ''CCW Amendment'') (Treaty Doc. 109–10(B)), with one declaration;

The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (the Convention) concluded on May 14, 1954, and entered into force on August 7, 1956 with accompanying report from the Department of State (Treaty Doc. 106–01(A)), with four understandings and one declaration;

The Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III or the Incendiary Weapons Protocol) and the Protocol on Blinding Laser Weapons (Protocol IV) to the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed To Be Excessively Injurious or To Have Indiscriminate Effects (Treaty Doc. 105–01(B)), with one reservation, one understanding, and one declaration;

Protocol on Blinding Laser Weapons (Protocol IV) Additional to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed To Be Excessively Injurious or To Have Indiscriminate Effects (Treaty Doc. 105–1(C)) with one understanding and one declaration;

International Convention for the Suppression of Acts of Nuclear Terrorism (the ''Convention''), adopted by the United Nations General Assembly on April 13, 2005, and signed on behalf of the United States of America on September 14, 2005 (Treaty Doc. 110–04), with one reservation, four understandings, and one declaration;

Amendment to the Convention on the Physical Protection of Nuclear Material (the ''Amendment''). A conference of States Parties to the Convention on the Physical Protection of Nuclear Material, adopted on October 28, 1979, adopted the Amendment on July 8, 2005, at the International Atomic Energy Agency in Vienna (Treaty Doc. 110–06), with one reservation, three understandings, and one declaration;

Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (the ''2005 SUA Protocol'') (Treaty Doc. 110–08), with one reservation, five understandings, and one declaration;

The Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (the ''2005 Fixed Platforms Protocol'') (together, ''the Protocols''), adopted by the International Maritime Organization Diplomatic Conference in London on October 14, 2005, and signed by the United States of America on February 17, 2006 (Treaty Doc. 110–08), with one reservation, four understandings, and one declaration;

Agreement on Extradition between the United States of America and the European Union (EU), signed on June 25, 2003 at Washington, together with twenty-two bilateral instruments which subsequently were signed between the United States and each European Union Member State in order to implement the Agreement with the EU. The Agreement includes an explanatory note which is an integral part of the Agreement (Treaty Doc. 109–14), with one condition and one declaration made with respect to each treaty;

Extradition Treaty between the United States of America and the Government of the Republic of Latvia, signed on December 7, 2005, at Riga (Treaty Doc. 109–15), with one declaration;

Extradition Treaty between the United States of America and the Government of the Republic of Estonia, signed on February 8, 2006, at Tallinn (Treaty Doc. 109–16), with one declaration;

Extradition Treaty between the United States of America and the Government of Malta, signed on May 18, 2006, at Valletta, that includes an exchange of letters that is an integral part of the treaty (Treaty Doc. 109–17), with one declaration;

Extradition Treaty between the United States of America and Romania (the ''Extradition Treaty'' or the ''Treaty'') (Treaty Doc. 110–11), with one declaration;

The Protocol to the Treaty between the United States of America and Romania on Mutual Legal Assistance in Criminal Matters (the ''Protocol''), both signed at Bucharest on September 10, 2007 (Treaty Doc. 110–11), with one declaration;

Extradition Treaty between the Government of the United States of America and the Government of the Republic of Bulgaria (the ''Extradition Treaty'' or the ''Treaty'') (Treaty Doc. 110–12), with one declaration;

The Agreement on Certain Aspects of Mutual Legal Assistance in Criminal Matters between the Government of the United States of America and the Government of the Republic of Bulgaria (the ''MLA Agreement''), both signed at Sofia on September 19, 2007 (Treaty Doc. 110–12), with one declaration;

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), with a declaration;

Mutual Legal Assistance between the United States of America and the European Union (EU), signed on June 25, 2003, at Washington, together with 25 bilateral instruments that subsequently were signed between the United States and each European Union Member State in order to implement the Agreement with the EU, and an explanatory note that is an integral part of the Agreement (Treaty Doc. 109–13), with one declaration made with respect to each treaty;

Treaty Between the Government of the United States of America and the Government of the Kingdom of Sweden on Mutual Legal Assistance in Criminal Matters, signed at Stockholm on December 17, 2001 (Treaty Doc. 107–12), with one declaration;

Treaty between the United States of America and Malaysia on Mutual Legal Assistance in Criminal Matters, signed on July 28, 2006, at Kuala Lumpur (Treaty Doc. 109–22), with one declaration;

1992 Partial Revision of the Radio Regulations (Geneva, 1979), with appendices, signed by the United States at Malaga-Torremolinos on March 3, 1992 (the ''1992 Partial Revision''), together with declarations and reservations of the United States as contained in the Final Acts of the World Administrative Radio Conference for Dealing with Frequency Allocations in Certain Parts of the Spectrum (WARC–92) (Treaty Doc. 107–17), with four declarations and reservations;

1995 Revision of the Radio Regulations, with appendices, signed by the United States at Geneva on November 17, 1995 (the ''1995 Revision''), together with declarations and reservations of the United States as contained in the Final Acts of the World Radiocommunication Conference (WRC–95) (Treaty Doc. 108–28), with five declarations and reservations;

International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001 (the ''Convention'') (Treaty Doc. 110–13), with two declarations;

