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No. 142

## House of Representatives

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

### DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,  
September 9, 2008.

I hereby appoint the Honorable JOSÉ E. SERRANO 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.

### THE GOVERNMENT BAILS OUT FANNIE AND FREDDIE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

Mr. STEARNS. Mr. Speaker, it's no secret that our country is facing economic uncertainty with a rapidly rising national debt and a lingering housing and mortgage crisis. Just weeks ago, our Congress orchestrated a sweeping effort to prop up government-sponsored enterprises—GSEs Fannie Mae and Freddie Mac—which own or insure half of our Nation's mortgages by exposing American taxpayers to vast financial risk. Now, just this past weekend, the Treasury has finalized a plan to officially bail out Fannie and Freddie, a step I had hoped our government would not be forced to take.

It used to be argued that simply chartering Freddie and Fannie didn't

mean that the Federal Government was on the hook if these mortgage giants collapsed, but now no one can make that case anymore. The recent and worrisome events occurring in the United States' housing market have revealed that the Federal Government bears significant risk in its chartering of Fannie Mae and Freddie Mac. Although these two GSEs are supposed to make the American dream come true, the reality is that they are contributing relatively little to the overall quality of the U.S. housing finance system.

At the same time, they have created exorbitant risks both for the taxpayers and for the entire economic system that cannot be adequately addressed by simple regulation alone. Over the years, Fannie and Freddie have been allowed to incur \$5.2 trillion in debt by borrowing \$1.5 trillion and by guaranteeing mortgage-backed securities worth almost \$4 trillion. Unfortunately, since January of this year, Fannie and Freddie's stock has also declined by about 90 percent. The collapse of these two, their common shares, coupled with the current credit, housing and mortgage crisis and illiquidity of our markets, has clearly demonstrated that the financial and regulatory structures we have been operating have failed us.

With the hasty passage of the Housing and Economic Recovery Act (H.R. 3221), which I voted against, Congress granted the Treasury a broad new authority to inject capital into the struggling mortgage giants if that's needed. To the surprise of few, with a collapse imminent, the Treasury decided this past weekend it would transfer the control of Fannie and Freddie and place it into conservatorship, which is akin to the filing of chapter 11 bankruptcy. The Treasury will now commence with buying mortgage-backed securities from banks in the open market at the expense of American taxpayers.

Although this move will probably lower interest rates on home loans by, maybe, about 1 percent, the bailout won't stabilize home prices or swiftly curb the rate of foreclosures, which are currently at an all-time high. Thus, the immediate effect of the Treasury bailout of Fannie and Freddie will serve to benefit, for the most part, international stock exchanges and large central banks in foreign countries. To be specific, one of the biggest, immediate beneficiaries of this bailout will be the central banks in Asia, such as the People's Bank of China, which has billions invested in Fannie Mae and Freddie Mac bonds.

Four years ago, Federal Reserve Board Chairman Alan Greenspan told the Senate Banking Committee: "The existence or even the perception of government backing undermines the effectiveness of market discipline," and he was right.

We must find an effective way to free our economy from the grips of this avoidable financial instability. In order to do so, Fannie and Freddie must be restructured and set on a path towards gradual privatization, for placing Fannie and Freddie into conservatorship is not a good long-term solution. Privatization is the most viable solution to mitigating the enormous risks posed by these out-of-control GSEs.

To be sure we never find ourselves in this situation again, Fannie and Freddie must be removed entirely from the government's account, be placed in direct competition with other financial institutions and be subjected to the effective discipline of the U.S. market. In this way, we can stabilize these important mortgage firms, restore confidence to investors and shareholders and relieve American taxpayers from the burden of another costly bailout.

Also, I call for an immediate investigation by this body into Freddie Mac's unreported financial results of almost \$9 billion. Let's ask former CEO

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

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



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Franklin Raines to explain these fraudulent audits that were presented.

The American people deserve better than what these GSEs have to offer. We cannot allow them to leave us with a legacy of debt to be shouldered by hardworking Americans, for as Thomas Jefferson so aptly said a long time ago, “[the] principle of spending money to be paid by posterity under the name of funding is but swindling our future on a very large scale.”

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#### ENERGY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington (Mr. INSLEE) for 5 minutes.

Mr. INSLEE. I've come to the floor this morning to talk about a great opportunity we have in the next 2 or 3 weeks here in Congress to really adopt a comprehensive energy bill that will move forward with the bold strokes that America needs, but I mention bold strokes rather than tiny, little baby steps, and we will not have accomplished our goal this fall if we just take tiny, little baby steps, and unfortunately, that still remains a possibility.

Now, the tiny, little baby steps that I refer to are the efforts to go for a little thimble full of fuel off of our coastline, and this has really gotten the majority of the debate, but unfortunately, it's not where the tankers full of energy are. We know that if we drill off our coastlines it simply won't answer the problem that we have because there is just not enough oil there. We consume 25 percent of the world's oil, but we only have 3 percent of the world's oil supply even if we drill off our coastline or in Yellowstone National Park or on the south lawn of the White House. So, while we're having an honest debate about where to drill, there is one thing we know for sure: drilling is not enough. Even if we do expand the places where we drill—and my side of the aisle is supporting using the 68 million acres that are already leased, in fact, starting drilling on those areas that are already leased—we know we have to do so much more than just drill.

The good news is that we will have on the floor in the next couple of weeks a proposal that will move forward broadly with the new technologies that really provide the vast, huge tankers full of energy that we need to replace our fossil fuel-based economy, but I learned this August at some companies that I visited and at some research labs that we are just on the cusp of a clean energy revolution that is now ready, if we can ask some of my fellows across the aisle to join us, for truly having a comprehensive plan.

I want to just run through some of the companies I visited this August. I went to the National Renewable Energy Lab in Golden, Colorado, and I saw an incredible place where they had two plug-in electric cars. Right above them was a photovoltaic cell of about, maybe, 10 by 20 on a pedestal right

above them. With that one solar photovoltaic panel, they were charging two plug-in electric cars that would go 30 to 40 miles, all electric. Then if you wanted to go more than 40 miles, you could run it on gasoline or potentially on ethanol, a plug-in electric car. You could see a vision where we have PV cells in our homes or at our businesses, powering our cars with plug-in electric technology, and it was right there in Golden, Colorado. It is not a pipe dream. It is on the roads today. The first commercially available plug-in electric car today was written about in the Seattle Post Intelligencer in my hometown in Seattle. This is ready to go. Our bill will support that technology.

I met a guy named Bob Nelson on Bainbridge Island in Washington who has a company called Sapphire Energy. Sapphire Energy has figured out a way to use algae and to convert algae to gasoline, pure American-bred gasoline from algae. Our technology will support the commercialization of that technology.

I met a woman named Susan Petty, also in Seattle. She has a company called AltaRock. AltaRock is a company that drills down 3 to 5 kilometers. It pumps down cold water. It fractures rock. It then pumps down water and brings it back up at 300 degrees temperature. It uses that hot water to create steam, and it generates electricity with zero CO<sub>2</sub> emissions and with zero global warming gases. AltaRock Energy is going to be ready to commercialize this technology, we hope, in the next several years that could produce potentially half of our electrical needs in the United States if we can surmount a couple of technological challenges involving pumps. Here is a company that could be a total game changer, and it needs policies from Congress to move forward. Our proposal, the Democratic leadership will propose, will support that technology.

Next, I go down the drive to Bellevue, Washington, and I visit a company called MagnaDrive that is producing an electrical system that can reduce the electrical needs of electrical motors by 60 to 70 percent. They are manufacturing that product today and are shipping it to China. They're hiring people in Bellevue, Washington to produce these things to go to China, to start exporting products to China. This is the future of this country to build these clean energy technologies and to ship them to China. Our bill that we will propose will support that technology.

Now what we need are for some of my Republican colleagues to drop this proposal of “none of the above” and to start joining us with a comprehensive approach. What America needs is a clean energy revolution.

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#### THE AMERICAN ENERGY ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio (Mr. BOEHNER) for 5 minutes.

Mr. BOEHNER. Well, Mr. Speaker, let me say “welcome” to my Democrat colleagues. “Welcome back to the House.” You all left here without a vote on the American Energy Act, and as I look at this week's schedule, it looks like we're going to take another week of vacation because there is not much on the schedule.

While you all were out, I and my Republican colleagues were here each and every day with the lights dimmed, with the microphones off, with no one in the chair, and with the cameras off. We were talking to the visitors who were coming through the Capitol about our plan to produce all of the above.

You know, the American people are tired of high gas prices. Small businesses are having a difficult time with high energy prices. We've got school districts around America that are trying to figure out how they're going to operate their buses this fall with the prices of gasoline and of diesel where they are. Yet Congress has failed to act. What we've been proposing for the last 3 months is the buildup of do all of the above. We need to have more conservation in America, and we need to have the incentives to produce more conservation. We need renewables.

To my colleague from Washington who was just here, I'm in full support of all of these renewables, but many of them are not going to be ready next year or the year after or, for that matter, some of them not for 10 or 20 years.

So, in the meantime, we've got to find a way to produce more energy now, and that means using coal in a clean way whether it's coal to gas or coal to liquid. We can use coal, and we're the Saudi Arabia of the world when it comes to coal, and there is no reason for us not to use it in an environmentally sensitive way. We also need nuclear energy, the cleanest form of energy. Today, it's a 15-year process to get a nuclear permit and to go through all of the steps. It costs billions of dollars, and maybe at the end of 15 years you will get a permit to actually operate.

Even if we do all of that, we've not done all we can do to maximize our energy security and to maximize the amount of energy we can produce to take a big step toward energy independence. That's why producing more American-made oil and gas in an environmentally sensitive way has to be part of this bill.

Now, this bill has been out there. It does all of the above, and I think the American people are demanding that we do all of the above, but the Speaker, before she became the Speaker, promised this would be the most open and accountable Congress in history. In that light, I respectfully ask the Speaker: When will you give the American people a vote on the American Energy Act (H.R. 6566), our plan to do all of the above? Will it be on the floor this week?

There are rumors floating around that we could have an energy bill this

week. Nobody has seen one yet. It hasn't been scheduled, but these rumors are out there. If we're going to have a vote on a little bit of the above or on some of the above that the majority might produce, why not give a large group of Members in this House who want to do all of the above just a chance to have a debate and to vote on our competing proposal?

That's what we're looking for. We want a fair and open debate. We want a chance to have a vote. Anything less than that, frankly, is unacceptable, and the Republicans in this House will continue to force the Democrat majority to allow a vote on doing all of the above because it is what the American people want. It is what they sent us here to do, and we are not going to leave until it gets done.

#### LOYAL OPPOSITION

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE) for 5 minutes.

Ms. JACKSON-LEE of Texas. It's an important time in American history in the opportunities for Americans, and in re-stating the value of our Constitution, and our respect for democracy. Through the long history of America, we've come to know the terms "majority" and "minority" and the words that sometimes fall to our early history and to our relationship with Great Britain—England. We know the words "loyal opposition." This morning, I want to share with my friends in this House how sometimes the loyal opposition can be loyal to a fault.

There are always ways of saying what you would have and should have done, but as I watch the slow process and progress in Iraq, I want to remind my friends on the other side of the aisle, the Republicans, of the lockstep commitment that they made to the administration on a war that, of course, was misdirected. We're all united behind our soldiers, but 4,000 are dead, and of course, it was the important opposition of the Democrats who persisted and said that Afghanistan has to be the focus. That was the genesis of 9/11. That was where the terrorists were. That was where the Taliban was. We insisted day after day after day that to go into Iraq, to create the destabilization, to, in essence, create the havoc of death, to move the Baathists out of Iraq created the years of devastation and the loss of life—4,000-plus dead Americans and tens and tens of thousands of Iraqis.

Of course, I applaud the changes that have been made now. Of course, I recognize the great valor of our soldiers and of the Iraqi soldiers who have managed to overcome through great hardship, but isn't it interesting: As we have the soldiers announced to come home from Iraq, what happens? What the Democrats said should happen. More soldiers are going to Afghanistan. Bloody fights are taking place on the Pakistani and Afghan border. Again, Republicans, loyal to a fault.

Of course, now there is great discussion about drilling. I practice oil and gas law. I come from Texas. I'm not afraid of drilling, but I recognize the American people are smart enough to know that we must have a seamless energy policy. We are like a fruit basket. The fruit basket has a multiple of fruit—some you like, some you don't—but we enjoy it, the seamless energy policy, unlike the loyal opposition that is on one song and one refrain over and over again. There must be alternatives—biofuel. There must be the look-see at what we can do with clean coal. There must be, as T. Boone Pickens has indicated, wind and solar, and yes, you must find a way to organize a drilling program that, in essence, allows States to opt in. Floridians may have a different perspective, New Yorkers and Californians as opposed to Midwesterners. We know that we must become energy independent, but the loyal opposition has one song, one dance, and it won't work.

Then, of course, when you talk about how much affection we have for our veterans, it's the Democrats who fought and fought and fought to get the first GI bill of rights since World War II to give the opportunity to our returning Iraqi veterans more than the yellow ribbons. We want to give them an opportunity for education and home-buying. We want to give them a leg up. I have legislation to declare a national day of honor so that people don't come home when the lights are off, that we welcome our returning soldiers home with a day of honor and celebration in every Hamlet City and everywhere in America. That's what Democrats are thinking out of the box. That's why we want to make a difference, not just the loyal opposition to a fault.

Then, of course, we hear talk of Fannie Mae and Freddie Mac. It so happens that the collapse came under this administration, and my fear is that, as the government seizes it in the dark of night on the weekend when Members of Congress are not here, what special contractors will get the deal? Who is going to benefit from seizing it? Of course I want to stabilize the housing market. Of course I want the hard-working real estate persons across America to work, but let me say that the Democrats are standing up and are being counted on behalf of the American people on health care, education, energy, and otherwise, our loyalty is to them.

#### THE HIGHWAY TRUST FUND

The SPEAKER pro tempore. The Chair recognizes the gentleman from Arizona (Mr. FLAKE) for 5 minutes.

Mr. FLAKE. This week, the Senate is expected to approve an \$8 billion bailout of the highway trust fund. We already passed that in the House here in July, and at that time, myself and 36 other Members opposed it. At the time, we were backed by both the adminis-

tration and by the Secretary of Transportation.

For years, Congress has known that the highway trust fund was losing its purchasing power. The Federal law gas tax of 18.4 cents has not been increased since 1993, and high fuel efficiency standards have meant fewer fill-ups. Then, of course, earlier this summer, fewer vacations were taken; fewer miles were driven. That means less money for the highway trust fund, but this concern has gone back for years. In fact, when we did the 2005 highway bill, there were many who stood up and who said we're authorizing more projects, more funding than we will have in the highway trust fund, but what did we do? We didn't take any action to solve the problem. Instead, we more than tripled the number of earmarks in SAFETEA-LU, which was the last highway authorization program that we did in 2005 for the 5-year period that we're now in.

So here we are 3½ years later, just a year before our next reauthorization, and we're out of money to cover the projects that we've authorized, but contrary to the example we've seen throughout this Congress, a bailout shouldn't be the answer to every shortfall. No effort, for example, has been made to rescind any of the 6,300 earmarks that were in the highway trust fund, of course, the most famous of which was the bridge to nowhere. That money was rescinded or at least the authorization to spend on that project was taken away by the Congress, but we've made no effort on any of the other 6,300 earmarks in the bill. We need to do so.

The Secretary of Transportation had indicated earlier this summer that, if we were to take funding from the earmarks that have not yet been funded in the bill, it could relieve the pressure that we now have on the highway trust fund, but we haven't done it. Instead, we're simply saying go ahead and fund all of those transportation museums and all of those projects that have very little or nothing to do with moving people. We're saying go ahead and fund them. We'll just take the money from the Treasury now instead of from the highway trust fund. That is a very, very dangerous precedent to set. Whenever you load up a bill with 6,300 earmarks, the process of logrolling takes effect. That's why you only had, I believe, eight votes against the highway bill back in 2005 and, I think, only three votes against it in the Senate. It's because, if you lard it up enough and if you have enough buy-in, very few people will vote against it or will oppose it.

If you start taking money from the general fund and if you don't have any kind of ceiling that was provided at least by the highway trust fund, then Katy Bar the door when it comes to spending. There's no ceiling. There's no discipline. We can not get in this position where we're robbing from the general fund to fund highway projects delineated by Members of Congress but

earmarked by Members of Congress, because there will simply be no discipline on the process.

So I would urge the President to take the position that we shouldn't take money from the general fund, to veto this legislation when it comes, and I would urge the House as we prepare to reauthorize the highway bill just a year from now to take a different approach—to look at public-private partnerships and other methods—so we simply don't get in the position where we have thousands and thousands and thousands of earmarks that mean we have a bill that we can't fund and where we will again be robbing from the general fund to fund these projects.

#### HIGH ENERGY PRICES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. SHIMKUS) for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, it's great to be back in the Chamber with the microphones on and with the lights fully ablaze and with our guests in the gallery and with cameras rolling.

For the past 5 weeks, I along with 135 of my Republican House colleagues have been on the floor, talking to our guests in the Chamber, talking about the number one issue facing America today, which is high energy prices. It was a very good exchange and a chance to not only talk about energy and where we're at and where we need to go in the future but also to visit with many of our guests here in Washington, D.C.

The major premises that we had when we left on the 1st of August are still true today. We have no comprehensive energy plan or policy. Even though gas prices might be stabilizing, they're stabilizing because the economy is going down. Eighty-four thousand jobs have been lost, all directly related to high energy costs. Think of it. In the aviation industry, in the transportation industry and in the automobile industry, those jobs have been lost because of high energy prices. So here is what we've been talking about over the past year.

Here is the problem. The problem is, when President Bush came into office, the price of a barrel of crude oil was \$23. Actually, when I came into office, it was \$10 a barrel. When the Democrats came in in January, it was at \$58. Today—and I update this daily—the price of a barrel of crude oil is \$104.13.

All we're trying to say here from our side of the aisle is this is not a good trend. This is not a direction in which we want to continue if we want to have a thriving economy, one that all of the people of our country can benefit from. I represent rural America. I represent 30 counties of southern Illinois, and it's really those in the rural communities who have to drive long distances to get to work, to get to school, to access health care; there's no public transportation; they're working in the fields; they drive big trucks. They're the ones

who are harmed, I think, exponentially greater than those in major metropolitan areas. So this is not a good trend.

So what is the solution? One solution is to bring on more supply. On this chart, we identify some of those supply options that we have in this country that we fail to access, and I had a bigger chart earlier. One that we hear a lot about is the Outer Continental Shelf. We only drill and explore in 15 percent of the Outer Continental Shelf, and we don't want to just up that to, maybe, 30 percent, which are some of the proposals coming from the other side of the aisle. We want to open up the entire Outer Continental Shelf. We want all of the above. We want to open up the eastern gulf. We want to open up the eastern seaboard of the Atlantic. We want to look at what's on our west coast. We want to make sure that there are billions of barrels of oil and the trillions of cubic feet of natural gas we can find and that we can access so we can help bring on more supply, U.S. supply. When we do this, this is U.S. energy and this is U.S. jobs, which is what this country needs.

Another resource that we have is coal. The United States has more coal reserves than any country on Earth today. In Illinois alone, we have 250 years worth of recoverable coal. We should access that for electricity. In Illinois, 70 percent of our electricity is by coal-fired power plants. Nationally, as a whole, 50 percent of all electricity is generated by coal. We can take coal and turn it into liquid fuel, thus competing with gasoline, thus competing with diesel fuel, thus competing with aviation fuel by having a new commodity product to compete with crude oil. We can move to solar and wind. That's part of the solution. That is more supply. We can look at renewable fuels like biodiesel and ethanol—ethanol from corn, ethanol from cellulosic feedstocks.

The big debate here is: What do you do with the Outer Continental Shelf? Here is a bigger chart. All of this red area is off limits by our design here in the House of Representatives. We have said annually for the past 30 years “no” to going after oil and gas in those areas. We are at a crisis time. This debate which will be on this floor is: Do we open up a little bit more or do we open up the whole thing? My position and that of the majority of people in my country is “all of the above.”

#### THE AMERICAN ENERGY ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. KELLER) for 5 minutes.

Mr. KELLER of Florida. Mr. Speaker, I rise today to address the problem of skyrocketing gas prices. When single moms in Orlando, Florida are paying \$80 to fill up their minivans, this is a crisis.

I spent my time in August touring the northern slope of Alaska to learn more about the oil drilling situation as

well as touring the Florida Solar Energy Center in Central Florida where they have the cutting-edge solar energy technology of tomorrow.

The straight talk is we need a comprehensive approach to address this energy crisis. We need more drilling here in America, in both Alaska and offshore. We need more renewable energy like wind and solar. We need more conservation like hybrids and higher fuel efficiency standards for our cars. We need all of the above. That is why I am proud to be the cosponsor of the American Energy Act. It's also why the American people deserve an up-or-down vote in this Congress on the American Energy Act.

Now, those who say “no” to drilling completely ignore the facts. The main component of a price of gasoline is crude oil. Crude oil is a commodity governed by the law of supply and demand. Therefore, we must increase our supply of crude oil and reduce our demand. Well, where is the largest untapped source of crude oil in America? It's in Alaska, in a place called ANWR.

The critics say three things: Don't let us drill in ANWR because it's only a trivial amount of oil. It will ruin the pristine wilderness, and it will hurt the wildlife in that area, particularly the caribou and the polar bears. I went there on a factfinding mission to find out the answers to those questions myself. Let's address each one.

Is it a trivial amount of oil? I learned from our independent experts and employees of the U.S. Department of the Interior that there are 10.4 billion barrels of crude oil under the lands in ANWR. 10.4 billion barrels of oil are enough to provide all of my home State of Florida with its energy needs for 29 years. 10.4 billion barrels of oil are enough to pump 1 million barrels of oil a day every single day for the next 30 years. Does that sound like a trivial amount of oil to you?

The next thing I heard is it will ruin the pristine wilderness area. Well, I stood right here in the only village in ANWR called Kaktovik, and I looked south from the Arctic Ocean, and I didn't see any trees. It's a flat, frozen, barren tundra. It's 30 degrees in the middle of August, and it's 30 below in the winter. I sat there with the head leader from the Eskimo tribe, Mr. Fenton Rexford, and I said, “Where are the trees?” He says, “Well, Congressman, there's not a tree within 100 miles of where the drilling would take place.” So much for the pristine wilderness we hear about.

The next thing we hear is that we'll hurt wildlife. I learned from our fish and wildlife experts that, in reality, there are over 5,000 polar bears in Alaska and 800,000 caribou, and their numbers have increased every year for the past 30 years. In fact, in the current largest oil field in America, Prudhoe Bay, they started drilling in the mid-1970s. At the time, there were 3,000 caribou there. Now caribou have increased tenfold in Prudhoe Bay, and there are

over 30,000 caribou there. I saw them peacefully coexisting.

So, when you take away their real arguments and you see it firsthand that you can drill for oil and that you can do it in an environmentally friendly manner, what is the bottom line for why some of these environmental extremists don't want us to drill? Well, we don't have to guess. This is what the president of the Sierra Club says. His name is Carl Pope, executive director of the Sierra Club: "We are better off without cheap gas." They don't want gas prices to go down.

Tell the single mom in Orlando who just paid 80 bucks to fill up her minivan that she is better off without cheap gas. Tell the thousands of airline employees who just lost their jobs because of skyrocketing fuel that they're better off without cheap gas. Tell the people in Orlando, Florida who are losing their jobs in the tourism industry because tourism is down that they're better off without cheap gas. Tell the small businessman who has just had to lay off his employees because he can't make the payroll anymore because of gasoline prices that he's better off without cheap gas. Tell the school districts that are having to go to 4-day-a-week school because they can't afford the gas for their buses that they're better off without cheap gas.

Let's bring some sanity back into this program. Let's have a vote, up or down, on the American Energy Act. Let's have it right now, this month, before we adjourn.

#### FREE TRADE AGREEMENTS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. WELLER) for 5 minutes.

Mr. WELLER of Illinois. Mr. Speaker, I rise today to ask the question: Why is the House of Representatives withdrawing from trade? Why is the House of Representatives drawing away from our need to export products to good markets?

The economic statistics speak volumes. This past week, we saw 3.3 percent economic growth for the last quarter. We'd all like to see it better, but what was interesting was that, of that 3.3 percent economic growth, almost all of it, in fact 3.1 percent economic growth, resulted from trade and from exports. So the good news in the economy today is that we're expanding our exports, and if we did not have the opportunity to export products, our economy would really be in bad shape because it's the export market that's keeping this economy moving forward with manufactured goods, agricultural goods, services, and other products.

Today, we are fortunate to have 16 bilateral agreements with other nations, many in our own hemisphere in the Americas, and we're fortunate to enjoy a trade surplus with all of them. We voted on these trade agreements in the House. Those who opposed them said, you know, if we have trade agree-

ments, we always lose. Well, the interesting thing is, with the Dominican Republic-Central America Free Trade Agreement and with the Chilean Free Trade Agreement, we've seen the results. American farmers, American manufacturers and American workers are winning because we have a trade surplus with those countries today. In fact, we had a trade deficit with Central America before DR-CAFTA, and today, we have a trade surplus. So trade agreements win.

That's why I was so concerned when a spokesman for the Speaker of the House explained her refusal to schedule a vote on the Colombian trade agreement: You know, the economy is bad and trade agreements are bad for America. We can't have a vote on a trade agreement, because somehow that hurts us.

All you have to do is look at the facts, and you'll see that trade and exports are good for America. My State and the district that I represent in Illinois are trade dependent. We depend on exports to create jobs as does the rest of America whether it's union workers who make Caterpillar bulldozers in Joliet or in Decatur or in Peoria or whether it's farmers in Bureau County who are growing corn or soybeans. We depend on our exports, on the export market, to create jobs and to raise our incomes. Frankly, it's the export market today that's the engine of economic growth. We have before this House a good trade agreement. It's the U.S.-Colombia trade agreement. "Trade promotion agreement" is the technical term.

Colombia is not only the oldest democracy in Latin America; it is also the second largest Spanish-speaking country, a market of 42 million consumers. It's a country that has made tremendous progress. In fact, our ally Colombia, which is a democracy, has a very popular president. President Uribe is the most popular elected president in all of the Americas. He has an over 80 percent approval rating. Compare that with the United States House of Representatives, which, I think, has a 16 percent approval rating from our own citizens. Clearly, he has made progress. He inherited a civil war. He has made progress in reducing violence. He is bringing those who committed atrocities during the civil war, on both the left and the right, to trial to be held accountable. He is going after the narco-traffickers who have jeopardized the security of that country.

It's interesting to know that 71 percent of Colombians today say they feel more secure under President Uribe while 73 percent say Uribe respects human rights. Homicides are down 40 percent. Kidnappings are down 76 percent. In fact, the murder rate in Colombia is the lowest in 15 years, and it's actually lower than that of Washington, D.C.'s. So, if you're a citizen of Colombia, you're safer than a tourist or a citizen who is walking the streets of Washington, D.C. when it comes to being a victim of violence.

The bottom line is the U.S.-Colombia trade agreement is good for America. There are those who always oppose trade, and they always have an excuse. They say, you know, in the history of Colombia, there has been some violence, and everyone acknowledges that. President Uribe and his government have made tremendous progress. Then they say, well, there has been violence against labor leaders. Yes, there has been. President Uribe and everyone involved acknowledge that, but they've made tremendous progress. The bottom line is, under President Uribe, Colombia is a safer and better place.

Colombia deserves a vote. We need to bring the U.S.-Colombia trade agreement to this floor and to vote on it up or down. I believe it will pass with a bipartisan majority, and American workers will be the winners.

#### 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 11 o'clock and 13 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. CAPUANO) at noon.

#### PRAYER

The Most Reverend James A. Tamayo, Bishop of the Diocese of Laredo, Texas, offered the following prayer:

Heavenly Father, in Your wisdom, You created man and woman and called us to be stewards of Your creation. As this new day begins for the Congress of the United States, we invoke Your presence in our deliberations and activities.

We represent communities from diverse parts of this great Nation. Although we travel to our Nation's Capitol from different directions, as U.S. legislators, let us be steadfast in our solidarity to seek the common path that leads to the betterment of all people in our Nation.

Noble and valiant men and women of different cultures and ethnic heritages contributed to the establishment of democracy in the United States of America. Strengthen our resolve to do good. We accept the challenge to listen to one another, to support one another, and to respond generously to those most in need.

This we pray in Your Holy Name.

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 gentleman from Illinois (Mr. KIRK) come forward and lead the House in the Pledge of Allegiance.

Mr. KIRK led the Pledge of Allegiance as follows:

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

#### MESSAGE FROM THE SENATE

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

H.R. 6456. An act to provide for extensions of certain authorities of the Department of State, and for other purposes.

#### WELCOMING THE MOST REVEREND JAMES A. TAMAYO

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

Mr. CUELLAR. Mr. Speaker, I rise today to honor the Most Reverend James A. Tamayo, the Bishop of the Diocese of Laredo.

Bishop Tamayo has admirably served those of Catholic faith in the community of Laredo, Texas, for the past 10 years at San Agustin Cathedral, the oldest Catholic Church in south Texas. His passion for helping the religious community and his dedication to his calling has made Bishop Tamayo an essential part of the community in Laredo.

Bishop Tamayo came to heed the call of religious service by attending St. Mary's Seminary in Houston, Texas. From there, he graduated magna cum laude from the University of St. Thomas in Houston. After that, Bishop Tamayo became the Auxiliary Bishop of the Diocese of Galveston-Houston in 1993, and then went on to become Bishop of the Diocese of Laredo in 2000.

Bishop Tamayo currently serves on the Texas Board of Directors in the Texas Catholic Conference as well as the Texas Conference of Churches. He is a member of the Boy Scouts National Hispanic Initiative Committee, building upon the great relationship he has established with the youth in the interfaith community.

Mr. Speaker, I am proud to honor Bishop James A. Tamayo for his service to the Diocese of Laredo. Words cannot express how much he has done for the people of the city of Laredo and the surrounding communities. His quest to serve others and his desire to better the lives of those in Laredo is truly commendable.

I thank you for your time.

#### IT'S TIME FOR BALANCED AND FAIR TRADE

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

Mr. KAGEN. Mr. Speaker, I rise to bring to the country's attention something devastating that is happening in northeast Wisconsin. Our paper industry, the very industry that grew the jobs and grew the future of northeast Wisconsin, is being devastated because of unbalanced and unfair trade with Communist China, who continues to export illegal paper.

Just recently, a corporation called New Page closed the Kimberly Mill. You've heard of Kimberly-Clark and Kleenex. Well, Kimberly has had a mill since the 1890s.

I am going to present every morning and every evening the stories of real people and their real damages. And one of the families is Don Wendel and his wife, Ann, with their two children, Kathleen and Anthony. He worked there for 30 years. "Our daughter is a junior in high school, and the thought of paying for college with this uncertain future is daunting. We may have to sell our car we bought in March. It is shocking and disheartening that the owners, instead of researching options to make this mill profitable, made a quick decision to shut it down. It's causing such great devastation for everyone in Kimberly and throughout the Fox Valley in northeast Wisconsin."

Mr. Speaker, it's time we had balanced trade deals, not free trade.

#### SUPPORT NATO

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

Mr. KIRK. Mr. Speaker, our country rises to its potential when we support NATO, especially when an ally asks for help.

In August, the missile threat to our allies grew. Russia invaded Georgia and fired over a dozen ballistic missiles at her people. And Iran also tested its first space-launched rocket. In response, our Polish allies signed an agreement calling for a U.S. missile defense base. It will not only defend Europe, but also us.

Poland is a good ally, having sent 18,000 troops to Iraq, covering five provinces, and now surging support for U.S. troops in Afghanistan. But in July, the House gutted funding for the base in Poland. Without a Polish agreement, the House cut \$400 million. But now that agreement has been signed. Poland's foreign minister has asked for U.S. support, especially after Russia's President Putin threatened both Poland and Ukraine.

Tomorrow I will offer a defense appropriations amendment to refund the cuts made against Poland. If the les-

sons of the last century are clear, we know that America has fewer problems later if we support a friend like Poland now.

#### A COMPREHENSIVE ENERGY PROGRAM

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

Mr. WILSON of Ohio. Mr. Speaker, for far too long our country has suffered from the effects of this administration's lack of an energy plan.

This New Direction Congress has worked hard to set new standards for energy efficiency and independence. We enacted into law the first new vehicle efficiency standards in 32 years. These standards will actually save the average family \$1,000 a year.

We created a diverse portfolio of alternative fuel standards that, when combined with traditional energy sources, puts us on the right track to becoming less dependent on foreign oil. And we helped lower prices at the pump by pressuring the administration to suspend the deposit into the government reserve.

With these efforts we have made important steps. Much more needs to be done. We must come up with a more responsible energy policy that will provide relief for working families.

I believe that the solution to this problem requires Congress to focus on the Nation's efforts of encouraging innovation, while still using the abundant resources we have, like coal. I look forward to working on a comprehensive energy program this week and to make real progress for our Nation.

#### WE NEED AN ENERGY VOTE ON THE HOUSE FLOOR

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

Mrs. BLACKBURN. Mr. Speaker, we have all seen the dismal approval ratings the American people have given Congress. And who can blame them? My goodness, they have really grown so ill and fatigued of all the excuses they hear from our leaders. And that is why over the past 5 weeks, 137 Republicans have spoken here on the House floor in favor of American energy and in favor of solving this problem for the American people.

Although Congress was in recess and the lights were turned out and the microphones were off and the TV cameras were quiet, we brought our constituents onto this floor to demonstrate that we are willing and ready to go to work. And still, there is no vote, no vote scheduled on legislation to increase American energy development and to decrease our reliance on foreign oil.

Should Congress promote increased production of American energy? Should

we promote conservation and efficiency? Should we encourage the use of alternative and renewable fuels? The answer to all of the above is yes. That is why we need an "all of the above" energy strategy. We need a vote, Mr. Speaker. We need a vote on the House floor.

**RECORD GAS PRICES ARE A RESULT OF BUSH AND CHENEY—TWO OIL EXECS IN THE WHITE HOUSE**

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

Mr. YARMUTH. Mr. Speaker, the two people most responsible for our Nation's failed energy policy are the two oilmen in the White House—President Bush and Vice President CHENEY.

From their earliest days in the White House, they surrounded themselves with other executives from Big Oil. As Newsweek reported in 2001, "not since the rise of the railroads more than a century ago has a single industry placed so many foot soldiers at the top of the new administration." And when it came to actually creating an energy policy, Vice President CHENEY met in secret with oil executives in Big Oil in the Vice President's home.

This administration admits that 95 percent of its energy policy has now been enacted, so let's take a look at exactly what it has produced. Over the past 7 years, gas prices have more than tripled, while for 5 straight years now the major oil companies have amassed close to \$600 billion in profits. Meanwhile, our dependence on foreign oil has increased by 753 million barrels a year.

Mr. Speaker, House Democrats have rejected this failed policy and instead are working to pass legislation that will provide consumers relief while ending our dependence on foreign oil.

**PROMOTING THE PARTNERSHIP OF INDIA AND AMERICA**

(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 Nuclear Suppliers Group, an organization consisting of 45 nations working to reduce proliferation of nuclear weapons, announced that they had successfully implemented an agreement allowing for peaceful civilian nuclear cooperation with India. This is a great achievement for Indian Prime Minister Manmohan Singh and Ambassador to Washington Ronen Sen. There were individuals of good faith on both sides of this issue whose concerns were heard, and this latest step ends 3 years of negotiations.