1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (the ''London Convention''), done in London on November 7, 1996. The Protocol was signed by the United States on March 31, 1998, and entered into force on March 24, 2006 (Treaty Doc. 110–05), with two declarations and one understanding;

Protocol Concerning Pollution from Land-Based Sources and Activities (the ''Protocol'') to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, with Annexes, done at Oranjestad, Aruba, on October 6, 1999, and signed by the United States on that same date (Treaty Doc. 110–01), with two declarations;

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), with one declaration and one condition,

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), with one declaration; and

The nominations of Alan W. Eastham, Jr., of Arkansas, to be Ambassador to the Republic of the Congo, Tatiana C. Gfoeller-Volkoff, of the District of Columbia, to be Ambassador to the Kyrgyz Republic, Richard G. Olson, Jr., of New Mexico, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Arab Emirates, David D. Pearce, of Virginia, to be Ambassador to the People's Democratic Republic of Algeria, John A. Simon, of Maryland, to be Representative of the United States of America to the African Union, with the rank and status of Ambassador, Michele Jeanne Sison, of Maryland, to be Ambassador to the Republic of Lebanon, James Christopher Swan, of California, to be Ambassador to the Republic of Djibouti, W. Stuart Symington, of Missouri, to be Ambassador to the Republic of Rwanda, and Marie L. Yovanovitch, of Connecticut, to be Ambassador to the Republic of Armenia, all of the Department of State, and John O. Agwunobi, of Florida, Julius E. Coles, of Georgia, Morgan W. Davis, of California, and John W. Leslie, Jr., of Connecticut, all to be a Member of the Board of Directors of the African Development Foundation, Mimi Alemayehou, of the District of Columbia, to be United States Director of the African Development Bank, Patrick J. Durkin,

of Connecticut, to be a Member of the Board of Directors of the Overseas Private Investment Corporation, Peter Robert Kann, of New Jersey, and Michael Meehan, of Virginia, both to be a Member of the Broadcasting Board of Governors, Kenneth L. Peel, of Maryland, to be United States Director of the European Bank for Reconstruction and Development, and Miguel R. San Juan, of Texas, to be United States Executive Director of the Inter-American Development Bank.

PAYROLL TAX ABUSE

Committee on Homeland Security and Governmental Affairs: Permanent Subcommittee on Investigations concluded a hearing to examine the magnitude of outstanding payroll tax debt, focusing on the policies and procedures that are used to collect unpaid payroll taxes, after receiving testimony from Steven J. Sebastian, Director, Financial Management and Assurance, Government Accountability Office; and Linda Stiff, Deputy Commissioner for Services and Enforcement, Internal Revenue Service, Department of the Treasury.

OSHA

Committee on Health, Education, Labor, and Pensions: Subcommittee on Employment and Workplace Safety concluded a hearing to examine the Occupational Safety and Health Administration (OSHA), focusing on protecting workers from dangerous dust at the workplace, after receiving testimony from Senator Chambliss; Edwin G. Foulke, Jr., Assistant Secretary of Labor for Occupational Safety and Health Administration; John S. Bresland, Chairman CEO, United States Chemical Safety and Hazard Investigation Board; Amy Beasley Spencer, National Fire Protection Association, Quincy, Massachusetts; Richard W. Prugh, Chilworth Technology, Inc., Plainsboro, New Jersey; and Graham Harris Graham, Imperial Sugar Company, Sugarland, Texas.

MUSIC AND RADIO IN THE 21ST CENTURY

Committee on the Judiciary: Committee concluded a hearing to examine music and radio in the 21st century, focusing on assuring fair rates and rules across various platform—frameworks on which applications may be run, including S. 256, to harmonize rate setting standards for copyright licenses under section 112 and 114 of title 17, United States Code, S. 2500, to provide fair compensation to artists for use of their sound recordings, and S. 1353, to nullify the determinations of the Copyright Royalty Judges with respect to webcasting, to modify the basis for making such a determination, after receiving testimony from Senators Wyden and Corker; John L. Simson, SoundExchange, Washington, D.C.; Jeffrey S. Harleston, Geffen Records, Santa Monica, California, on behalf of the Recording Industry Association of America; Joe Kennedy, Pandora Media, Inc., Oakland, California; John Ondrasik, Los Angeles, California; and Matt Nathanson, San Francisco, California.

BUSINESS MEETING

Select Committee on Intelligence: Committee met in closed session to consider pending intelligence matters.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 26 public bills, H.R. 6625–6650; and 7 resolutions, H. Con. Res. 397; and H. Res. 1381–1383, 1385–1387, were introduced. **Pages H7306–07**

Additional Cosponsors: **Pages H7307–09**

Reports Filed: Reports were filed today as follows:

H.R. 6083, to authorize funding for the National Advocacy Center, with an amendment (H. Rept. 110–784);

H.R. 6221, to amend title 38, United States Code, to require the Secretary of Veterans Affairs to include in each contract the Secretary enters for the acquisition of goods and services a provision that requires the contractee to comply with the contracting goals and preferences for small business concerns owned or controlled by veterans, with an amendment (H. Rept. 110–785);