The time to finalize the agreement is now. And we should recognize what a civilian nuclear agreement would mean for our Nation, for our energy needs,

and for our economy. The agreement will produce stable, clean power for the people of India, promoting the strong partnership with America. This nuclear agreement will mean more prosperity through new jobs and economic growth for India and America.

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

**RECORD GAS PRICES ARE A RESULT OF AN ENERGY POLICY WRITTEN BY AND FOR BIG OIL**

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

Mr. SIREs. Mr. Speaker, for 8 years now Washington Republicans have allowed Big Oil to run our Nation's energy policy. The result: record profits for oil companies and record gas prices at the pump for consumers.

All summer long, this Democratic Congress offered real solutions to provide drivers some relief. We proposed legislation to curb excessive speculation which would have reduced oil prices by \$20 to \$30 a barrel. House Republicans said no. We proposed legislation to tap the Strategic Petroleum Reserve. When the President's father took this action back in 1991, the price of oil immediately dropped \$8 a barrel. But again, House Republicans said no. We also proposed legislation that forced Big Oil to begin drilling on the 68 million acres of land they already have leases for. House Republicans once again said no.

Mr. Speaker, the record gas prices of last year are a direct result of failed Republican policies. It is time they face the facts so that we can work together and fashion some real relief at the pump.

**AMERICANS WANT TO DRILL HERE, DRILL MORE, DRILL NOW**

(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, 5 weeks ago, Democrats adjourned this Congress for a 5-week paid vacation without ever giving the bipartisan majority in this House that supports comprehensive energy legislation and includes more drilling a vote. But House Republicans never left. Republicans stayed here on the House floor because we know the American people are hurting. Senior citizens, school systems, working families, small businesses and family farmers are struggling under the weight of high gasoline prices. In fact, the American people know the high cost of energy is costing American jobs.

And so now today along comes the latest iteration of a Democrat energy bill. And as Congress awaits the unveiling of their latest effort, a plea to Speaker PELOSI and the House Democrats: No gimmicks, no fig leaves, no

half measures. The American people won't stand for it. The Democratic leadership must allow the bipartisan majority in this Congress that supports more drilling, more conservation, more alternatives, a fair up-or-down vote and debate.

Speaker PELOSI, respectfully, you can turn off the lights on the House floor, you can shut off the microphones, but you cannot silence the majority of the American people that want a comprehensive bill and want to drill here, drill more, drill now.

□ 1215

**DEMOCRATS LOOK TO JUMP START THE BUSH ECONOMY BY PASSING SECOND ECONOMIC RECOVERY PLAN**

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

Mr. JOHNSON of Georgia. Mr. Speaker, the news about the Bush economy gets worse each passing day. Just last week we learned that 84,000 more Americans lost their jobs in July, bringing the total number of job losses this year to a stunning 605,000.

Despite all this bad news, President Bush seems content to ride out the next 5 months without any action.

House Democrats recognize that middle class Americans can simply not afford to wait until next year for some real help. For 8 years now they have been forgotten by Republican economic policies that have overwhelmingly favored the wealthiest 1 percent. This month Democrats will work to enact a second economic recovery package that will help Americans who have lost their jobs or are barely making ends meet and give another boost to our economy.

Mr. Speaker, for too long Republicans have rubber-stamped the Bush economic policies that have put America in an economic hole. This month Republicans will once again have a choice: stand with the Bush/McCain plan for more of the same or take action to aid families who are struggling.

**MCCAIN-PALIN WILL BRING REAL CHANGE TO AMERICA**

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

Mrs. MILLER of Michigan. Mr. Speaker, over the past 2 weeks, we have seen both parties' commitment to change on full display.

BARACK OBAMA had the opportunity to make an historic choice and choose HILLARY CLINTON to join his ticket. But, oh, no. The "Old Boy Network" won out and Senator OBAMA went back on his commitment to change and reform by choosing a Senator who has been in Washington for over three decades.

Women understand this because we have seen it before. Sometimes no matter how hard you fight or how much

support you have, someone will always stand in your way, regardless of paying lip service.

Contrast that with the choice made by Senator JOHN MCCAIN. He chose a strong woman to join with him to bring real change to Washington. From the PTA to the city council to the mayor of Wassilla to the Governor of Alaska, Sarah Palin has broken down the Old Boy Network, rooted out corruption, cut taxes, reduced spending, and brought real change to government. And now we see Senator OBAMA and his Democratic allies trying to tear her down and destroy another strong woman.

But the women of America will not be fooled and they will not be held back any longer. JOHN MCCAIN and Sarah Palin will bring change and reform to Washington and will finally shatter that seemingly unbreakable glass ceiling.

#### HOUSE REPUBLICANS AND BIG OIL

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

Ms. BERKLEY. Mr. Speaker, despite the disaster of the Bush-Cheney energy plan, House Republicans continue to insist on the same old energy policy that favors bigger profits and more breaks for Big Oil. Rather than working across the aisle to provide much-needed relief at the pump, House Republicans have blocked every effort to responsibly invest in renewable energy and take the one action that would have brought down gas prices immediately, releasing oil from the government's own stockpile.

This week House Republicans will have an opportunity to prove that they really do support all-of-the-above energy strategies. We hope to bring a comprehensive energy package to the House floor that promotes efficiency, conservation, invests in renewable sources of energy, and responsibly increases domestic supply by opening portions of the Outer Continental Shelf to drilling.

Mr. Speaker, House Republicans have a choice to make this week. They will stand by their own words by supporting this legislation or they will once again support Big Oil.

#### WITHOUT "HONOR"

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

Mr. POE. Mr. Speaker, there has been another tragic misapplication of the word "honor." In Pakistan a 17-year-old girl was killed by her parents last week because she wanted an annulment from an arranged marriage, a marriage that she was forced into when she was 9 years old. That's right, 9 years of age, the age when most girls still play on the playground, enjoy cartoons, stickers, and still play with dolls, the age

when little girls are still just little girls. Instead, at 9, Saira Bibi was robbed of her childhood and compelled to become the bride of a 45-year-old male.

After turning 17, Saira wanted out of her shotgun wedding and marriage; so she filed a legal suit, and eventually a judge granted an annulment. Unfortunately, Saira was only able to enjoy her newfound freedom for moments because the very same parents who stripped her of her youth stripped her of her life. These parents hired killers who gunned down their daughter Saira as she was walking out of the courthouse in Pakistan.

This is only one example of many so-called "honor killings" in Pakistan recently.

Mr. Speaker, there is no honor in killing your children or murdering women in the name of religion.

And that's just the way it is.

#### REPUBLICAN FAILURES ON THE ECONOMY—AMERICA CANNOT AFFORD MORE OF THE SAME

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

Ms. WATSON. Mr. Speaker, with 8 straight months of job losses, the Bush economy has now shed 605,000 jobs this year. The state of our Nation's economy is a direct result of economic policies Washington Republicans have been waiting decades to implement. But it wasn't until they had control of all levels of power from 2001 to 2007 that they fully implemented their strategy. Middle class families are now paying the price.

For 7 years now President Bush and congressional Republicans have been looking out for the wealthiest few while 2.5 million more Americans are unemployed and nearly 5 million more Americans live in poverty. While the price of groceries, gasoline, and health care have all gone up, the purchasing power of a middle income salary has fallen over the last 7 years. Real wages have only grown .3 percent since 2000, compared to 7.7 percent growth during the Clinton years in the 1990s.

Mr. Speaker, middle class families fair much better economically when a Democrat inhabits the White House. The American people should support real change in November.

#### ASKING FOR AN UP-OR-DOWN VOTE ON ALL-OF-THE-ABOVE ENERGY PLAN

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

Mr. CARTER. Mr. Speaker, when you sit here and listen to what's been talked about, you wonder who's in charge of this House of Representatives. Well, the Democratic Party is in charge of this House of Representatives. They have the majority.

We have heard today that the Republicans blocked the Democrats' plan.

How did that happen? Democrats have the majority. It must have been some of the folks on their side of the aisle thought their plan wasn't very good or else they would have passed their plan. They can pass anything they want to. The majority rules in this House.

But the reality is those things that were brought forward were brought forward without any input from the Republican side at all.

Now we hear we are going to get an energy plan today. I would be willing to bet my whole life that there is not one person who has checked with our committee chairman or anybody else. This plan is NANCY PELOSI's plan written while she was on vacation selling her book, and she has come back to deliver it to us, take it or leave it. No wonder the Republicans wonder what in the heck is going on on energy.

We ask for an up-or-down vote on the all-of-the-above energy plan that has been discussed for the last 5 weeks.

#### REPUBLICAN FAILURES ON THE ECONOMY—AMERICA CANNOT AFFORD MORE OF THE SAME

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

Mr. PAYNE. Mr. Speaker, Americans everywhere are feeling the pain of 8 years of Republican economic policies. Since President Bush took office in 2001, American taxpayers have witnessed the largest increase in spending under any President since the Great Depression. Thanks to a tax policy that has overwhelmingly favored the wealthiest 1 percent, President Bush has been forced to borrow more money from foreign nations like China and Japan than all 42 of his predecessors combined. Through their recklessness, the Republicans turned a healthy budget surplus left by President Clinton into one of the most dismal economic records in history.

Last week we had another reminder that the Bush economy is not producing any new jobs. In the year 2000, the Clinton economic plan created 1.4 million jobs in the first 8 months of that year. During the same period of this year, President Bush's policies have led to our economy losing over 600,000 jobs.

Middle class workers in my State of New Jersey and around the Nation are not only worried about job security, they are concerned about how to get by, when the median household income has fallen by \$1,000 since President Bush took office.

We must change and turn this around.

#### A START TO LOWERING GAS PRICES

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

Mr. BOUSTANY. Last week a powerful hurricane hit southern Louisiana.



First I want to thank all the volunteers and workers who are helping in this recovery effort.

Hurricane Gustav, as Hurricane Ike threatens to do, highlights the importance of American energy production in the Gulf of Mexico. Dangerously, America remains just one major storm or one geopolitical act from another major hike in the price at the pump.

Gas prices affect our food prices, the economy in general, and people's pocketbooks directly.

Throughout August I joined my fellow House Republicans in urging Speaker PELOSI to bring Congress back to session to help American families struggling with dramatically high gas prices. She refused. But now we can act.

We can increase our own energy supply, become less dependent on foreign sources of oil, create good, high-paying American jobs. We can do this. Many of these energy jobs are going overseas, but we can keep them right here in America. By harnessing all of America's vast resources, we can help Americans in the short term and into the future.

Let's do the responsible thing. Let's open up parts of our deepwater coasts for energy exploration, and let's begin to reduce the price at the pump. We can take control of our energy future, which is our economic future. We can lower families' anxiety, but Congress must act to increase American energy production across the board now.

#### WITHOUT ACCOUNTABILITY, A DEMOCRACY WILL FAIL

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

Mr. McDERMOTT. Mr. Speaker, for the last 2 years I have struggled with the issue of whether the House should impeach a sitting President. Next to declaring war, impeachment is the gravest matter the House of Representatives must consider. I fully understand the gut-wrenching consequences of such a national debate that could precipitate.

Yet there is one fact we cannot overlook or escape. America cannot regain its moral leadership in the world if America cannot hold its leaders accountable for their actions at home.

The allegations that could warrant impeachment keep growing. They have been illuminated in recent books, including "The Way of the World" by Ron Suskind; the book by Vincent Bugliosi; and the new book by Bob Woodward, "The War Within."

Over 5 years ago, I tried to place asterisks in the CONGRESSIONAL RECORD next to the statements about Iraq the President made to Congress. I was attacked for saying the President would mislead us into the war. But the American people ultimately learned the truth. There seems to be no end to the allegations, and we have a responsi-

bility to investigate their authenticity. That's why I am signing onto a resolution to consider impeachment of the President. Without accountability, a democracy will fail.

#### THE AMERICAN PEOPLE CANNOT AFFORD TO WAIT FOR AN ALL- OF-THE-ABOVE ENERGY STRAT- EGY

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

Mr. McCOTTER. Mr. Speaker, in August the high price of energy helped cost 84,000 Americans their jobs; 39,000 auto manufacturing jobs in the State of Michigan alone were reported lost.

The response of this Democratic Congress was to take a 5-week paid vacation at taxpayer expense without doing anything on the price of energy.

What we have asked for repeatedly in this Chamber, and even through the recess by taking to the floor, is for an all-of-the-above energy strategy that includes maximum American energy production, commonsense conservation, and free market green innovations. It is time for a vote on this commonsense bipartisan proposal. The American people cannot afford to wait.

Instead, we see a Speaker who had time to write a book now coming to us finding time to write a new energy proposal unilaterally.

All we ask for is a vote on existing legislation. Again, Mr. Speaker, the American people cannot afford to wait.

#### AMERICA NEEDS TO TAKE OUR FOREIGN POLICY IN A DRAMATI- CALLY NEW DIRECTION

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

Mr. PALLONE. Mr. Speaker, later this week will mark the seventh anniversary of the 9/11 terrorist attack on our Nation. In the days after 9/11, Washington and the world united to respond to that attack by going after al Qaeda in Afghanistan. It was a success. But rather than continue that quest, President Bush chose to turn his attention and the attention of our military to Iraq.

This was a huge foreign policy mistake that has stretched our military dangerously thin, left us unprepared for possible threats, damaged our credibility around the world, and allowed al Qaeda to regroup and become stronger along the Pakistan-Afghanistan border. Rather than focus on the greatest threat of terrorism along the Pakistan-Afghanistan border, the Bush administration has consistently diverted resources to Iraq.

Mr. Speaker, as we remember the 9/11 attack this week, it's important that we recognize the foreign policy failures of the last 8 years so that we don't repeat them in the future. We must also recommit ourselves to going after the terrorists where they are, and that is

the Afghanistan-Pakistan border, not Iraq.

□ 1230

#### "ALL THE ABOVE"

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

Mr. BARRETT of South Carolina. Mr. Speaker, during August, I traveled throughout my district and heard firsthand from my constituents who are suffering due to high gasoline and diesel prices. Everywhere I went, I heard stories from individuals and businesses struggling to make ends meet. One business owner I spoke with told me, "The recent energy crisis has definitely impacted business in a major way and, unfortunately, will ultimately affect the everyday consumers of our products as a result of higher prices."

Mr. Medford said that significantly higher shipping, transportation, and raw material costs are causing his bottom line to rise in his business, and this causes the consumer, of course, to pay more.

Mr. Speaker, we need to take action now. Any energy legislation we consider should take advantage of an "all-of-the-above" approach to solving our Nation's energy problems. On behalf of Mr. Medford, countless business owners, the American consumers, and the people of the Third Congressional District in South Carolina, bring comprehensive energy legislation to the floor now.

#### MEDIA FAIRNESS

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

Mr. SMITH of Texas. Mr. Speaker, according to a recent Rasmussen poll, more than half of U.S. voters now think reporters are trying to hurt Governor Sarah Palin with their news coverage, while a scant 5 percent think reporters are trying to help the VP candidate with their coverage.

The encouraging development is that the American people are letting the media, from MSNBC to Us Weekly to Oprah, know that they will not stand for slanted election coverage. By sending e-mails, canceling subscriptions, and contacting advertisers, they are making their voices heard.

This is an important development. The American people know that they do have a say in the media's coverage. For all those who are dissatisfied with the election coverage, I urge you to contact your local and national media outlets and demand the highest standards of journalistic integrity.

#### 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 at a later time.

#### RECOGNIZING THAT WE ARE FACING A GLOBAL FOOD CRISIS

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 344) recognizing that we are facing a global food crisis, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

#### H. CON. RES. 344

Whereas according to the United Nations, over 850,000,000 people in the world are chronically or acutely malnourished, and over 300,000,000 of these are children;

Whereas the 2000 United Nations Millennium Development Summit called for halving the proportion of hungry people in the world by the year 2015, but progress reaching this goal has been slow, and, according to the United Nations Food and Agricultural Organization, only the Latin American and Caribbean region has been reducing the prevalence of hunger quickly enough to reach this target;

Whereas every year, malnutrition caused by chronic hunger leads to the death of an estimated 5,600,000 children under 5 years old;

Whereas, according to UNICEF, an estimated 146,000,000 children, or roughly one in every four children under 5 years old, are underweight;

Whereas hunger and malnutrition weaken the immune system, and as a result treatable diseases pose a greater risk to malnourished children;

Whereas even temporary deprivation of essential nutrients can have a lasting impact on children's physical growth and intellectual potential;

Whereas children who are only mildly underweight are twice as likely to die of infectious diseases as children who are better nourished, and children who are moderately or severely underweight are 5 to 8 times more likely to die of infectious diseases;

Whereas according to a study conducted by the United Nations Food and Agriculture Organization, 45 percent of children who died after contracting measles were malnourished, as were 60 percent of children who died after contracting severe diarrhea;

Whereas chronic hunger and undernutrition can lead to growth retardation (stunting), affecting an estimated 168,000,000 children under the age of 5 in developing countries;

Whereas some 42 percent of children under the age of 5 are stunted in the least developed countries, compared to 30 percent globally;

Whereas women whose growth was stunted face ongoing health complications as adults, are more likely to have obstructed labor, are at greater risk of dying during childbirth, and are more likely to deliver children who are premature and stunted;

Whereas stunted growth has also been linked to diminished work capacity and higher propensity to diseases, including diabetes and heart disease, in adults;

Whereas the global community is currently facing a food crisis, with food prices doubling over the past 3 years and rising 65 percent between January and April 2007 alone, and the World Bank has estimated that the emergency situation could push 100,000,000 people in low-income countries deeper into poverty;

Whereas in times of food crisis, families often must cut more expensive foods, such as meat, fruit, and vegetables, from their diets, instead relying on less nutritious staples such as rice and maize, foods without the nutrients necessary for proper child growth;

Whereas, on June 3, 2008, through June 5, 2008, more than 180 countries, including more than 40 heads of state and more than 100 ministers, attended and participated in the High Level Conference on World Food Security in Rome, Italy;

Whereas at the High Level Conference on World Food Security, the participating countries pledged to increase their assistance for developing countries, in particular least developed countries and those that are most negatively affected by high food prices; and

Whereas the G8 member states declared at the 2008 Hokkaido Toyko Summit their commitment to addressing urgent needs of the most vulnerable people suffering from the global food crisis and to increasing investment in long-term agricultural development and for programs that respond to the underlying causes of food insecurity: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—*

(1) in emergency situations, children have different needs than those of adults, and nutritional deficiencies disproportionately affect children;

(2) in the context of the current global food crisis, the nutritional needs of children must be a humanitarian priority; and

(3) the United States and the other G8 member states should continue to monitor the impact of the global food crisis on children and commit to increasing their assistance to respond to the global food crisis, and specifically, responding to the needs of children impacted by the global food crisis.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

#### GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Ms. JACKSON-LEE of Texas. I yield myself such time as I may consume.