H.R. 6445, to prohibit the Secretary of Veterans Affairs from collecting certain copayments from veterans who are catastrophically disabled, with amendments (H. Rept. 110–786);

Conference Report on H.R. 4040, to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission (H. Rept. 110–787);

H.R. 6309, to amend the Residential Lead-Based Paint Hazard Reduction Act of 1992 to define environmental intervention blood lead level and establish additional requirements for certain lead hazard screens, with an amendment (H. Rept. 110–788);

H.R. 5892, to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to modernize the disability benefits claims processing system of the Department of Veterans Affairs to ensure the accurate and timely delivery of compensation to veterans and their families and survivors (H. Rept. 110–789);

H.R. 3849, to provide for the conveyance of parcels of land to Mantua, Box Elder County, Utah, with an amendment (H. Rept. 110–790);

H.R. 4828, to amend the Palo Alto Battlefield National Historic Site Act of 1991 to expand the boundaries of the historic site, with an amendment (H. Rept. 110–791);

H.R. 2933, to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, with an amendment (H. Rept. 110–792);

H.R. 3299, to provide for a boundary adjustment and land conveyances 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, with an amendment (H. Rept. 110–793);

H.R. 1575, to reaffirm and clarify the Federal relationship of the Burt Lake Band as a distinct federally recognized Indian Tribe, with an amendment (H. Rept. 110–794);

H.R. 3094, to establish in the Treasury of the United States a fund which shall be known as the National Park Centennial Fund, with an amendment (H. Rept. 110–795);

H.R. 160, to amend the American Battlefield Protection Act of 1996 to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, with an amendment (H. Rept. 110–796);

H.R. 6176, to authorize the expansion of the Fort Davis National Historic Site in Fort Davis, Texas (H. Rept. 110–797);

H.R. 3336, to direct the Secretary of the Interior to carry out a study to determine the suitability and feasibility of establishing a historic district to the Camp Hale on parcels of land in the State of Colorado, with an amendment (H. Rept. 110–798);

H.R. 5751, to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study of certain land adjacent to the Walnut Canyon National Monument in the State of Arizona (H. Rept. 110–799); and

H. Res. 1384, providing for consideration of the bill (H.R. 6599) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2009 (H. Rept. 110–800).

Page H7194–H7214, H7305–06

Speaker: Read a letter from the Speaker wherein she appointed Representative Carson to act as Speaker pro tempore for today. **Page H7171**

Recess: The House recessed at 10:36 a.m. and reconvened at 12 p.m. **Page H7171**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Charles L. Brieant, Jr. Federal Building and United States Courthouse Designation Act: H.R. 6340, amended, to designate the Federal building and United States Courthouse located at 300 Quarropas Street in White Plains, New York, as the ''Charles L. Brieant, Jr. Federal Building and United States Courthouse''; **Pages H7174–75, H7267**

Agreed to amend the title so as to read: ''To designate the Federal building and United States courthouse located at 300 Quarropas Street in White Plains, New York, as the 'Charles L. Brieant, Jr., Federal Building and United States Courthouse'.''.

Page H7267

Requiring the Secretary of Homeland Security to conduct a pilot program for the mobile biometric identification in the maritime environment of aliens unlawfully attempting to enter the United States: H.R. 2490, amended, to require the Secretary of Homeland Security to conduct a pilot program for the mobile biometric identification in the maritime environment of aliens unlawfully attempting to enter the United States, by a ⅔ yea-and-nay vote of 394 yeas to 3 nays with 1 voting ''present'', Roll No. 534; **Pages H7182–83, H7267–68**

Agreed to amend the title so as to read: ''To require the Secretary of Homeland Security to conduct a program in the maritime environment for the mobile biometric identification of suspected individuals, including terrorists, to enhance border security.''.

Page H7268

Personnel Reimbursement for Intelligence Cooperation and Enhancement of Homeland Security Act: H.R. 6098, amended, to amend the Homeland Security Act of 2002 to improve the financial assistance provided to State, local, and tribal governments for information sharing activities;

Pages H7191–92, H7267

Government Accountability Office Improvement Act of 2008: H.R. 6388, amended, to provide additional authorities to the Comptroller General of the United States; **Pages H7192–94**

Amending title 44, United States Code, to require each agency to include a contact telephone number in its collection of information: H.R. 6113, amended, to amend title 44, United States Code, to require each agency to include a contact telephone number in its collection of information, by a ⅔ yea-and-nay vote of 394 yeas with none voting "nay", Roll No. 535; **Pages H7218–20, H7268–69**

Agreed to amend the title so as to read: "To amend title 44, United States Code, to require each agency to include contact information for the agency in its collection of information.". **Page H7268**

Apologizing for the enslavement and racial segregation of African-Americans: H. Res. 194, amended, to apologize for the enslavement and racial segregation of African-Americans; **Pages H7224–27, H7267**

Amending title 18, United States Code, to prohibit operation by any means or embarking in any submersible or semi-submersible vessel that is without nationality and that is navigating or has navigated into, through or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country's territorial sea with an adjacent country: H.R. 6295, amended, to amend title 18, United States Code, to prohibit operation by any means or embarking in any submersible or semi-submersible vessel that is without nationality and that is navigating or has navigated into, through or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country's territorial sea with an adjacent country; **Pages H7237–40**