Let me indicate to my friends and colleagues that I thank the chairman of the full committee on Foreign Affairs, Mr. BERMAN, and the ranking member, Congresswoman ROS-LEHTINEN, for their collaborative effort in this legislation that I am now offering today, and it is interesting that we bring this legislation to the floor of the House at a time that we have watched the Caribbean being ravaged by one hurricane after another.

One of the most unfortunate scenes or incidences that have occurred is the constant beating, if you will, of the island of Haiti, the nation of Haiti, a long-time ally and friend of the United States.

My legislation speaks to prioritization of children during the food crisis and this global food crisis that has been occurring over the last couple of months. Now, more than ever, with the ravaging of Haiti through the Hurricanes Ike and Gustav, we know that children are suffering. There are places in Haiti where rescue teams for food and water cannot even rise or locate or be able to reach. Therefore, I rise today to speak to an issue as fundamental as our basic needs as human beings, and that is the travesty that we must address. But, unfortunately, we have to do so.

We are facing a global food crisis, now compounded by natural disasters. Furthermore, this food crisis is not only having a wide impact in countries far away, but also right here at home in our hemisphere.

In a nation with plenty, many of our children are going to bed with nothing to eat. Tackling worldwide hunger is a moral imperative which threatens the political and economic stability of a multitude of developing nations. The recent dramatic increase in food prices will continue to have a destabilizing affect in already unstable regions of the world where so many lives are already vulnerable to ongoing conflicts and political turmoil.

According to the United Nations, over 850 million people in the world are chronically or acutely malnourished, and over 300 million of these are children. The statistics are both shocking and tragic. Can you imagine the impact now with the natural disasters. Globally, a child dies every 7 seconds. Malnutrition caused by chronic hunger leads to the death of an estimated 5.6 million children under 5 years old, and roughly 1 in every 4 children under 5 years old is underweight.

Rising food prices have precipitated a crisis situation. On March 20 of this year, the U.N. World Food Program made an urgent appeal to the United States and other food aid donors for an additional \$500 million to fill a funding gap caused by rising food and fuel prices. Since then, this gap has expanded. It is now an estimated \$755 million.

As food prices rise, children are the first to suffer. Hunger is a condition of poverty. Living below poverty puts tremendous strains on a household, giving families barely enough money to purchase healthy and nutritious foods, as well as other essentials of life. Nutrition research shows that as income goes down, the nutritional adequacy of the household's diet goes down as well.

According to the data released by the U.S. Census Bureau, 50.9 million people, or 17 percent of all Americans, if we can imagine, lived on less than 125 percent of Federal poverty level in 2007.

This is the “borrow from Peter to pay Paul.” This is people who probably are suffering, even with food stamps. This means they are income-eligible for most Federal nutrition programs like food stamps and other child nutrition programs. These programs can help families and children stretch their food dollars and get access to healthy foods.

To set the poverty level, the U.S. Census Bureau uses a set of income thresholds based on the Consumer Price Index. In 2007, the Federal poverty guideline for a family of four was \$21,203. The new Census data shows that 37.3 million persons, or 12.5 percent of our population, lived in poverty. My friends, it is happening worldwide, including the United States of America.

Children continue to be the poorest age group in the country, with 13.3 million children, or 18 percent of all children under age 18, were poor; a larger percentage than any other group; 20.8 percent of related children under age 6 in families lived in poverty; 9.7 of all Americans 65 and over, or 3.6 million elderly, were poor; and the poverty rate for non-Hispanic whites was 8.2 percent, 24.5 for African Americans, 21.5 for Hispanics, and 10.2 for Asians.

As the Chair of the Congressional Children’s Caucus, I am particularly concerned about the devastating impacts that hunger and malnutrition have on children. Mr. Speaker, I have been in the feeding camps of Africa. I have watched as they have come in trucks to be able to deliver the food. I am sympathetic, and I understand when people are hungry, but the stampede of adults stampeding past children, or even sometimes the children being used to get more food and not having it distributed, is an issue.

Lack of adequate nutrition stunts children’s growth, leaves them more vulnerable to numerous diseases, and affects their ability to learn. Even temporary deprivation of essential nutrients can have a lasting impact on children’s physical growth and intellectual potential. Under current conditions, more and more children face the prospect of growing up malnourished.

On May 7, with the help of 46 of my colleagues, I introduced H. Con. Res. 344, recognizing the global food crisis, the disproportionate effect rising food prices have on children, and calling for the prioritization of the nutritional needs of children.

My resolution calls for the United States and other G8 nations to continue to monitor the impact of the global food crisis on children and commit to increasing their assistance to respond to the global food crisis, and, specifically, responding to the needs of children impacted by the global food crisis.

I hope in the passage of this legislation that a statement can go forward to those who are helping in sending humanitarian aid to Haiti and others in the Caribbean that we get a focus on the children during this, if you will, this disaster.

It is important to note that along with the Global Health Caucus and the Foreign Affairs Subcommittee on Africa and Global Health, we held a briefing on the effect of the global food crisis on children. We heard from UNICEF, the World Food Programme, Save the Children, World Vision, Christian Children’s Fund, and the Congressional Hunger Center, and Danny Glover, all emphasizing the importance of this issue. Therefore, I look forward to continuing to focus on this, with rising food prices, families in needs, the loss of nutrition, and yes, the amount of children that suffer.

Mr. Speaker, I think it is important to note that when we think, we should think of children who are constantly suffering, being able to have cups of milk, which emphasizes why it is important to ensure that children don’t look like this who are here and around the world.

My predecessor, Congressman Mickey Leland, died in Ethiopia, as I always say, on the side of an Ethiopian mountain, because he was trying to end world hunger. In his name and those who have gone on, the Congressional Hunger Center, it is important to recognize the children.

I want to thank my colleagues, Representatives MCGOVERN, PAYNE, MCCOLLUM, and BLUMENAUER, for their work on hunger and water issues, and I ask my colleagues to support this legislation.

Mr. Speaker, I rise today to speak of an issue so fundamental to our basic needs as human beings that it is a travesty that we must address it—but unfortunately we do. We are facing a global food crisis. Furthermore, this food crisis is not only having a widespread impact in countries far away, but also right here at home and in our hemisphere.

In a nation with plenty, many of our children are going to bed with nothing to eat. Tackling worldwide hunger is a moral imperative which threatens the political and economic stability of a multitude of developing nations. The recent dramatic increase in food prices will continue to have a destabilizing effect in already unstable regions of the world where so many lives are already vulnerable to ongoing conflicts and political turmoil.

According to the United Nations, over 850 million people in the world are chronically or acutely malnourished and over 300 million of these are children. The statistics are both shocking and tragic: globally, a child dies every 7 seconds, malnutrition caused by chronic hunger leads to the death of an estimated 5,600,000 children under 5 years old, and roughly one in every four children under 5 years old is underweight.

Rising food prices have precipitated a crisis situation. On March 20 of this year, the U.N. World Food Program made an urgent appeal to the United States and other food aid donors for an additional \$500 million to fill a funding gap caused by rising food and fuel prices. Since then, this gap has expanded, and is now an estimated \$755 million. As food prices rise, children are the first to suffer.

Hunger is a condition of poverty. Living below poverty puts tremendous strains on a household, giving families barely enough

money to purchase healthy and nutritious foods, as well as other essentials of life. Nutrition research shows that as income goes down the nutritional adequacy of the household’s diet goes down as well.

According to data released by the U.S. Census Bureau, 50.9 million people, or 17 percent of all Americans, lived on less than 125 percent of the Federal poverty level in 2007. This means they are income-eligible for most Federal nutrition programs, like food stamps and other child nutrition programs. These programs can help families and children stretch their food dollars and get access to healthy foods.

To set the poverty level, the U.S. Census Bureau uses a set of income thresholds based on the Consumer Price Index. In 2007, the Federal poverty guideline for a family of four was \$21,203.

The new Census data shows that 37.3 million Americans—or 12.5 percent of our population—lived in poverty in 2007. Children continued to be the poorest age group in the country: 13.3 million children, or 18 percent of all children under age 18, were poor—a larger percentage than any other age group; 20.8 percent of related children under age six in families lived in poverty; 9.7 percent of all Americans 65 and over, or 3.6 million elderly, were poor. The poverty rate for non-Hispanic whites was 8.2 percent, 24.5 percent for blacks, 21.5 percent for Hispanics, and 10.2 percent for Asians.

As Chair of the Congressional Children’s Caucus, I am particularly concerned about the devastating effect that hunger and malnutrition have on children. Lack of adequate nutrition stunts children’s growth, leaves them more vulnerable to numerous diseases, and affects their ability to learn. Even temporary deprivation of essential nutrients can have a lasting impact on children’s physical growth and intellectual potential, and, under current conditions, more and more children face the prospect of growing up malnourished.

On May 7, 2008, with the support of 46 of my colleagues, I introduced H. Con. Res. 344, legislation recognizing the global food crisis and the disproportionate effect rising food prices have on children, and calling for the prioritization of the nutritional needs of children.

My resolution calls for the United States and the other G8 member states to continue to monitor the impact of the global food crisis on children and commit to increasing their assistance to respond to the global food crisis, and specifically, responding to the needs of children impacted by the global food crisis.

In addition, the Congressional Children’s Caucus, together with the Global Health Caucus and the Foreign Affairs Subcommittee on Africa and Global Health, held a briefing on the effect of the global food crisis on children. Members of Congress heard from panelists from UNICEF, the World Food Programme, Save the Children, World Vision, Christian Children’s Fund, and the Congressional Hunger Center, as well as special guest Danny Glover, to galvanize the United States Congress to take action on this important issue.

As a senior member of the Congressional Black Caucus, I will be hosting the Children Issue Forum on September 25, 2008. The panel will be on the Global Food and Water Crisis. I will again convene experts on this crisis, not only to look at how we arrived at such

disastrous food levels but how we solve this issue.

As a result of rising food prices, families throughout the world, particularly in developing nations but also here in the United States, are increasingly facing a decision between quantity and quality when buying food. With incomes stretched thinner by the day, many families must either buy significantly smaller quantities of food, or purchase less nutritious food. In times of food crisis, families face cuts in expensive foods, such as meat, fruit, and vegetables.

The loss of these nutritious foods, in favor of cheaper staples such as rice and maize, is extremely detrimental to children's development, putting them at greater risk of disease or stunted growth. The full extent of the consequences of deprivation of vital nutrients during essential stages of growth is not known. However, it is clear that once children's growth is stunted by malnutrition, they do not catch up to their peers.

While it is important that we respond to the emergency we currently face, our solutions must take a long-term view as well. We cannot simply provide increased food aid; we must address the root causes of chronic hunger by addressing systemic problems with food production and food prices in the developing world. If we do not, we risk finding ourselves facing recurring food crises in the coming years.

In the midst of this current food crisis, I am reminded of my distinguished predecessor, Congressman Mickey Leland. In 1989, Congressman Leland lost his life in Ethiopia, fighting the same battle against global hunger that we continue to face today. It is tragic that, in the year 2008, we still have not learned to draw the links between hunger, violence, and instability. I thank my colleagues Representatives MCGOVERN, PAYNE, MCCOLLUM and BLUMENAUER for their work on hunger and water issues. But we cannot leave this to only a few Members, we must all work together now, and we must find a way to win the war on hunger.

I reserve the balance of my time.

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

Mr. Speaker, today I rise in support of House Concurrent Resolution 344, which recognizes the impact that the global food crisis will have on vulnerable children in the developing world. This resolution reminds us all that the children of impoverished families are suffering even more today as a result of the rapid worldwide increase in prices of basic foods in recent months, such as wheat.

All of us are facing rising food and energy costs in our own homes and families, but for many around the world those changes are a matter of life and death. When we see newspaper photos of dying children, we see the urgency of this crisis for countless families throughout our world.

I am pleased that the President and the Congress have taken concrete steps to help poor people facing this dire reality by increasing America's food aid. Notwithstanding the challenges we face in our own communities, it is a testament to the enduring generosity of the American people that we remain

the largest donor of food assistance in the world. Americans give of their wealth throughout the world, especially to people in need.

Many of the poorest people in developing countries work extremely hard to earn just a dollar or two every day, and then have to survive off that meager sum, managing somehow to find affordable food. It may be hard for some of us to imagine how difficult that is in other countries.

This resolution describes the food crisis and the many complications that children suffer as a result of lack of proper nutrition. It notes that 5½ million children under the age of 5 die each year due to malnutrition caused by chronic hunger. It reminds us that even if malnourished children don't starve to death, they face a heightened risk of dying of numerous infections, as well as lifelong impacts on their physical growth and intellectual potential.

With that in mind, this resolution states the nutritional needs of children must be a humanitarian priority in our response to the current global food crisis. I commend the gentlelady from Texas (Ms. JACKSON-LEE) for introducing this measure.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I have no further speakers.

In closing, I'd like to thank my 46 cosponsors and thank my distinguished friend from Texas for his support of this legislation. As well, having no further speakers, I would like to yield back and ask my colleagues to strongly support prioritizing children and helping us to end or to solve the global food crisis and the negative impact on the world's children and American children.

Mr. CONYERS. Mr. Speaker, I rise in support of H. Con. Res. 344 today and applaud the Congress for finally recognizing the serious human, economic, and moral impact the global food crisis has had on the world community. In particular, I want to recognize the author of this bill, the Gentlewoman from Texas, Ms. SHEILA JACKSON-LEE, for her continuing advocacy on behalf of the many millions of hungry people around the world; people whose stories often go untold in our public debate.

Mr. Speaker, I strongly support the course of action proposed in this resolution. Secretary-General Ban Ki-Moon should immediately convene a taskforce, composed of the heads of the United Nations aid agencies and the World Bank, to both address this growing crisis and close the \$755,000,000 funding gap for the World Food Programme. The 850,000,000 chronically or acutely malnourished human beings living on this planet demand nothing less.

If anything, the heavy toll borne by Haiti and other Caribbean nations during this hurricane season has only added to the urgency of holding such a meeting. Unless the world community crafts a serious, comprehensive aid plan that can be deployed in a quick and effective manner, the lack of access to clean water and food in these nations will lead to an untold and unacceptable loss of human life.

I also want to remind my colleagues that the global food price surge is hitting Americans here at home. According to the Department of Labor, prices for staples such as bread, milk, eggs, and flour are rising sharply, surging in the past year at double-digit rates. Milk prices, for example, increased 26 percent over the year. Egg prices jumped 40 percent. Chronic hunger and malnourishment are ailments that affect more than just the citizens of third-world foreign locales; they affect our neighbors, our children, and our parents.

In the long-term, our country must confront our contribution to this crisis. Although we have little control over sky-rocketing oil prices, we have the power to re-evaluate and improve our agricultural policy in ways that will ease the pain at the register for food consumers, both here and abroad. In particular, slashing some farm subsidies and ending de facto price controls that mainly benefit massive corporate farms would go along way towards lowering food prices. Our country can only afford to pay our farmers not to produce when prices are low and food is ample. In times like these, such subsidies may be a luxury we cannot afford.

In the meantime, I encourage the Congress to speak with one voice and endorse the multilateral engagement proposed in this resolution. While it alone will not solve this complex problem, it is a necessary and needed component of a successful and comprehensive strategy.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today in support of H. Con. Res. 344, which recognizes that we are facing a global food crisis. And I applaud Congresswoman JACKSON-LEE for bringing needed focus to the vast and spreading hunger epidemic.

In the last 3 years, global prices for basic staples such as rice, wheat and corn are up more than 80 percent. Many trends converged on this moment to lift global food prices to historic heights. Bad weather in developing countries, a shift toward biofuels in the West, underinvestment in agriculture by international donors, and growing demand in countries like China and India all contributed to the present challenge.

The result has been devastating for the poor. In some places, there is no food. In other places, food has become unaffordable. In Haiti, desperate people—moms and dads and kids—are literally eating mud to survive. They are making cakes of clay, salt and shortening because they cannot afford real food.

Over 1 billion people already live on less than 1 dollar per day. Skyrocketing food prices are forcing 100 million more people into deep poverty, erasing decades of progress in fighting poverty and creating a moral call to action a just Nation cannot ignore. Food riots have erupted in critical countries including Pakistan, Indonesia, Egypt and Afghanistan, destabilizing governments and threatening U.S. national security.

All of America's investments in global development are undermined by the food crisis. PEPFAR's drugs won't save starving people. Programs in education and child survival are essential, but they have little impact when most basic human need goes unmet.