Agreed to amend the title so as to read: "To enhance drug trafficking interdiction by creating a Federal felony relating to operating or embarking in a submersible or semi-submersible vessel without nationality and on an international voyage.". **Page H7240**

Amending title 38, United States Code, to establish an Ombudsman within the Department of Veterans Affairs: H.R. 2192, amended, to amend title 38, United States Code, to establish an Ombudsman within the Department of Veterans Affairs, by a ⅔ yea-and-nay vote of 398 yeas with none voting "nay", Roll No. 536; **Pages H7244–45, H7269**

Congratulating University of Florida Quarterback Timothy "Tim" Tebow for winning the Heisman Trophy and honoring both his athletic and academic achievements: H. Res. 901, to congratulate University of Florida Quarterback Timothy "Tim" Tebow for winning the Heisman Trophy and honoring both his athletic and academic achievements; **Pages H7265–67**

Establishing an earned import allowance program under Public Law 109–53: H.R. 6560, amended, to establish an earned import allowance program under Public Law 109–53; and **Pages H7272–76**

Hubbard Act: H.R. 6580, to ensure the fair treatment of a member of the Armed Forces who is discharged from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early discharge of a member who is the only surviving child in a family in which the father or mother, or one or more siblings, served in the Armed Forces and, because of hazards incident to such service, was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently disabled and to amend the Internal Revenue Code of 1986 to repeal the dollar limitation on contributions to funeral trusts. **Pages H7276–80**

College Opportunity and Affordability Act of 2008—Motion to go to Conference: The House disagreed to the amendment of the Senate to H.R. 4137, to amend and extend the Higher Education Act of 1965, and agreed to a conference. **Page H7269**

Later, the Chair appointed the following Members of the House to the conference committee on the bill: from the Committee on Education and Labor, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Representatives George Miller (CA), Hinojosa, Tierney, Wu, Bishop (NY), Altmire, Yarmuth, Courtney, Andrews, Scott (VA), Davis (CA), Davis (IL), Hirono, Keller (FL), Petri, McMorris Rodgers, Foxx, Kuhl (NY), Walberg, Castle, Souder, Ehlers, Biggert, and McKeon. **Page H7280**

From the Committee on the Judiciary, for consideration of secs. 951 and 952 of the House bill, and secs. 951 and 952 of the Senate amendment, and modifications committed to conference: Representatives Conyers, Waters, and Gohmert. **Page H7280**

From the Committee on Science and Technology, for consideration of secs. 961 and 962 of the House bill, and sec. 804 of the Senate amendment, and modifications committed to conference: Representatives Gordon (TN), Baird, and Neugebauer. **Page H7280**

Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed:

Department of Homeland Security Component Privacy Officer Act of 2008: H.R. 5170, amended, to amend the Homeland Security Act of 2002 to provide for a privacy official within each component of the Department of Homeland Security; **Pages H7175–76**

Homeland Security Network Defense and Accountability Act of 2008: H.R. 5983, amended, to amend the Homeland Security Act of 2002 to enhance the information security of the Department of Homeland Security; **Pages H7176–80**

Next Generation Radiation Screening Act of 2008: H.R. 5531, amended, to amend the Homeland Security Act of 2002 to clarify criteria for certification relating to advanced spectroscopic portal monitors; **Pages H7180–82**

Reducing Over-Classification Act of 2008: H.R. 4806, amended, to require the Secretary of Homeland Security to develop a strategy to prevent the over-classification of homeland security and other information and to promote the sharing of unclassified homeland security and other information; **Pages H7186–89**

Improving Public Access to Documents Act of 2008: H.R. 6193, amended, to require the Secretary of Homeland Security to develop and administer policies, procedures, and programs to promote the implementation of the Controlled Unclassified Information Framework applicable to unclassified information that is homeland security information, terrorism information, weapons of mass destruction information and other information within the scope of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485); **Pages H7186–89**

Homeland Security Open Source Information Enhancement Act of 2008: H.R. 3815, amended, to amend the Homeland Security Act of 2002 to require the Secretary of Homeland Security to make full and efficient use of open source information to develop and disseminate open source homeland security information products; **Pages H7189–91**

Reducing Information Control Designations Act: H.R. 6576, amended, to require the Archivist of the United States to promulgate regulations regarding the use of information control designations; **Pages H7214–18**

Providing that Federal employees receiving their pay by electronic funds transfer shall be given the option of receiving their pay stubs electronically: H.R. 6073, to provide that Federal employees receiving their pay by electronic funds transfer shall be given the option of receiving their pay stubs electronically; **Page H7218**

Supporting the goals and ideals of the Apple Crunch and the Nation's domestic apple industry: H. Res. 1143, to support the goals and ideals of the Apple Crunch and the Nation's domestic apple industry; **Pages H7220–21**

Lance Corporal Matthew P. Pathenos Post Office Building Designation Act: H.R. 6208, to designate the facility of the United States Postal Service located at 1100 Town and Country Commons in Chesterfield, Missouri, as the ''Lance Corporal Matthew P. Pathenos Post Office Building''; **Pages H7221–22**

Corporal Alfred Mac Wilson Post Office Designation Act: H.R. 6437, to designate the facility of the United States Postal Service located at 200 North Texas Avenue in Odessa, Texas, as the ''Corporal Alfred Mac Wilson Post Office''; **Pages H7222–24**

Recognizing the significance of the 20th anniversary of the signing of the Civil Liberties Act of 1988 by President Ronald Reagan and the greatness of America in her ability to admit and remedy past mistakes: H. Res. 1357, amended, to recognize the significance of the 20th anniversary of the signing of the Civil Liberties Act of 1988 by President Ronald Reagan and the greatness of America in her ability to admit and remedy past mistakes; **Pages H7227–31**

Authorizing funding for the National Advocacy Center: H.R. 6083, amended, to authorize funding for the National Advocacy Center; **Pages H7232–33**

Amending title 35, United States Code, and the Trademark Act of 1946 to provide that the Secretary of Commerce, in consultation with the Director of the United States Patent and Trademark Office, shall appoint administrative patent judges and administrative trademark judges: S. 3295, to amend title 35, United States Code, and the Trademark Act of 1946 to provide that the Secretary of Commerce, in consultation with the Director of the United States Patent and Trademark Office, shall appoint administrative patent judges and administrative trademark judges; **Pages H7233–35**

Requesting that the President focus appropriate attention on neighborhood crime prevention and community policing, and coordinate certain Federal efforts to participate in National Night Out, which occurs the first Tuesday of August each year, including by supporting local efforts and community watch groups and by supporting local officials, to promote community safety and help provide homeland security: H. Res. 1324, to request that

the President focus appropriate attention on neighborhood crime prevention and community policing, and coordinate certain Federal efforts to participate in National Night Out, which occurs the first Tuesday of August each year, including by supporting local efforts and community watch groups and by supporting local officials, to promote community safety and help provide homeland security; **Pages H7235–37**

United States Parole Commission Extension Act of 2008: S. 3294, to provide for the continued performance of the functions of the United States Parole Commission; **Page H7237**

Amending title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain copayments from veterans who are catastrophically disabled: H.R. 6445, amended, to amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain copayments from veterans who are catastrophically disabled; **Pages H7240–44**

United States Olympic Committee Paralympic Program Act of 2008: H.R. 4255, amended, to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide assistance to the Paralympic Program of the United States Olympic Committee; **Pages H7246–48**

Injunctive Relief for Veterans Act of 2008: H.R. 6225, amended, to amend title 38, United States Code, relating to equitable relief with respect to a State or private employer **Pages H7248–53**

Veteran-Owned Small Business Protection and Clarification Act of 2008: H.R. 6221, amended, to amend title 38, United States Code, to require the Secretary of Veterans Affairs to include in each contract the Secretary enters for the acquisition of goods and services a provision that requires the contractee to comply with the contracting goals and preferences for small business concerns owned or controlled by veterans; **Pages H7253–55**

Amending title 38, United States Code, to repeal the provision of law requiring termination of the Advisory Committee on Minority Veterans as of December 31, 2009: H.R. 674, to amend title 38, United States Code, to repeal the provision of law requiring termination of the Advisory Committee on Minority Veterans as of December 31, 2009; **Pages H7255–56**

Veterans Disability Benefits Claims Modernization Act of 2008: H.R. 5892, amended, to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to modernize the disability benefits claims processing system of the Department of Veterans Affairs to ensure the accurate and timely delivery of compensation to veterans and their families and survivors; **Pages H7256–63**

Supporting the goals and ideals of National Campus Safety Awareness Month: H. Res. 1288, amended, to support the goals and ideals of National Campus Safety Awareness Month; **Pages H7263–65**

Congratulating the University of Tennessee women's basketball team for winning the 2008 National Collegiate Athletic Association Division I Women's Basketball Championship: H. Res. 1151, to congratulate the University of Tennessee women's basketball team for winning the 2008 National Collegiate Athletic Association Division I Women's Basketball Championship; **Pages H7269–71**

Recognizing the importance of connecting foster youth to the workforce through internship programs, and encouraging employers to increase employment of former foster youth: H. Res. 1332, to recognize the importance of connecting foster youth to the workforce through internship programs, and to encourage employers to increase employment of former foster youth; and **Pages H7271–72**

Lead-Safe Housing for Kids Act of 2008: H.R. 6309, amended, to amend the Residential Lead-Based Paint Hazard Reduction Act of 1992 to define environmental intervention blood lead level and establish additional requirements for certain lead hazard screens. **Pages H7280–81**

Presidential Message: Read a message from the President wherein he reported that he has issued an Executive Order expanding the scope of the national emergency declared with respect to Zimbabwe—referred to the Committee on Foreign Affairs and ordered printed (H. Doc. 110–138). **Page H7173**

Senate Messages: Messages received from the Senate and messages received from the Senate by the Clerk and subsequently presented to the House today appear on pages H7172 and H7248.

Senate Referrals: S. 3352 was held at the desk.

Amendments: Amendments ordered printed pursuant to the rule appear on pages H7309–30.

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of today and appear on pages H7267–68, H7268, and H7269. There were no quorum calls.