The United States has responded with a generous commitment of emergency food aid. Yet, emergency aid will never get us ahead of what threatens to be an enduring challenge. Some of the trends that created the crisis may

ease, but others including climate change and growing demand for food will only accelerate. Congress must recognize that the nature of international hunger has changed due to changes in the global economy and environment. We must agree a new approach is needed from our government and international partners. And we must commit to a long-term strategy that prioritizes new and substantial funding to improve agricultural productivity in developing countries.

America's investments in global agriculture declined for years while other program budgets soared. In 1985, 12 percent of all U.S. official development assistance went toward agriculture. Thirty years later in 2005, agriculture's share was only 3 percent. This shift in resources is difficult to justify since the poorest countries have rural economies. When American aid is based on the recipient country's priorities, countries ask for agricultural support. More than half of all the funds committed by the Millennium Challenge Corporation to date are targeted toward agriculture and rural infrastructure.

American foreign assistance requires a more balanced approach that recognizes food security as a necessary precondition for all successful development efforts. This is the moment when our country should reclaim its traditional leadership role in fighting global hunger. The stakes are too high for half-measures. There will be no peace, no justice, no progress in a hungry world.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res 344, as amended.

The question was taken.

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

Ms. JACKSON-LEE of Texas. 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.

□ 1245

#### SENSE OF HOUSE REGARDING THE IMPORTANCE OF THE RED CROSS TO THE MILITARY

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 937) expressing the sense of the House of Representatives that the emergency communications services provided by the American Red Cross are vital resources for military servicemembers and their families, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 937

Whereas the emergency communications services provided by the American Red Cross

are free for military families experiencing a crisis;

Whereas the Red Cross can provide notification of emergencies and other important events to over 1,400,000 active duty personnel, and 1,200,000 members of the National Guard and Reserves, on behalf of their family members;

Whereas in an emergency, the Red Cross reaches out to verify the emergency and provides third-party objective information to commanding officers;

Whereas the Red Cross provides timely and accurate information 7 days a week, 24 hours a day, 365 days a year, and such information can assist a commander's decision whether to release a service member from duty in order to join with his or her family in a time of hardship;

Whereas whether that service member is a reservist in 2 weeks of Arctic training in Alaska, a sailor on a ship in the Indian Ocean, or a member of an advanced team on patrol in Iraq, the Red Cross messaging system can communicate messages between family members when and where other civilian services cannot;

Whereas whether it is a birth or death notification, the Red Cross bears the emotional mission to deliver accurate and timely messages between family members;

Whereas the Red Cross ensures the delivery of the message and provides the family with the needed support until the service member returns home; and

Whereas the Red Cross provides services through 756 chapters in the United States and on 58 military installations around the world to United States Armed Forces personnel, including our troops in Kuwait, Afghanistan, and Iraq: Now, therefore, be it

*Resolved*, That the House of Representatives appreciates the vital emergency communications services provided by the American Red Cross between military service members and their families during emergencies or other important events.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

#### GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

First let me commend my colleague from Texas, Dr. MICHAEL BURGESS, for introducing this important resolution and for his work in support of the American Red Cross. All of us have watched the American Red Cross reform itself, but we have also known that its brand name has represented the aid to help, the anchor in the time of storm.

In times of emergency and other important events, the American Red Cross has the important and at times difficult duty of notifying military

servicemembers on behalf of their families about such events. The Red Cross provides critical information to commanding officers to help them decide whether to release a servicemember from duty in order to join with his or her family in time of crisis.

Regardless of whether it is a birth notice or a tragedy, such as the devastating floods in the Midwest, the Red Cross ensures the timely delivery of vitally important messages and ably provides the families of military servicemembers with the support and assistance they need until the servicemember returns home. This resolution recognizes the critical mission that the American Red Cross undertakes in providing information about these events to military servicemembers. We are all thankful to the Red Cross for carrying out this important work.

Mr. Speaker, I strongly support this resolution.

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

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

Mr. Speaker, I am proud to rise in support of House Resolution 937. This measure recognizes the vital communication services provided by the American Red Cross to U.S. servicemen and servicewomen serving overseas. Seven days a week, 24 hours a day, 365 days a year, the American Red Cross provides notification of family emergencies and other important events as to birth and death notices to our forces that are in the field in lands far away.

Whether it be in Iraq or Afghanistan or aboard a ship in the Indian Ocean, the Red Cross messaging system can communicate between members of military families where other civilian means of communication cannot. American Red Cross officials are able to verify emergencies and relay information that is critical to a commander's decision whether to release a servicemember to allow him or her to return home during a time of family hardship. In addition to providing notification, the Red Cross often provides families in crisis with support until a servicemember can return home.

I want to thank the author of this resolution, the gentleman from Texas (Mr. BURGESS), for giving us this opportunity to commend the American Red Cross for its outstanding service to our country's troops and their families. The people of the United States are grateful for the dependable support that the American Red Cross has provide us in times of crisis for the past 127 years.

I urge my colleagues to support House Resolution 937.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I reserve my time.

Mr. POE. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BURGESS), the author of this resolution.

Mr. BURGESS. Mr. Speaker, I thank the gentleman for yielding. I appreciate the efforts of both of my colleagues from Texas on the Foreign Relations Committee for helping bring this resolution to the floor today so that it could be done in the time we have remaining in the United States Congress this year.

I do ask my colleagues to support House Resolution 937. This resolution expresses the sense of the House of Representatives that the emergency communications services provided by the American Red Cross are vital resources for military and servicemembers and their families.

For more than a century, the American Red Cross has provided an emergency messaging system free of charge to all military servicemembers and to their families. Through 756 chapters in the United States and on 58 military installations around the world, the American Red Cross serves over 1.4 million active duty personnel and 1.2 million members of the National Guard and Reserves with emergency communication.

Twenty-four hours a day, 7 days a week, 365 days a year, American Red Cross volunteers transmit emergency messages between military servicemembers and their families. This resource provides not only a notification system for the servicemember, but it also offers third-party verification of the emergency. In an emergency, commanders in the field rely on this unbiased third-party verification when deciding whether to release a military servicemember from their duties.

In addition to keeping more than 1,000 military families connected each day, the Red Cross delivers emergency messages regarding serious illness of a loved one or the good news on the birth of a servicemember's child or grandchild. I know this because I had personal service during my career as an obstetrician back in Texas, and I cannot tell you the number of times where the Red Cross provided this vital function.

The Red Cross emergency communications services are also available to the families of civilian personnel working overseas under contract to the Department of Defense. This service to the Armed Forces assists an active duty servicemember or veteran every 3 minutes, receives a call from someone in need every 1½ minutes, and assists those in need with one phone call placed or received every minute of every day of every year.

Today, I ask my colleagues to join me in recognizing the volunteers, the supporters, the military servicemembers and their families who rely on the American Red Cross to communicate messages in a family emergency. This vital service could not happen without the sincere support of the Red Cross and the dedication to our troops and families. I ask you to commend them by voting in support of House Resolution 937.

Mr. POE. Mr. Speaker, I have no other speakers, and I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, in conclusion, let me say that the Red Cross has often been the comforting arm for the United States military families. I want to thank Dr. BURGESS and his cosponsors for the great work he has done on this legislation. I would like to also thank the staff of the Foreign Affairs Committee and the chairman, Mr. BERMAN, and the ranking member, ILEANA ROS-LEHTINEN.

I would also like to add on H. Con. Res. 334, the global food crisis legislation, that I would also like to thank the staff of the Foreign Affairs Committee and my staff, Johannes Tsehaj, for their hard work on that.

With that, Mr. Speaker, I am prepared to ask for strong support on the legislation.

Mr. Speaker, I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the resolution, H. Res. 937 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. JACKSON-LEE of Texas. 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.

#### CONDEMNING MIDEAST TV PROGRAMMING THAT INCITES VIOLENCE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1069) condemning the use of television programming by Hamas to indoctrinate hatred, violence, and anti-Semitism toward Israel in young Palestinian children, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 1069

Whereas freedom of the press and freedom of expression are the foundations of free and prosperous societies worldwide and are among America's most cherished values;

Whereas with freedom of the press and freedom of expression comes the responsibility to refrain from incitement to violence and to repudiate purveyors of such incitement;

Whereas for years, media outlets in the Middle East have repeatedly published or broadcasted incitement to violence against the United States and its citizens;

Whereas Hamas is designated as a terrorist organization by both the United States and the European Union;

Whereas Hamas owns and operates al-Aqsa TV;

Whereas Hamas uses al-Aqsa TV to promote the organization's extremist and violent ideas by, inter alia, airing children's shows such as "Tomorrow's Pioneers" and "Those who Excel", the primary goal of which is to breed new anti-Israeli and anti-Western terrorists;

Whereas in April 2008 Hamas gruesomely depicted the murder of the President of the United States through the use of puppets on a children's show;

Whereas al-Aqsa TV has used popular cartoon figures to indoctrinate children and incite them toward hatred and violence, in one instance depicting a Bugs Bunny-like character declaring that he "will finish off the Jews and eat them";

Whereas al-Aqsa TV is currently being transmitted by satellites owned by the France-based, privately owned Eutelsat and by the Saudi Arabia-based, Arab League-owned Arabsat;

Whereas Hamas' al-Aqsa TV follows the model of Lebanese Hezbollah's al-Manar TV, which also promotes terrorism and incitement to violence against the United States and its citizens and is widely telecast throughout the Arab world via Arabsat and the Egypt-based, state-owned NileSat;

Whereas Hezbollah launched the television station al-Manar in 1991 and has since funded and operated it as a "station of resistance", intending to use it as a weapon to further its goals of promoting violence against the United States and Israel;

Whereas in 2000, al-Manar launched a satellite television channel that now has an estimated daily viewership of 10,000,000 people worldwide;

Whereas al-Manar regularly broadcasts video clips that glorify insurgent attacks against American and Coalition forces in Iraq;

Whereas the United States designated al-Manar TV a Specially Designated Global Terrorist (SDGT) entity in 2006;

Whereas Press TV, Iran's English-language satellite television network, is transmitted via the satellite providers ArabSat, NileSat, AsiaSat, HotBird, HispaSat, IntelSat, and Galaxy, and is viewable in North America, South America, the Middle East, Europe, Asia, and Africa;

Whereas al-Alam TV, Iran's Arabic-language satellite television network, is transmitted via the satellite providers ArabSat, NileSat, AsiaSat, HotBird, TelStar, and Galaxy, and is viewable in North America, the Middle East, Europe, Asia, and Africa;

Whereas many Iranian state-controlled television channels have broadcast incitement to violence against United States citizens, including coverage of rallies and speeches at which Iranian leaders, clerics, children, and mass audiences have declared "Death to America!";

Whereas on March 6, 2008, al-Alam broadcasted a warning from an Iraqi insurgent that if the USS *Cole* was not withdrawn from off the coast of Lebanon, his group would be "targeting all the United States interests, especially the warships [docked] in Umm Qasr beaches in southern Iraq";

Whereas al-Zawra is presently a non-operational Iraqi satellite television channel that broadcasted during 2006 and 2007;

Whereas the Government of Iraq banned al-Zawra in November of 2006 for inciting "violence and murder";

Whereas multiple reports indicate that after being banned in Iraq, al-Zawra broadcast via a satellite uplink based in Syria until transmissions apparently ceased in July 2007;

Whereas al-Zawra broadcasted videos of violent attacks against American forces in Iraq depicting the destruction of humvees and armored vehicles, recruitment videos for

the Abu Bakr al-Sadiq al-Salafi Battalion of al-Qaeda in Iraq, and videos that feature prominently "Juba", a sniper that allegedly targeted Coalition forces and called for viewers to engage in violence against Coalition forces in Iraq;

Whereas in 2007, al-Zawra aired a program widely known as "Hidden Camera Jihad", a compilation of attacks filmed and executed by insurgents against Coalition forces in Iraq and accompanied by sound effects, scornful English language captions, and a "laugh track";

Whereas al-Rafidayn, an Arabic-language satellite television channel based in Egypt with a focus on Iraq, is broadcast via NileSat to the Middle East and North Africa, and is affiliated with the Association of Muslim Scholars, an anti-American Islamist group based in Iraq;

Whereas al-Rafidayn has repeatedly broadcast video clips produced by Sunni insurgent and terrorist groups in Iraq, and the channel's news broadcasts have frequently broadcast videos, poems, and songs that praise those groups and their attacks on American forces in Iraq;

Whereas television channels that broadcast incitement to violence against United States citizens and others have demonstrated the ability to shift their operations to different countries and their transmissions to different satellite providers in order to continue broadcasting and to evade accountability;

Whereas television channels such as al-Aqsa, al-Manar, and al-Zawra broadcast incitement to violence against Americans and Israelis, purvey hatred against the West, and aid Foreign Terrorist Organizations in recruitment, fundraising, and propaganda;

Whereas the use of media outlets by advocates of violence against Americans poses a clear and present danger to the security of United States service members and American civilians serving throughout the Middle East; and

Whereas it is imperative for the United States to use all possible legal and diplomatic tools to counter the threats to American service and civilian personnel that result from the control or use of media outlets by SDGTs and other entities that intend to inflict violence on Americans: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) condemns the broadcast of incitement to violence and hatred against Americans, Israelis, and the West by media based in the Middle East;

(2) urges governments throughout the Middle East, American allies, and other responsible Nations to officially and publicly repudiate purveyors of hatred and incitement to violence against Americans, Israelis, and others;

(3) calls on the President to designate al-Aqsa TV a Specially Designated Global Terrorist (SDGT) entity;

(4) condemns Hamas for using children's television programming to incite hatred, violence, and anti-Semitism;

(5) demands Hamas recognize the State of Israel's right to exist, renounce the use of violence and terrorism as political goals, and accept all past peace agreements with the State of Israel;

(6) calls on Saudi Arabia, the primary shareholder in Arabsat, and on all other Arab States that own shares in Arabsat, to cease immediately the transmission of telecasts by al-Aqsa TV and al-Manar TV;

(7) calls on Egypt, which owns NileSat, to cease immediately the transmission of telecasts by al-Rafidayn TV and al-Manar TV;

(8) calls on the owners of Eutelsat and the Government of France, which legislates what

may be broadcast on satellites based in France, to cease immediately the transmission of telecasts by al-Aqsa TV;

(9) urges the President to consider designating as SDGTs satellite providers that knowingly and willingly contract with entities designated as SDGTs to broadcast their channels, or to consider implementing other punitive measures against satellite providers that transmit al-Aqsa TV, al-Manar TV, al-Rafidayn TV, or any other terrorist-owned and operated station;

(10) calls on the President to take into consideration state sponsorship of anti-American incitement to violence when determining the level of assistance to, and frequency and nature of relations with, regional States; and

(11) urges all governments and private investors who own shares in satellite companies or otherwise influence decisions about satellite transmissions to oppose transmissions of telecasts by al-Aqsa TV, al-Manar TV, al-Rafidayn TV, or any other terrorist-owned and -operated stations that similarly purvey insidiously anti-American, anti-Western, anti-Israeli, and anti-Semitic messages and openly incite their audiences to commit acts of terrorism.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

Mr. Speaker, I want to commend my friend from New York, Joe Crowley, for introducing this timely and important resolution. Despite the shaky ceasefire reached between Israel and Hamas in the Gaza Strip, Hamas has neither changed its explicitly stated aim to destroy the State of Israel nor given up the use of terrorism and violence as a means to achieve that end.

But while Hamas' use of terrorism to undermine peace and destroy Israel is well understood in the West, few are aware of its sophisticated use of broadcast media to spread hatred of the United States, Israel and Jews, and to incite Palestinian youth to violence.

Hamas has had its own television station, known as al-Aqsa TV, which is telecast throughout the Arab world. Among its many crude and contemptible practices, al-Aqsa TV utilizes cartoon characters and puppets, one resembling Disney's universally recognized Mickey Mouse, in programming that advocates terrorism, anti-Americanism and anti-Semitism.

On March 30, 2008, this TV station broadcast a puppet show depicting the stabbing and murder of the President

of the United States. This morally twisted type of children's programming violates all civilized norms, cynically undermines prospects for Israeli-Palestinian peace, and flagrantly violates phase I of the U.S.-backed roadmap for peace, calling for an end to incitement in Palestinian society. It even stigmatizes the Palestinian people who want peace, many of them fighting every day to ensure that there is an opportunity for collaboration and dialogue and peaceful discussion with Israel. In fact, I would imagine that children who are watching are certainly not children who are intending to grow up to be terrorists.

The resolution puts this body on record supporting the overdue designation of al-Aqsa television as a specially designated global terrorist entity. Such a designation would follow logically from the administration's designation of Hezbollah's al-Manar TV as a specially designated global terrorist entity 3 years ago. This designation proved useful in persuading a number of satellite companies around the world not to transmit al-Manar's hate-filled broadcasts. Designating Hamas' al-Aqsa TV would similarly send a strong message to satellite companies transmitting its vile programming, including one of Europe's largest satellite companies, the privately-owned, French-based Eutelsat.

In addition, this resolution calls on Saudi Arabia, the primary shareholder in the Arab League-owned satellite Arabsat, to take the lead in ending Arabsat's transmission of al-Aqsa TV, as well as Hezbollah's al-Manar TV. Thanks to Arabsat, both al-Aqsa TV and al-Manar TV are seen throughout the Middle East and beyond.

Unfortunately, our friend and ally Egypt is also involved in transmissions of hate media. Egypt's state-owned satellite, NileSat, broadcasts at least two terrorist mouthpieces, the Hezbollah station and the Iraq focused station and an Arabic language network affiliated with anti-American insurgent activity. This latter network consistently telecasts material glorifying insurgents and their attacks on American forces.

It would be especially important if our allies and friends would recognize that it is our intent to collaborate and work toward uplifting forthright, educational, politically sound conversation and dialogue. It is not our intent, of course, to control their own sovereignty, but it is important when that gets out into the world marketplace that it is civil, that it is strong, that it is democratic, that it is fair, and that it is reflective of the human dignity of all people.

It is deeply dismaying that one of our strongest allies in the region and one of the largest recipients of U.S. Foreign assistance tolerates the advocacy of attacks on Americans in Iraq on its state-controlled satellite provider.

I know that the terrorists like Hamas and Hezbollah will not soon

abandon their mass-media means of hatred and violence, but it is long past the time for all state-owned and privately-owned satellite companies around the world to cease transmitting these destructive messages that encourage the murder of Americans and Israelis.

That is why I strongly support this resolution, and I urge all my colleagues to join me in that support.

I reserve the balance of my time.

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

I strongly support House Resolution 1069, which addresses and condemns the spread of encouragement to violence against America and Americans by Middle East-based media outlets. This is not a problem in theory, Mr. Speaker. When TV channels broadcast attacks by insurgents on U.S. soldiers in Iraq or newspapers publish repeated calls for the destruction of the United States, they further endanger the security of American civilians and military personnel in the Middle East. These channels are then broadcast on satellite providers that transmit not only to the region, but as far away as Europe, Asia, Africa and even North America.

□ 1300

We must do everything we can to prevent our enemies from recruiting potential insurgents and homicidal bombers. They must be prevented, from Beirut to London to New York, who seek to shed American blood wherever and whenever they wish.

Media outlets that provide financial, material, or technological support to violent Islamic groups should be held accountable for their hate speech that incites murder of American civilians and military. Given that recipients of U.S. aid, including Egypt and Saudi Arabia, control many of the satellite providers that transmit such incitement, we should use our leverage to urge these nations to act responsibly and stop putting these calls for murder on the air of their television stations.

I again rise in very strong support of H. Res. 1069, and I urge my fellow members to do as well.

I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. It is my pleasure, Mr. Speaker, to yield 5 minutes to the distinguished gentleman from New York, the author of the legislation, Mr. CROWLEY.

Mr. CROWLEY. Mr. Speaker, I am sure I will not use all that time, and I thank the gentlelady from Texas, Ms. SHEILA JACKSON-LEE, for giving me this time on the floor. I want to thank my friend and colleague from Florida, Congressman BILIRAKIS, for his working with me to further expand the resolution that we have on the floor today to include all media outlets that promote hate and intolerance in the Middle East. This is a bipartisan resolution, and I greatly appreciate his input and his support on this legislation today.

I initially introduced this legislation in response to reports that Hamas was

using and is using their television network, al-Aqsa TV, to depict violence and acts of hatred on a show called "Tomorrow's Pioneers." The show has Mickey Mouse and Bugs Bunny look-alikes telling their children viewers that they will "finish off the Jews and eat them." Another puppet show also on the network, as was mentioned earlier, acted out the murder of President Bush on that network.

The use of children's programming to send these kinds of messages is despicable and deplorable, and we cannot stand by and let this blatant propaganda continue because, at best, it perpetuates misinformation and, at its worst, it will serve to indoctrinate children, incite them towards hatred and violence against our ally Israel and possibly others, including the United States, and undermine efforts to firmly establish peace in the Middle East for generations to come.

Instead of promoting violence, our children should be taught to respect and accept all people, no matter their faith or their nationality.

If we are going to establish lasting peace in the Middle East, and it is all of our fervent hope that we do that, it will require far more than an end to military hostilities between warring factions. It will require the creation of an environment where people can live side by side in peace.

Today, we send a clear message to our friends and foes alike in the Middle East that we do not tolerate the indoctrination of hate in children. The next leaders of our world should not be brainwashed into hating the West and Israel.

I urge all of my colleagues to support this legislation.

Mr. POE. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. BILIRAKIS), a member of the Foreign Affairs Committee.

Mr. BILIRAKIS. I want to thank the gentleman from Texas for the time.

I rise in support of House Resolution 1069, and I urge swift passage.

Along with Mr. CROWLEY's original resolution, I introduced House Resolution 1308, condemning the broadcasting of incitement of violence against Americans and the United States in Middle Eastern-based media.

I am pleased to have worked with Mr. CROWLEY in combining our two resolutions to come up with the product we have today. I am grateful that my colleagues on the House Foreign Affairs Committee, led by Chairman BERMAN and Ranking Member ILEANA ROS-LEHTINEN, in a display of bipartisanship, unanimously voted for my amendment in the nature of a substitute to House Resolution 1069.

Anti-American incitement of violence is escalating in quality and quantity, fueled by the rapid growth of satellite television throughout the Arab world. In 2008, al-Manar TV broadcast over two dozen video clips of insurgent bombings against U.S. and coalition forces in Iraq, while one of its cor-

respondents implicitly threatened the USS *Cole* with attack. Further, Iranian state-controlled TV channels repeatedly broadcast calls for "Death to America," and, we have already heard al-Aqsa TV broadcast a puppet show depicting an Arab child stabbing the President of the United States.

Instead of denouncing and addressing such incitement, many countries in the region effectively provide financial, material, or technological support to purveyors of incitement. Al-Manar and al-Aqsa, among others, are transmitting on the satellite providers Nile-Sat, controlled by the Egyptian government, and Arabsat, controlled by the Arab League. Given the dangers such incitement poses to American service and civilian personnel in the region, it is long past time for the U.S. and other responsible nations to stop this growing threat. Support of House Resolution 1069 is, therefore, critical.

Among other things, this resolution condemns the broadcast of anti-American incitement to violence and hatred against the Americans, Israelis, and the West by Middle East-based media. It urges Middle Eastern governments, U.S. allies, and other responsible nations to officially and publicly repudiate purveyors of such incitement to violence against Americans and Israelis. It calls on the President to designate al-Aqsa as a specially designated global terrorist entity, and to designate those satellite providers that contract with purveyors of incitement to violence as such. It demands that Hamas recognize Israel's right to exist, renounce violence and terrorism, and accept all past peace agreements with Israel. Most importantly, it takes into consideration state sponsorship of anti-American incitement to violence when determining our aid to and relations with regional governments.

We must stop Middle East-based media from inciting violence against us.

Mr. Speaker, again, I want to thank Mr. CROWLEY. I thank you for the time. This is an important resolution that will enhance our security and protect our soldiers and citizens overseas. I urge its passage.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to add for the RECORD that the author of the legislation, Congressman CROWLEY, is a member of the Foreign Affairs Committee and a member of the Ways and Means Committee.

It now gives me great pleasure to yield 2 minutes to Congresswoman Shelley Berkley, who is a member of the Veterans' Affairs Committee, the Ways and Means Committee, but a former member of the Foreign Affairs Committee.

Ms. BERKLEY. Mr. Speaker, I would like to thank the gentlelady for yielding to me and for her leadership. And I thank my colleague from New York (Mr. CROWLEY) for his leadership on this and so many other issues, and my dear friend, Mr. BILIRAKIS, who has done such a remarkable job in the time that he has been in Congress.



I rise today as a proud cosponsor of this resolution, but I am deeply troubled that it even needs to exist.

It is often said that a society can be judged by the values that they teach their children. Mr. Speaker, I am sorry to say that there is no more fitting commentary on Hamas and its principles than the shocking hate-filled television programming they broadcast to indoctrinate their children. For those who still believe, contrary to everything else, that Hamas is merely a political organization or a social organization, they should look no further than their television sets to see a Mickey Mouse look-alike teaching children how to wear explosive belts, or Bugs Bunny teaching children to kill and even eat Jews. This is absolutely outrageous uncivilized behavior. And far from laying the groundwork for peace, Hamas is sowing the seeds of yet another generation of terrorists who value martyrdom and death above all else. Instead of protecting their children, they are putting them in harm's way.

Indeed, just this weekend during a cease-fire with Israel, Arab media reported that Hamas is continuing to conduct military exercises in residential areas. It is just further troubling evidence that they are all too eager to put their children in the line of fire. Instead of teaching their children mathematics and geography or really enjoying a Mickey Mouse and a Bugs Bunny character, they teach their children how to fire missiles and maximize casualties, and using cartoon figures to do it.

I submit to you today that true peace will only come to the Middle East when terrorist organizations like Hamas stop indoctrinating their children with hate, stop treating their children as cannon fodder, and start building a positive, stable future for their children.

I urge support for this resolution.

Mr. POE. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of H. Res. 1069, a resolution condemning Hamas for using a children's television program to incite hatred, violence, and anti-Semitism towards Israel and its citizens.

This hateful propaganda targeted at children by Hamas, an internationally recognized terrorist organization, cannot be tolerated and must be stopped.

Further, unless Hamas recognizes the State of Israel's right to exist, ceases incitement of hatred, and permanently disarms and dismantles its terrorist infrastructure, the United States will not work with it, nor can we expect Israel to.

Israel is our best ally, and our relationship is all the more important as our nations share a common interest in defeating the threat posed by radical Islamist terrorists, whether it is Hamas or Hezbollah.

Israel has stood bravely in the face of threats by Hamas and Hezbollah, and has the right and obligation to defend its citizens and its nation. Israel has the right to exist free from terror, and we will help defend this right.

The actions of Hamas and Hezbollah, or any other Islamist terrorist organization, to incite hatred and violence in the young will doom any real chance of peace, and it will doom citizens in the future to a continued life in hell. We have to recognize that if there is going to be peace in the Middle East, it is going to emanate from the young.

We allowed my daughter, Jeramy Alice, to watch TV only on a Saturday morning. When she watched cartoons, she was absolutely fixated on them. It is stunning to see the impact television has on the young. And to think that young children would be seeing cartoon figures that would teach anger, hate and anti-Semitism is astonishing.

It strikes me as strange that eventually Hamas and Hezbollah and the people that have supported it don't get it. If they want a better life, if they want a better future, if they love and care for their children, they will do everything to fill their children with images of love and peace, not hatred and anger.

Ms. JACKSON-LEE of Texas. Does the gentleman from Texas have any further speakers?

Mr. POE. We have no other speakers. I support the adoption of this immediately, and I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. I thank the gentleman. And let me, in supporting this legislation, indicate that there are friends that we have mentioned. And we hope that our allies such as Egypt will work with us to address what has been noted as particularly heinous comments and use of the airwaves.

Respecting our own viewpoints of protecting the first amendment, we do believe in that. But we also know that even though our law is not international law, that crying fire in a crowded theater certainly is not acceptable.

Teaching children to murder heads of states is not acceptable. Let us try to work and collaborate and point out these ills so that we can promote peace and democracy around the world. I ask my colleagues to support this legislation.

Mr. KUCINICH. Madam Speaker, H. Res. 1069 condemns the use of television programming by Hamas to incite hatred in Palestinian youth and encourage violence. Violence and hatred will not bring a just and lasting peace between Israelis and Palestinians. I do not condone the use of television programming to promote such acts; rather I strongly object to it. Similarly, I condemn an ongoing policy that seeks to punish a civilian population in an effort to undermine its political leadership.

Hamas is designated a foreign terrorist organization by the United States because they engage in violence that undermines the Arab-Israeli peace process. Hamas is a sanctioned

terrorist entity by the U.S. and the international community. As such, our condemnation of all egregious and objectionable activities by Hamas is clear. Condemnation of their television programming does not make this more clear nor does it bring us closer to a viable peace.

U.S. foreign policy must promote viable solutions to the violence and hatred. It is obvious that the promotion of peaceful solutions begins with ensuring the security and basic human rights of all people. The ongoing atrocities caused by the suffering of 1.5 million people in Gaza who are subject to escalating poverty, inadequate health care and insufficient access to clean water is a clear violation of security and human rights.

The blockade of Gaza has resulted in a near total collapse of the private sector, causing an almost 80 percent unemployment rate. More than 80 percent of all Gazans now rely on emergency food aid provided by the United Nations as their primary food source. The lack of basic goods has severely deteriorated Gaza's health, economy, and social fabric.

Imposition of the blockade in response to Hamas's attacks has amounted to collective punishment. While the current crisis may be exacerbated, instigated, even perpetuated by Hamas, the responsibility for ending the humanitarian crisis does not rest solely with Hamas.

Israel has a legal duty to provide Gazans with food, clean water, electricity, and medical care. The United States enjoys a close relationship with Israel. They are one of our strongest allies. I urge this body to exert our diplomatic influence with Israel to end the humanitarian crisis in Gaza and ensure the health, safety, and security for Palestinians and Israelis. This new condition would obviate the perceived need for condemnation.

Mr. MAHONEY. Mr. Speaker, I am honored to join my good friend and colleague, Representative CROWLEY, in supporting H. Res. 1069.

I have seen the workings of Hamas firsthand on a trip to Israel. Their rockets and attacks kill innocent Israelis. And now, by using of Al-Aqsa TV programming to promote hate and violence among Palestinian children, they are poisoning another generation.

There is no place for cartoon characters telling children they "will finish off the Jews and eat them" or depictions of President Bush being murdered. Children should be taught to respect and accept all people, no matter their faith.

This blatant propaganda aims to indoctrinate children, incite hatred and violence towards Israel, and undermine efforts to establish peace in the Middle East.

At a time when the United States is working to bring peace to the region, it is incomprehensible and counterproductive to be filling Palestinian children with more hatred and fear.

If lasting peace is to be achieved, this type of anti-Semitic and anti-American propaganda must be stopped.

Today, we are sending a clear message to Hamas that this type of behavior must come to an end. I thank my colleagues for their support.

Ms. JACKSON-LEE of Texas. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms.

JACKSON-LEE of Texas) that the House suspend the rules and agree to the resolution, H. Res. 1069, as amended.

The question was taken.

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

Ms. JACKSON-LEE of Texas. 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.

RECOGNIZING THE HISTORICAL SIGNIFICANCE OF THE USS "CONSTELLATION" IN THE TRANSATLANTIC SLAVE TRADE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1159), recognizing the historical significance of the United States sloop-of-war *Constellation* as a surviving witness to the horrors of the Transatlantic Slave Trade and a leading participant in America's effort to end the practice.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1159

Whereas on September 17, 1787, the United States Constitution was adopted and article I, section 9 of the document declared that Congress could prohibit the importation of slaves into the United States in the year 1808;

Whereas on March 22, 1794, the United States Congress passed "An Act to prohibit the carrying on the Slave Trade from the United States to any foreign place or country", thus beginning American efforts to halt the slave trade;

Whereas on May 10, 1800, Congress enacted legislation that outlawed all American participation in the international trafficking of slaves and authorized the United States Navy to seize American vessels engaged in the slave trade;

Whereas on March 2, 1807, President Thomas Jefferson signed a bill that declared the importation of slaves into the United States illegal;

Whereas on January 1, 1808, the act "to prohibit the importation of slaves into any port or place within the jurisdiction of the United States" took effect;

Whereas on March 3, 1819, Congress authorized the Navy to cruise the African coast to suppress the slave trade. The Act declared that Africans on captured ships be placed under Federal jurisdiction and authorized the President to appoint an agent in Africa to facilitate their return to the continent;

Whereas in 1819, the Royal Navy of Great Britain established the West Coast of Africa as a separate naval station and actively plied the waters in pursuit of slave ships. Great Britain negotiated with many other nations to obtain the right to search their vessels if suspected of engaging in the slave trade;

Whereas on May 15, 1820, Congress declared the trading of slaves to be an act of piracy and those convicted subject to the death penalty;

Whereas in 1842, the Webster-Ashburton Treaty between Great Britain and the United States provided that both nations would

maintain separate naval squadrons on the coast of Africa to enforce their respective laws against the slave trade. The newly formed United States African Squadron sailed for Africa in 1843 and remained in operation until the Civil War erupted in 1861;

Whereas in 1859, USS *Constellation*, the last all-sail vessel designed and built by the U.S. Navy, sailed to West Africa as the flagship of the United States African Squadron, consisting of eight ships, including four steam-powered vessels suitable for chasing down and capturing slavers;

Whereas on December 21, 1859, USS *Constellation* captured the brig *Delicia* after a 10-hour chase. Although *Delicia* had no human cargo on board upon capture, her crew was preparing the ship to take on slaves;

Whereas on the night of September 25, 1860, USS *Constellation* sighted the barque *Cora* near the mouth of the Congo River and, after a dramatic moonlit chase, captured the slave ship with 705 Africans crammed into her "slave deck". A detachment of the *Constellation's* crew sailed the surviving Africans to Monrovia, Liberia, a colony founded for the settlement of free African-Americans that became the destination for all Africans freed on slave ships captured by the Navy;

Whereas on May 21, 1861, USS *Constellation* captured the brig *Triton*. Though the ship did not have Africans captured for slavery on board when intercepted by the *Constellation*, a search confirmed its preparation to take on slaves. *Triton*, registered in Charleston, South Carolina, was one of the first Union naval captures of the American Civil War;

Whereas from 1859 to 1861, USS *Constellation* and the African Squadron captured 14 slave ships and liberated nearly 4,000 Africans destined for a life of servitude in the Americas, a record unsurpassed by the United States African squadron under previous commanders; and

Whereas on September 25, 2008, the USS *Constellation* Museum will hold a ceremony to commemorate the bicentennial of the abolition of the Transatlantic Slave Trade aboard the same ship that, 149 years before, forced the capitulation of the slave ship *Cora* and freed the 705 Africans confined within: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the historical and educational significance of USS *Constellation*, a 153-year-old American warship, berthed in Baltimore, Maryland, as a reminder of both American participation in the slave trade and the efforts of the United States Government to suppress this inhumane practice;

(2) applauds the preservation of this historic vessel and the efforts of the USS *Constellation* Museum to engage people from all over the world with this vital part of our history; and

(3) supports USS *Constellation* as an appropriate site for the Nation to commemorate the bicentennial of the abolition of the Transatlantic Slave Trade.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this resolution and yield myself such time as I may consume.

Let me first thank Congressman Elijah Cummings for introducing this resolution honoring the USS *Constellation*, a 153-year-old American Warship that now is restored as a museum in the Baltimore Inner Harbor.