Adjournment: The House met at 10:30 a.m. and adjourned at 11:10 p.m.

Committee Meetings

STATE OF SOCIAL WORK

Committee on Education and Labor: Subcommittee on Healthy Families and Communities held a hearing

on Caring for the Vulnerable: The State of Social Work in America. Testimony was heard from Adina Fuller, Social Worker, Department of Youth Rehabilitation Services, District of Columbia; and public witnesses.

CREDIT SCORING MODELS/CREDIT SCORES

Committee on Financial Services: Subcommittee on Oversight and Investigations held a hearing entitled "What Borrowers Need to Know About Credit Scoring Models and Credit Scores." Testimony was heard from public witnesses.

LEBANON UPDATE

Committee on Foreign Affairs: Subcommittee on the Middle East and South Asia held a hearing on Update on the Situation in Lebanon. Testimony was heard from Jeffrey Feltman, Principal Deputy Assistant Secretary, Bureau of Near Eastern Affairs, Department of State and former U.S. Ambassador to Lebanon.

MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2009

Committee on Rules: Granted, by a non-record vote, an open rule with a preprinting requirement for consideration of the bill (H.R. 6599), the Military Construction and Veterans Affairs Appropriations Act, 2009. The rule provides for one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

The rule waives all points of order against consideration of the bill except clause 9 or 10 of rule XXI. The rule waives points of order against provisions of the bill for failure to comply with clause 2 of rule XXI. The rule provides that no amendment to the bill shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII by July 30 and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or a designee and shall be considered as read. The rule provides one motion to recommit with or without instructions. Finally, the rule permits the Chair, during consideration of the bill in the House, to postpone further consideration of the bill to a time designated by the Speaker. Testimony was heard from Representatives Edwards of Texas, Filner and Crenshaw.

Joint Meetings

COLLEGE OPPORTUNITY AND AFFORDABILITY ACT

Conferees agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 4137, to amend and extend the Higher Education Act of 1965.

AZERBAIJAN: HUMAN RIGHTS AND DEMOCRATIZATION

Commission on Security and Cooperation in Europe: Commission concluded a hearing to examine human rights and democratization in Azerbaijan, focusing on the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe's numerous concerns, including freedom of the media, political prisoners and the conduct of elections, after receiving testimony from David J. Kramer, Assistant Secretary of State for Democracy, Human Rights and Labor; Yashar Aliyev, Ambassador of the Republic of Azerbaijan to the United States, Washington, D.C.; and Chris Walker, Freedom House, New York, New York.

COMMITTEE MEETINGS FOR WEDNESDAY, JULY 30, 2008

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: closed business meeting to continue consideration of pending calendar business, 9:30 a.m., SR–222.

Committee on Commerce, Science, and Transportation: to hold hearings to examine ways to improve consumer protection in the prepaid calling card market, 10 a.m., SR–253.

Committee on Energy and Natural Resources: Subcommittee on National Parks, to hold hearings to examine S. 1816, to authorize the Secretary of the Interior to establish a commemorative trail in connection with the Women's Rights National Historical Park to link properties that are historically and thematically associated with the struggle for women's suffrage, S. 2093, to amend the Wild and Scenic Rivers Act to designate a segment of the Missisquoi and Trout Rivers in the State of Vermont for study for potential addition to the National Wild and Scenic Rivers System, S. 2535, to revise the boundary of the Martin Van Buren National Historic Site, S. 2561, to require the Secretary of the Interior to conduct a theme study to identify sites and resources to commemorate and interpret the Cold War, S. 3011, to amend the Palo Alto Battlefield National Historic Site Act of 1991 to expand the boundaries of the historic site, S. 3113, to reinstate the Interim Management Strategy governing off-road vehicle use in the Cape Hatteras National Seashore, North Carolina, pending the issuance of a final rule for

off-road vehicle use by the National Park Service, S. 3148, to modify the boundary of the Oregon Caves National Monument, S. 3158, to extend the authority for the Cape Cod National Seashore Advisory Commission, S. 3226, to rename the Abraham Lincoln Birthplace National Historic Site in the State of Kentucky as the ''Abraham Lincoln Birthplace National Historical Park'', S. 3247, to provide for the designation of the River Raisin National Battlefield Park in the State of Michigan, and H.R. 5137, to ensure that hunting remains a purpose of the New River Gorge National River, 2:30 p.m., SD–366.

Committee on Environment and Public Works: to hold hearings to examine the nomination of Thomas J. Madison, of New York, to be Administrator of the Federal Highway Administration, Department of Transportation, 3:15 p.m., SD–406.

Committee on Homeland Security and Governmental Affairs: business meeting to consider S. 2583, to amend the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in order to prevent the loss of billions in taxpayer dollars, S. 3176, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to provide mental health and substance abuse services, S. 3341, to reauthorize and improve the Federal Financial Assistance Management Improvement Act of 1999, H.R. 3068, to prohibit the award of contracts to provide guard services under the contract security guard program of the Federal Protective Service to a business concern that is owned, controlled, or operated by an individual who has been convicted of a felony, H.R. 404, to require the establishment of customer service standards for Federal agencies, S. 3328, to amend the Homeland Security Act of 2002 to provide for a one-year extension of other transaction authority, S. 3241, to designate the facility of the United States Postal Service located at 1717 Orange Avenue in Fort Pierce, Florida, as the ''CeeCee Ross Lyles Post Office Building'', H.R. 6150, to designate the facility of the United States Postal Service located at 14500 Lorain Avenue in Cleveland, Ohio, as the ''John P. Gallagher Post Office Building'', H.R. 6085, to designate the facility of the United States Postal Service located at 42222 Rancho Las Palmas Drive in Rancho Mirage, California, as the ''Gerald R. Ford Post Office Building'', H.R. 5477, to designate the facility of the United States Postal Service located at 120 South Del Mar Avenue in San Gabriel, California, as the ''Chi Mui Post Office Building'', H.R. 5631, to designate the facility of the United States Postal Service located at 1155 Seminole Trail in Charlottesville, Virginia, as the ''Corporal Bradley T. Arms Post Office Building'', H.R. 5483, to designate the facility of the United States Postal Service located at 10449 White Granite Drive in Oakton, Virginia, as the ''Private First Class David H. Sharrett II Post Office Building'', 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'', H.R. 4210, to designate the facility of the United States Postal Service located at 401 Washington Avenue in Weldon, North Carolina, as the ''Dock M. Brown Post Office Building'', an original bill entitled, ''Federal Financial Assistance Management Improvement Act of 2008'', and the nominations of Gus P. Coldebella, of Massachusetts, to be General Counsel, Department of Homeland Security, James A. Williams, of Virginia, to be Administrator of General Services, Carol A. Dalton, Anthony C. Epstein, and Heidi M. Pasichow, all to be an Associate Judge of the Superior Court of the District of Columbia, 10:15 a.m., SD–342.

Ad Hoc Subcommittee on Disaster Recovery, to hold hearings to examine planning for post-catastrophe housing needs, focusing on if the Federal Emergency Management Agency (FEMA) has developed an effective strategy for housing large numbers of citizens displaced by a disaster, 12 noon, SD–562.

Committee on the Judiciary: to hold hearings to examine hiring at the Department of Justice, 10 a.m., SD–226.

Full Committee, to hold hearings to examine S. J. Res. 45, expressing the consent and approval of Congress to an inter-state compact regarding water resources in the Great Lakes—St. Lawrence River Basin, 1 p.m., SD–226.

Committee on Rules and Administration: to hold hearings to examine S. 3212, to amend the Help America Vote Act of 2002 to provide for auditable, independent verification of ballots, to ensure the security of voting systems, 10 a.m., SR–301.

Committee on Small Business and Entrepreneurship: business meeting to mark up an original bill to reauthorize the Small Business Innovation Research Program, 10 a.m., SR–428A.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Agriculture, Subcommittee on Conservation, Credit, Energy, and Research, hearing to review electricity reliability in rural America, 10:30 a.m., 1300 Longworth.

Subcommittee on Horticulture and Organic Agriculture, hearing to review legal and technological capacity for full traceability in fresh produce, 1 p.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Defense, executive, to mark up the Defense Appropriation for Fiscal Year 2009, 11 a.m., H–140 Capitol.

Committee on Armed Services, hearing on Implications of the Supreme Court's Boumediene Decision for Detainees at Guantanamo Bay, Cuba: Non-governmental Perspective 10 a.m., 2118 Rayburn.

Committee on the Budget, hearing on Rising Food Prices: Budget Challenges, 2 p.m., 210 Cannon.

Committee on Education and Labor, Subcommittee on Health, Employment and Pensions, hearing on the Proposed Delta/Northwest Airline Merger: The Impact on Workers, 10:30 a.m., 2175 Rayburn.

Committee on Financial Services, to mark up the following bills: H.R. 6308, Municipal Bond Fairness Act; H.R. 5772, Frank Melville Supportive Housing Investment Act of 2008; H.R. 5244, Credit Cardholders' Bill of Rights Act of 2008; H.R. 6078, GREEN Act of 2008; and H.R.

840, Homeless Emergency Assistance and Rapid Transition to Housing Act of 2007, 2 p.m., 2128 Rayburn.

Subcommittee on Domestic and International Monetary Policy, Trade and Technology, hearing entitled "Examining Issues Related to Tactilely Distinguishable Currency," 10 a.m., 2128 Rayburn.

Committee on Homeland Security, Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment, hearing entitled "Reassessing the Threat: The Future of Al Qaeda and Its Implications for Homeland Security," 10 a.m., 311 Cannon.

Subcommittee on Management, Investigations, and Oversight, hearing entitled "The Quadrennial Homeland Security Review," 2 p.m., 311 Cannon.

Committee on House Administration, to mark up the following bills: H. R. 6339, Federal Employees Deserve to Volunteer on the Elections Act of 2008; and H.R. 6474, To authorize the Chief Administrative Officer of the House of Representatives to carry out a series of demonstration projects to promote the use of innovative technologies in reducing energy consumption and promoting energy efficiency and cost savings in the House of Representatives, 11 a.m., 1310 Longworth.