□ 1315

This historic ship serves as a reminder of the role that the United States Navy played in the abolition of the Transatlantic slave trade.

In 1787, our Nation began to adopt legislation to prohibit the importation of slaves to the United States and the transport of slaves from the U.S. to other parts of the Western Hemisphere. Over the next several decades, the U.S. Government joined with the British in deploying naval vessels along the African coastline to intercept slave ships, rescue kidnapped victims and place them under international jurisdiction, and return them to homelands in Africa.

Mr. Speaker, this is sometimes little known history, and I congratulate my colleague from Maryland of highlighting the fact that the good news is, even though it took long years to end slavery in the United States, they began to stop the transportation and importing of slaves, and they vigorously used the United States military in the name of the United States Navy.

The USS *Constellation* was the flagship of an eight-ship fleet that comprised the U.S. African Squadron. The *Constellation* captured 14 slave ships and rescued nearly 4,000 Africans from a life of forced servitude in the Americas.

Launched in 1854 from the Chesapeake Bay's Gosport Navy Yard at Portsmouth, Virginia, the USS *Constellation* served our country for 100 years before its final decommissioning in 1955, I would venture to say, a long, long time. Maybe its good work of preventing the importation of slaves allowed it to have a long life with good health.

After serving the anti-slavery effort, the USS *Constellation* was charged with chasing Confederate raiders during the Civil War, and served as a training ship for the midshipmen at the U.S. Naval Academy in Annapolis from 1871 to 1893. The ship was brought to Baltimore's Inner Harbor in 1955 and restored as the USS *Constellation* Museum.

This is a historic year, 2008, as we watch presidential politics. This legislation is an appropriate testament to the history of the United States and doing the right thing as it relates to slavery here in this country. It also incorporates our recognition of the United States Navy and the United

States military as fighting for the unity of this Nation and the promotion of equality and justice for all Americans. Ending slavery was contributing to the Constitution and the Bill of Rights that offered to say that we all are created equal.

I thank our colleague, Congressman CUMMINGS, and I rise in strong support of this resolution, because this resolution celebrates the USS *Constellation* as a historic reminder of the battle to end slavery and of the role and capabilities of the Navy's elite vessels of that era. They continue to serve us, and I strongly support the resolution.

I reserve the balance of my time.

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

I rise today in support of H. Res. 1159, which recognizes the USS *Constellation* as a surviving witness to the horrors of the Transatlantic slave trade and a significant figure in United States efforts to end that practice.

In this bicentennial year of the abolition of the Transatlantic slave trade, this body has considered a number of resolutions condemning the horrors of slavery and recognizing the efforts of those who sought to combat it. Each of these resolutions has been important, not only for the purpose of preserving our history, but also for calling attention to the fact that today, 200 years after the formal abolition of the Transatlantic slave trade, slavery still continues. It endures in those areas where traffickers are enabled to engage in their inhumane and cruel trade. It thrives where human rights are abused and tyrants rule the day.

I thank the gentleman from Maryland (Mr. CUMMINGS) for introducing this later effort to renew the charge of the United States to confront slavery in its various forms around the world while, at the same time, showing the historical significance of the USS *Constellation*.

On January 1, 1808, the act to "prohibit the importation of slaves into any port or territory within the jurisdiction of the United States" took effect. Eleven years later, the United States Congress authorized the Navy to cruise the coast of the African continent and take effective measures to suppress the slave trade. The USS *Constellation* served as the flagship in this effort from 1859 through 1861, leading the United States African Squadron, as it was called, as it captured 14 slave ships and liberated an estimated 4,000 Africans destined to be enslaved. Today the USS *Constellation* continues to serve as a museum and a tribute to the efforts of those who sought to end the horrors of the slave trade.

As such, this resolution specifically recognizes the historical and educational significance of the *Constellation*, and recommends it as an appropriate site for this Nation to commemorate the bicentennial of the abolition of the Transatlantic slave trade.

I urge all my colleagues to support this important resolution.

I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is my pleasure to yield to the gentleman from Maryland (Mr. CUMMINGS), the chairman of the Transportation and Infrastructure Subcommittee on Coast Guard and Maritime Transportation, such time as he might consume.

Mr. CUMMINGS. I want to thank the gentlelady for yielding. And I also associate myself with her words and the words of Mr. POE.

Mr. Speaker, I rise today to express my appreciation to the members of the House Foreign Affairs Committee and the leadership for bringing this resolution to the floor.

Special acknowledgment and thanks also go to my friend and colleague, Representative GREGORY MEEK of New York, for acknowledging and appreciating the efforts and accomplishments of the *Constellation's* crew by joining me as a lead cosponsor.

This resolution recognizes the USS *Constellation* for its role in ending the Transatlantic slave trade. The *Constellation* deserves to be recognized not only for the liberation of thousands of Africans, but also the liberation from oppression and ignorance.

As a descendent of slaves, I understand the importance of the *Constellation's* role as a shining moment in one of the darkest points in our Nation's history. Its role in the progression of our society is only further amplified, given the political history that is currently being made today, and as Ms. JACKSON-LEE alluded to.

As the first Union Navy vessel to interdict major slave ships along the West African coast, the USS *Constellation* was a flagship for the United States Navy's African Squadron from 1859 to 1861. During this time, the USS *Constellation* was used to capture 14 slave ships and liberate nearly 4,000 Africans headed towards a life deprived of freedom and unpaid labor. In fact, after a dramatic chase into the night on September 25, 1860, the USS *Constellation* was used to capture the Cora near the mouth of the Congo River. Crammed into the dark "slave deck" were 705 Africans.

A detachment of the *Constellation's* crew took the surviving Africans to Monrovia, Liberia, a colony founded for the settlement of free African Americans that became the destination for all Africans freed on slave ships captured by the United States Navy.

In 1894, the *Constellation* continued its historic service as a training vessel at the U.S. Naval Academy and ended its service as the flagship of the Atlantic Fleet during World War II.

Decommissioned in 1955, the USS *Constellation* is berthed in my district and, of course, in my hometown of Baltimore at the Inner Harbor. This 153-year-old American warship was designated as a national historic landmark on May 23, 1963, and is the perfect location to commemorate the bicentennial of the abolition of the Trans-

atlantic slave trade in the United States.

On September 25, 2008, the USS *Constellation* Museum will hold a ceremony to commemorate the history of the ship and its crew. Additionally, there will be a special program to recognize the descendants of *Constellation's* crew who will be in attendance.

In closing, Mr. Speaker, I thank those who supported H. Res. 1159 as cosponsors, and ask that my colleagues support the adoption of this resolution to ensure that this part of American history is never forgotten.

Mr. POE. We have no other speakers. I support this legislation, and yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am delighted to yield 2 minutes to the distinguished gentleman from Tennessee, Congressman STEVE COHEN, who is a member of the Committee on the Judiciary.

Mr. COHEN. I thank Congressperson JACKSON-LEE and Congressperson CUMMINGS for their work on this resolution.

It is important that we remember our history, and we teach our history to our school children and our adults as well to know how far this country has come and where it has come from. There are things that have happened in history in this country and around the world that are not things that we are proud of. Nevertheless, we learn from them and we grow.

This is not the perfect Union that we hope it to be one day, but it is a more perfect Union each year. And amendments to the Constitution and laws have changed to make this a better country.

Earlier in this session, this Congress passed, by voice vote, an apology for slavery and Jim Crow, a long time in coming, but something that should have occurred and did occur. I hope that my colleagues in the Senate will pass the same resolution.

This is in the same vein, in remembering that this country did allow slavery for many years, and Jim Crow laws to follow. But while we did allow it, there was a time that it was outlawed, and there were efforts to suspend it and to stop it. And this ship and the people that manned the ship, captained the ship and served on the ship, did their jobs in seeing that the slave trade was defeated off the African coast.

It is appropriate that this ship be maintained as a museum and a tribute to those gentlemen and to the cause that they served, and to remind people of some of the horrors in our history, but the improvements that we have made. And I compliment Congressman CUMMINGS on bringing the resolution, and the people involved in the City of Baltimore and elsewhere in preserving the USS *Constellation*.

Ms. JACKSON-LEE of Texas. Let me thank both Mr. CUMMINGS, the author of this bill; Mr. GREG MEEKS, a member of the Foreign Affairs Committee; Mr. COHEN, and ask my colleagues to enthusiastically support this legislation

that emphasizes the importance of the United States Navy in ending the Transatlantic slave trade, H. Res. 1159.

I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the resolution, H. Res. 1159.

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.

#### SUPPORTING THE VALUES AND GOALS OF THE U.S.-BRAZIL ANTI-DISCRIMINATION PACT

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1254) supporting the values and goals of the "Joint Action Plan Between the Government of the Federative Republic of Brazil and the Government of the United States of America to Eliminate Racial and Ethnic Discrimination and Promote Equality," signed by Secretary of State Condoleezza Rice and Brazilian Minister of Racial Integration Edson Santos on March 13, 2008, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 1254

Whereas the United States and Brazil have many qualities in common, such as the rich ethnic and cultural diversity of their populations and each country's efforts to protect democracy and the civil rights and liberties of all their citizens;

Whereas the United States and Brazil share strong values of democracy, a diverse cultural demographic, and histories marred by slavery;

Whereas in comparison to the general population, minority groups in the United States and Brazil have experienced discrimination in many areas;

Whereas there is a continuing need to combat racial and ethnic discrimination and promote equality in the United States and Brazil;

Whereas the Governments of the United States and Brazil have committed to jointly seek solutions to issues affecting both countries, such as racial and ethnic discrimination and inequality;

Whereas the Department of State, Brazil's Ministry of Exterior Relations, and the Special Secretariat for the Promotion of Racial Equality began formal talks in October 2007, to negotiate areas of bilateral cooperation on combating discrimination and creating opportunities for ethnic minorities in the United States and Brazil;

Whereas, on March 13, 2008, Secretary of State Condoleezza Rice and Brazilian Minister of Racial Integration Edson Santos signed the "Joint Action Plan Between the Government of the Federative Republic of Brazil and the Government of the United States of America to Eliminate Racial and Ethnic Discrimination and Promote Equality", also known as the United States-Brazil Joint Action Plan Against Racial Discrimination;

Whereas the United States-Brazil Joint Action Plan Against Racial Discrimination creates the Steering Group to Promote Equality of Opportunity, which will consist of a panel of government officials from both the United States and Brazil and facilitate the exchange of information on the best practices for anti-discrimination measures and development of ideas on how to bilaterally promote racial and ethnic equality;

Whereas United States and Brazil should discuss and consider techniques and initiatives for training educators, employers, workers, administrators of justice, such as police officers, judges, and prosecutors, and other members of society, on tolerance, equality, and the elimination of all forms of discrimination;

Whereas an Advisory Board, consisting of private sector representatives, government officials, civil society members, and experts on race relations and other relevant topics, will collaborate with Steering Group members at the periodic meetings of the Steering Group, to be held alternately in Brazil and the United States;

Whereas the Inaugural Meeting of the Steering Group to Promote Equality of Opportunity will take place September 8-10, 2008, in Brasilia, Brazil;

Whereas the Government of Brazil and the Government of the United States each will determine their country's delegate members for the United States-Brazil Steering Group;

Whereas currently, United States Government participation in initiatives of the United States-Brazil Joint Action Plan Against Racial Discrimination is supported by existing discretionary funds within the Department of State and other participating agencies;

Whereas the elimination of ethnic and racial discrimination in the United States and Brazil is an ongoing process that requires the long-term dedication of both countries;

Whereas additional resources may be needed to support future initiatives under the United States-Brazil Joint Action Plan Against Racial Discrimination to address discrimination and promote racial and ethnic equality in the long term;

Whereas the specific areas of cooperation that the United States-Brazil Joint Action Plan Against Racial Discrimination plans to address include education, communications and culture, labor and employment, housing and public accommodation, equal protection under the law and access to legal systems, domestic enforcement of antidiscrimination laws and policies, sports and recreation, health issues prevalent among minorities, access to credit and technical training, and social, historical, and cultural factors that contribute to racial and ethnic prejudices;

Whereas the Steering Group on Equality of Opportunity will address the top priority of combating discrimination and promoting equality in education at primary, secondary, vocational, undergraduate, and graduate levels;

Whereas particular programs and initiatives to be considered by the Steering Group include, but are not limited to, training programs, strengthening democratic institutions, public-private partnerships with businesses and nongovernmental organizations, workshops and seminars, exchanges of technical experts, scholarships and fellowships, cooperation with international organizations and civil society, and programs in third countries;

Whereas the United States and Brazil should support cultural exchanges between minority groups in the two countries and opportunities for the exchange of perspectives and experiences in race relations in both countries; and

Whereas the Governments of the United States and Brazil value the importance of promoting tolerance and equality by emphasizing education and promoting equal opportunities, democracy, and prosperity in both countries: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes the need to promote equality and continue to work towards eliminating racial discrimination in both the United States and Brazil;

(2) commends Secretary of State Condoleezza Rice and Brazilian Minister of Racial Integration Edson Santos for signing the "Joint Action Plan Between the Government of the Federative Republic of Brazil and the Government of the United States of America to Eliminate Racial and Ethnic Discrimination and Promote Equality";

(3) supports the continued involvement of the Government of the United States in the bilateral partnership of the United States-Brazil Joint Action Plan Against Racial Discrimination through funding that may be designated for programs as part of this initiative;

(4) encourages the participation of the Departments of State, Labor, Justice, and Education; the Equal Employment Opportunity Commission; Congress; Federal, State, and local court systems; and other agencies in the collaborative process of the United States-Brazil Steering Group on Equality of Opportunity; and

(5) urges the involvement of the private sector, civil society, and experts on race relations and other relevant topics to be considered as part of the Steering Group Advisory Board.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

#### GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

Let me generally, Mr. Speaker, thank the chairman of the full committee, Mr. BERMAN, and the ranking member, Ms. ILEANA ROS-LEHTINEN, both of whom are now conducting a hearing regarding the relationship between Georgia and Russia, for their leadership on these legislative initiatives. And I want to thank the Chairs and ranking members of the subcommittees from which these legislative initiatives have come forward.

It is well noted the Foreign Affairs Committee works collaboratively together, and I guess it continues to be in the spirit of our fallen leader, Representative, former chairman, Tom Lantos.

So let me thank our colleagues, Congressman ELIOT ENGEL and DAN BURTON, the chairman and ranking member of the Western Hemisphere Subcommittee, for introducing this important resolution.

Brazil and the United States both share a history of slavery in the Americas. The legacy and residual effects of that common history remain with both our countries long after the abolishment of slavery throughout the hemisphere.

The experience of race and the phenomenon of racism has been treated and understood very differently in Brazil than it has in the United States. Brazil holds the largest and one of the most ethnically diverse and racially mixed populations in the world.

□ 1330

Historically, Brazil's multi-ethnicity has taken its own unique path, devoid of the spasms of violence and resentment that have characterized similar historical moments in the United States. In fact, in the 20th century, Brazil's tolerance and accommodation came to be known as "racial democracy" and became a source of great pride for its people.

Having been to Brazil on several occasions, I can attest to the fact Brazil and its people seem to be constantly working on finding racial accommodations, racial democracy.

Significant changes have taken place in the U.S. and Brazil in the issue of race and racism in the past two decades. Today, Brazilian self-identity regarding race has become more nuanced. The undeniable fact of Brazilians as a mixture of different races has run headlong into the notion of racial exclusion. To paraphrase Professor Edward E. Telles of UCLA in his book "Race in Another America: The Significance of Skin Color in Brazil," Brazilians today grapple with how their society can at the same time reflect inclusiveness and the differences that make them unique.

The United States and Brazil have much to learn from each other in this realm. The ways in which our racial histories have diverged, and more recently the ways in which they have converged, offer much to share and even more to discuss.

As I mentioned, as I have traveled to Brazil, I have seen the opportunity to make everyone a Brazilian. We here are now talking about the fact that different groups want to be acknowledged for their own cultural history, and also, as we have made everyone a Brazilian, different groups have noted that only one group of those Brazilians have been able to ascend to the highest corporate ranks as well as governmental ranks.

Therefore, it is especially timely, then, that we take up this resolution recognizing how our racial histories currently affect minority communities and celebrating the goals of a joint action plan between our two governments on racial and ethnic discrimination.

This resolution supports the "U.S.-Brazil Joint Action Plan to Eliminate Racial and Ethnic Discrimination and Promote Equality" that was signed by Secretary Rice and Brazilian Minister of Racial Integration Edson Santos in March of this year.

The Joint Action Plan is an agreement between both governments to create opportunities for minorities in the U.S. and Brazil to become active in technical, academic, and cultural exchange programs. It creates the Steering Group to Promote Equality of Opportunity, which will consist of a panel of government officials from both the United States and Brazil to facilitate the exchange of information and the best practices for antidiscrimination measures and develop ideas on how to bilaterally promote racial and ethnic equality.

I want to applaud the Afro-Brazilians Parliamentarians of whom I've had the opportunity to meet with who have been a persistent voice in asking for this approach to avoiding discrimination and promoting affirmative action.

I also want to thank my good friend and member of the Foreign Affairs Committee, Congressman GREGORY MEEKS, who has worked on these issues and as we have traveled together to express our concern about discrimination in Brazil.

This Joint Action Plan is only one part of the expanding strategic relationship between the United States and Brazil and is a positive step in strengthening that friendship and promoting racial and ethnic equality.

Yes, we applaud racial democracy in Brazil. We applaud the race-neutral stances that they've taken, but now we applaud even more the opportunity to cite different ethnic groups and their contributions to Brazil in giving them a greater equal opportunity in Brazil.

Therefore, Mr. Speaker, I strongly support this resolution.

I reserve the balance of my time.