Committee on the Judiciary, to consider the following: a resolution and report finding Karl Rove in contempt for failure to appear pursuant to subpoena and recommending to the House of Representatives that Mr. Rove be cited for contempt of Congress; and to mark up the following bills: H.R. 6577, Great Lakes-St. Lawrence River Basin Water Resources Compact; H.R. 6126, Fairness in Nursing Home Arbitration Act of 2008; H.R. 5950, Detainee Basic Medical Care Act of 2008; H.R. 6064, National Silver Act; H.R. 6503, Missing Alzheimer's Disease Patient Alert Program Reauthorization of 2008; H.R. 6353, Ryan Haight Online Pharmacy Consumer Protection Act of 2008; H.R. 5167, Justice for Victims of Torture and Terrorism Act; H.R. 2140, Internet Gambling Study Act; H.R. 6088, National Domestic Violence Volunteer Attorney Network Act; and H.R. 4779, To enact certain laws relating to public contracts as title 41, United States Code, "Public Contracts;" and private relief bills, 10:15 a.m., 2141 Rayburn.

Committee on Oversight and Government Reform, hearing on Deficient Electrical Systems at U.S. Facilities in Iraq, 10 a.m., 2154 Rayburn.

Subcommittee on Information Policy, Census, and National Archives, hearing entitled "Critical Budget Issues Affecting the 2010 Census—Part 2," 2 p.m., 2154 Rayburn.

Committee on Rules, to consider H.R. 1338, Paycheck Fairness Act, 4 p.m., Capitol.

Committee on Science and Technology, hearing on NASA at 50: Past Accomplishments and Future Opportunities and Challenges, 10 a.m., 2318 Rayburn.

Committee on Small Business, Subcommittee on Regulations, Health Care and Trade, hearing entitled Regulatory Burdens on Small Firms: What Rules Need Reform?" 10 a.m., 1539 Longworth.

Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings, and Emergency Management, hearing on Credit Crunch: A Hearing on the Effects on Federal Leasing and Construction, 10 a.m., 2167 Rayburn.

Subcommittee on Water Resources and Environment, hearing on Protecting and Restoring America's Great Waters—Part II: Chesapeake Bay, 2 p.m., 2167 Rayburn.

Permanent Select Committee on Intelligence, executive briefing on Congressional Notifications, 1 p.m., H–405 Capitol.

Subcommittee on Intelligence Community Management, hearing on Security Clearance Reform, 2:30 p.m., 2212 Rayburn.

Select Committee on Energy Independence and Global Warming, hearing entitled "What's Cooking with Gas: the Role of Natural Gas in Energy Independence and Global Warming Solutions," 1 p.m., B–318 Rayburn.

Joint Meetings

Joint Economic Committee: to hold hearings to examine ways to solve the energy crisis, 10 a.m., SD–106.

Next Meeting of the **SENATE**

10 a.m., Wednesday, July 30

Senate Chamber

Program for Wednesday: Senate will continue consideration of the motion to proceed to consideration of S. 2035, Free Flow of Information Act, and vote on the motion to invoke cloture thereon at approximately 11 a.m.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Wednesday, July 30

House Chamber

Program for Wednesday: Consideration of the following suspensions: (1) H.R. 6456—To provide for extensions of certain authorities of the Department of State; (2) H. Con. Res. 361—Commemorating Irena Sendler, a woman whose bravery saved the lives of thousands during the Holocaust and remembering her legacy of courage, selflessness, and hope; (3) H. Res. 1266—Congratulating Albania and Croatia on being invited to begin accession talks with the North Atlantic Treaty Organization and expressing support for continuing to enlarge the alliance; (4) H. Res. 1279—Recognizing the Special Olympics' 40th anniversary; (5) H. Res. 1370—Calling on the Government of the People's Republic of China to immediately end abuses of the human rights of its citizens; (6) H. Res. 1369—Recognizing nongovernmental organizations working to bring just and lasting peace between Israelis and Palestinians; (7) H. Con. Res. 374—Supporting the spirit of peace and desire for unity displayed in the letter from 138 leading Muslim scholars, and in the Pope's response; (8) H. Con. Res. 358—Commending the members of the Nevada Army National Guard and Air National Guard; (9) H. Res. 415—Honoring Edward Day Cohota, Joseph L. Pierce, and other veterans of Asian and Pacific Islander descent who fought in the United States Civil War; (10) H. Res. 1248—Recognizing the service of the USS *Farenholt* and her men who served our Nation with valor and bravery in the South Pacific during World War II; (11) H. Res. 1316—Honoring the service of the Navy and Coast Guard veterans who served on the Landing Ship Tank (LST) amphibious landing craft during World War II, the Korean war, the Vietnam war, Operation Desert Storm, and global operations through 2002; (12) H. Con. Res. 296—Expressing support for the designation of August 2008 as ''National Heat Stroke Awareness Month''; (13) H. Res. 896—Primary Lateral Sclerosis Awareness Month Act; (14) H.R. 3957—The Water Use Efficiency and Conservation Research Act; and (15) H.R. 2339—The Produced Water Utilization Act of 2007. Consideration of H.R. 6599—Military Construction and Veterans Affairs Appropriations Act, 2009 (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

HOUSE

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