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

I'm pleased to rise in support of House Resolution 1254 and join my colleagues in supporting the views and goals of the Joint Action Plan signed between the United States and Brazil to eliminate racial and ethnic discrimination and promote equality. I would like to thank the gentleman from New York, Congressman ENGEL, for introducing this important measure and appreciate the efforts by his office to ensure that it was a bipartisan effort.

On March 13, 2008, Secretary of State Condoleezza Rice and Brazilian Minister of Racial Integration Edson Santos signed the "Joint Action Plan Between the Government of the Federated Republic of Brazil and the Government of the United States of America to Eliminate Racial and Ethnic Discrimination and Promote Equality." This plan recognizes the commitments of our governments to promote equality and opportunity. It underscores the importance of cooperating in the pro-

motion of human rights in order to maintain an environment of peace, democracy, and prosperity. And it also strengthens the ongoing and vital partnership we share with the country of Brazil.

Furthermore, the Joint Action Plan provides for the creation of a Steering Group to advance the understanding and exchange of information between the United States and Brazil and places a special emphasis on the role that education plays in both of our countries.

House Resolution 1254 recognizes the importance of the U.S.-Brazil Joint Action Plan and highlights the commitment of our two nations to strengthen cooperation in the pursuit of these noble goals. It also serves to underscore and further advance our commitments to democracy in that region of the world.

This increased partnership will work to further enhance our longstanding relationship with Brazil, a key partner in the Western Hemisphere, and deepen the types of friendship between our two peoples.

I applaud the proactive efforts taken by both countries in confronting the ongoing challenges of inequity, and I'm confident that the U.S.-Brazilian Joint Action Plan will only work to further strengthen the historic bonds between our two nations.

I support this legislation.

I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. I thank the gentleman's comments in support of this legislation. I, too, agree that this partnership between Brazil and the United States through our respective state departments and foreign ministers will be a great asset to creating equal opportunity in Brazil.

Therefore, Mr. Speaker, I ask that our colleagues support this legislation.

Mr. ENGEL. Mr. Speaker, I rise today in strong support of H. Res. 1254, a resolution I authored which commends the United States and Brazil for signing the Joint Action Plan to Eliminate Racial and Ethnic Discrimination and Promote Equality. And, I thank the distinguished Chairman of the Committee on Foreign Affairs HOWARD BERMAN for his leadership on this issue.

The Joint Action Plan is an important step forward in global efforts to combat the evils of racism and to stand together, as the two largest democracies in the Western Hemisphere, to promote equality for all people.

The United States and Brazil share a history of slavery in the Americas. The legacy and residual effects of that common history remain with both the United States and Brazil long after emancipation. Although the experience of race and the phenomenon of racism have been treated and understood differently in Brazil and the United States, today our paths converge. The ways in which our racial histories have diverged, and more recently the ways in which they have converged, offer a great learning opportunity for both countries.

Brazil and the United States are the two largest countries in the Western Hemisphere and have the largest Afro-descendant populations—populations which often face the most

difficult economic and social barriers. Therefore, it is highly significant that our countries are now working together. The United States and Brazil have much in common, and our large vibrant minority communities are simply another trait we share. As Chairman of the Brazil Caucus, I believe that working together to stamp out discrimination only helps to bring our countries and peoples closer together, while each nation learns from the other's success stories in fighting ethnic discrimination.

I thank my colleagues on both sides of the aisle for their support of this important resolution. Our Congress can and should play a vital role in ensuring the success of the Joint Action Plan to Eliminate Racial and Ethnic Discrimination and Promote Equality. Our partnership on the Joint Action Plan is a positive step in strengthening our friendship and promoting racial and ethnic equality.

Ms. JACKSON-LEE of Texas. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the resolution, H. Res. 1254, as amended.

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

A motion to reconsider was laid on the table.

#### RECOGNIZING THE 100TH ANNIVERSARY OF THE INDEPENDENCE OF BULGARIA

Mr. BAIRD. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1383) recognizing the 100th anniversary of the independence of Bulgaria, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 1383

Whereas on September 22, 1908, Bulgaria proclaimed its independence to become a full-fledged sovereign state under the name of the Kingdom of Bulgaria;

Whereas this act marked the end of a long and dedicated struggle the Bulgarian people waged against their ages-long foreign occupier, the Ottoman Empire, which conquered the medieval Bulgarian state in the 14th Century;

Whereas although liberated in 1878, Bulgaria remained divided and dependent on its formal ruler;

Whereas with the proclamation of independence 100 years ago, Bulgaria took its rightful place among the family of nations and secured for its citizens in its constitution of 1991 the right to life, freedom and property;

Whereas the Republic of Bulgaria is a democratic nation, a strong defender of freedom and human rights, and a staunch ally of the United States;

Whereas the United States established diplomatic relations with the Republic of Bulgaria on September 19, 1903;

Whereas the United States acknowledges the courage of the Bulgarian people in deciding to pursue a free, democratic, and independent Bulgaria and their steadfast perseverance in building a society based on the rule of law, respect for human rights, and a free market economy;

Whereas the people of the Republic of Bulgaria strive to preserve and continue their tradition of ethnic and religious tolerance;

Whereas the Bulgarian Parliament, the Bulgarian Orthodox Church, King Boris III, politicians, intellectuals, and citizens all played a part in the resistance to Nazi pressure to carry out the deportation of Jews living in Bulgaria by preventing the deportation of 50,000 Jews to Nazi concentration camps;

Whereas Bulgaria was the only European country during World War II to increase its Jewish population;

Whereas Bulgaria experienced its first free election after the end of the Cold War in June 1990;

Whereas North Atlantic Treaty Organization (NATO) heads of state and member governments, meeting in Prague on November 21, 2002, invited Bulgaria into NATO after verified reforms of Bulgaria's political, economic and military systems were completed in preparation for membership;

Whereas Bulgaria was accepted as a member of NATO in April 2004, and has shown determination in enacting the continued reforms necessary to be a productive, contributing member of the Alliance;

Whereas Bulgaria was welcomed into the European Union in January 2007;

Whereas the World Bank recently classified Bulgaria as one of the top 10 nations to have undertaken important economic reforms to attract business investment;

Whereas Bulgaria is the only European Union nation to be listed in the top 10 of the World Bank's classification;

Whereas Bulgaria has promoted stability in the Balkans by rendering support to Operation Allied Force and Operation Joint Guardian led by NATO, and by providing peacekeeping troops to the Stabilization Force in Bosnia and Herzegovina (SFOR) in Bosnia and Herzegovina, and to the Kosovo Force (KFOR) in Kosovo;

Whereas Bulgaria initiated a historic strengthening of military relations by inviting the United States Armed Forces to begin conducting joint exercises with its forces in Bulgaria, the first voluntary defense cooperation agreement with foreign troops throughout Bulgarian history, including the 1,300 years before its declaration of independence; and

Whereas Bulgaria has stood firmly by the United States in the cause of advancing freedom worldwide during its tenure as a non-permanent member of the United Nations Security Council: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) commends the Republic of Bulgaria for its efforts to strengthen relations with the United States over the past 100 years;

(2) recognizes the continued contributions of Bulgaria toward bringing peace, stability, and prosperity to the region of South Eastern Europe, including its contributions to regional security and democratic stability;

(3) salutes the willing cooperation of Bulgaria and its increasingly vital role as a valuable ally in the war against international terrorism; and

(4) encourages opportunities for greater cooperation between the United States and Bulgaria in the political, military, economic, and cultural spheres.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. BAIRD) and the gentleman from South Carolina (Mr. WILSON) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

#### GENERAL LEAVE

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

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

There was no objection.

Mr. BAIRD. Mr. Speaker, I rise in strong support of this resolution and yield myself as much time as I may consume.

I'm delighted to support this resolution marking the 100th anniversary of the independence of Bulgaria. I would like to note my good friend Representative JOE WILSON of South Carolina for his leadership in ensuring that the House mark this important date.

Founded over 1300 years ago in 681, Bulgaria is one of the most ancient countries in the world. Often referred to as the cradle of Slavic culture, Bulgaria was the birthplace of Orpheus and Spartacus. It has given the world the Cyrillic alphabet, beautiful handicrafts, and folk music.

In September 1908, Bulgaria threw off the yoke of Ottoman occupation, proclaimed its independence, and became a sovereign state under the name of the Kingdom of Bulgaria. In the 100 years since it achieved independent statehood, Bulgaria has become a Democratic nation, a staunch ally of the United States, and an active participant in the transatlantic community.

Bulgaria joined the North Atlantic Treaty Organization, NATO, in April 2004. It has actively participated in NATO missions aimed at ensuring the security and stability of the Balkans. Bulgaria provided support for Operation Allied Force and Operation Joint Guardian and furnished peacekeeping troops to the Stabilization Force in Bosnia and Herzegovina, as well as the Kosovo Force.

Bulgaria also has been a country of strategic importance to the wars in Iraq and Afghanistan allowing the U.S. to establish bases in the country and make use of its technical facilities. Bulgaria was welcomed into the European Union in January 2007, which made the Cyrillic alphabet the third official alphabet of the Union after Latin and Greek.

Bulgaria has also sought to strengthen its ties to the United States. Bulgarians began immigrating to this country in large numbers between 1903 and 1910, seeking economic opportunities and political freedoms during a time of great turmoil on the continent. According to the United States Census of 2000, there were 63,000 people of Bulgarian descent living in the United States. They're undoubtedly making a rich contribution to the tapestry of American life.

This resolution rightly encourages opportunities for even greater collaboration between our two nations in the political, economic, military, and cultural realms.

Mr. Speaker, I ask my colleagues to join me in congratulating the Bulgarian people on the 100th anniversary of their independence and in celebrating enduring Bulgarian-American friendship.

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

Mr. WILSON of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

Thank you for this opportunity to speak on House Resolution 1383, a resolution recognizing the 100th anniversary of Bulgaria's independence. I want to thank the Ranking Member on the committee, Representative ILEANA ROS-LEHTINEN, and Chairman HOWARD BERMAN, in addition to Chairman ROBERT WEXLER of the Subcommittee on Europe and Ranking Member of that subcommittee, ELTON GALLEGLY of California, for their support in bringing this resolution to the floor.

I am grateful to serve as the cochair of the Bulgaria Caucus of Congress along with congresswoman ELLEN TAUSCHER of California. We work for parliamentary exchanges between Bulgaria and America, along with hosting Bulgarian officials and citizens in Washington.

The people of Bulgaria should be proud that on September 22 of this year they will celebrate 100 years of independence.

At the beginning of the 20th century, Bulgaria struggled to free itself from the Ottoman Empire. Toward the end of that century, they once again fought to emerge from beneath Totalitarianism following the defeat of Communism. Bulgaria's story is a success because of the hard work and dedication of its people. They should be proud of these accomplishments.

On a personal note, 18 years ago I had the great honor to serve as an elected observer for Bulgaria's first and free elections as a participant with the International Republican Institute. At the time, I saw a nation battling the challenges of building a democratic society based on the rule of law. Communist Totalitarianism was replaced by freedom and democracy.

Bulgarians have faced the opportunities and the difficulties associated with building a prosperous free economy.

Additionally, just last month I served and visited with American troops stationed in Bulgaria on a codel led by Congresswoman MADELEINE BORDALLO of Guam, and I am proud to report that the immense economic and diplomatic progress the people of Bulgaria have made is remarkable. We were hosted by the National Assembly Foreign Affairs Committee Chairman Solomon Passy. Chairman Passy served with great distinction as the former foreign minister of Bulgaria.

We met with former Bulgarian Minister to Greece Stephan Stoyanov, along with Prime Minister Sergei Stanishev, and National Assembly Speaker Georgi Pirinski. During my visit to Bulgaria in 2005, I was honored

to be hosted by President Georgi Parvanov.

Indeed, the World Bank recently classified Bulgaria as one of the top 10 nations to have undertaken important economic reforms to attract business investment. Bulgaria, admitted to the European Union in 2007, is the only EU Nation to be listed in the top 10.

In closing, we should recognize the people of Bulgaria for their continued support in the global war on terrorism. I have visited Bulgarian troops in Afghanistan and was proud that my son, Alan, served with Bulgaria during his year of service in Iraq.

As a dynamic member of NATO since 2004 and as a nation of free and democratic people, Bulgaria has stood with America in these difficult times. The partnership with America has never been stronger, built by Bulgaria's ambassador to the United States, Elena Poptodorova.

So today we recognize this immense achievement of theirs and commend them on 100 years of independence.

Again, I want to thank Chairman BERMAN, Ranking Member ROS-LEHTINEN, subcommittee Chairman WEXLER and subcommittee Ranking Member GALLEGLY for their work today.

I yield back the balance of my time.

Mr. BAIRD. I would echo the thanks and congratulate the gentleman on a successful resolution.

Mr. BOOZMAN. Mr. Speaker, I rise today in support of House Resolution 1383, and I commend our colleague, Mr. JOE WILSON of South Carolina, for introducing it. I appreciate Mr. WILSON's formation of the Bulgaria Caucus to promote the partnership of Bulgaria and America. Bulgaria declared its independence 100 years ago, on September 22nd, 1908.

Like so much of the rest of Europe, however, Bulgaria then suffered through a very difficult and tumultuous 20th Century.

After suffering through two world wars, Bulgaria was then trapped for over four decades behind the "Iron Curtain" that fell across Eastern Europe, and its people suffered from the repression and stagnation that accompanied the imposition of the Bulgarian communist regime by the former Soviet Union.

After the communist bloc in Eastern Europe fell apart, Bulgaria was at last able to hold a truly free election in June 1990.

It then faced fresh difficulties, however, as it went through a period of social and economic turmoil that culminated in a severe economic financial crisis in 1996 and 1997.

With the help of the international community, the Bulgarian government initiated a series of difficult but necessary economic reforms.

Those reforms continue even today, but their results so far have helped Bulgaria noticeably improve its economic situation.

In fact, according to the World Bank, in 2006 Bulgaria attracted the highest levels of foreign direct investment—as a share of GDP—of all of the countries of Eastern Europe.

Challenges remain, but the market reforms undertaken so far have pointed Bulgaria in the right direction.

Bulgaria must also be commended for the political reforms it has implemented since 1990.

Right at the start, in 1991, the country adopted a new constitution, which created a parliamentary democracy that limited the powers of the President and also balanced those powers against the position of the Prime Minister—with the Prime Minister ultimately held accountable to the legislature.

So, Bulgaria has made progress toward a future of democracy and economic prosperity, but it nevertheless faces continuing challenges, including a rather serious problem in the form of corruption and organized crime.

We remain supportive of Bulgaria's efforts to address those twin scourges, and I note that, in the wake of very strong concerns expressed by the European Union, the Bulgarian government has indeed begun to reform its Interior Ministry and has created a State Agency for National Security to fight such corruption and organized crime.

We certainly wish it great success in that specific effort.

Finally, I note that, while continuing with its reform efforts at home, Bulgaria has also become an active member of the international community, contributing military personnel to participate in international missions in the countries of Cambodia, Bosnia and Herzegovina, Kosovo, Afghanistan and Iraq.

Furthermore, in a very important step in March 2004, Bulgaria became a formal ally of the United States by becoming a member of the North Atlantic Treaty Organization—NATO.

In its new role—as a member of the NATO Alliance—Bulgaria has proven itself to be a constructive and positive force in working for stability in the Black Sea region, and we are grateful for that.

This year, on the occasion of its 100th anniversary as an independent state, we commend Bulgaria on the great progress it made in just the past eighteen years.

I ask my colleagues to join me in supporting this resolution honoring the independence of our friend and ally, Bulgaria.

Mr. BAIRD. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. BAIRD) that the House suspend the rules and agree to the resolution, H. Res. 1383, 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.

□ 1345

#### COMMEMORATING BHUTAN'S PARTICIPATION IN THE SMITHSONIAN FOLKLFESTIVAL

Mr. BAIRD. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1307) commemorating the Kingdom of Bhutan's participation in the 2008 Smithsonian Folklife Festival and commending the people and the Government of the Kingdom of Bhutan for their commitment to holding elections and broadening political participation, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1307

Whereas Bhutan is a nation cloistered among some of the highest peaks in the eastern Himalayas and has for hundreds of years served as a sanctuary for the rich and unique Bhutanese culture;

Whereas Bhutan hosts some of the most pristine and biologically diverse natural environments in the modern world, owing to the agrarian society's unique farming traditions that are rooted in a deep appreciation for the land and humble devotion to its protection;

Whereas Bhutan participated in the 2008 Smithsonian Folklife Festival and shared with the people of the United States many aspects of its unique culture and traditions, including its special approach towards life, described in national policy as the pursuit of "Gross National Happiness";

Whereas Bhutan was only in recent decades accessible by road and airplane but is now sharing with people throughout the world its special cultural traditions that include 13 traditional arts, zorig chusum, monastic dancers who perform ritual dances from sacred tsechus festivals, and weavers who create some of the most coveted textiles in the world;

Whereas Bhutan is transitioning to a parliamentary democracy, owing to the leadership of King Jigme Singye Wangchuck, who abdicated his throne on December 14, 2006, and his son King Jigme Khesar Namgyel Wangchuck, who is committed to conducting parliamentary elections; and

Whereas King Jigme Singye Wangchuck devolved all executive authority from the throne to the cabinet in 1998, initiated the process of drafting a constitution in 2001, ordered by royal decree an end to Bhutan's absolute monarchy and the establishment of a parliamentary democracy in 2008, and issued to the people of Bhutan a historic document, or tsathrim, stating that "Bhutan is a sovereign Kingdom and the Sovereign power belongs to the people of Bhutan": Now, therefore, be it

*Resolved*, That the United States House of Representatives—

- (1) commemorates Bhutan's participation in the 2008 Smithsonian Folklife Festival;
- (2) recognizes the important cultural, artistic, agricultural, and environmental achievements of Bhutan and the Bhutanese people;
- (3) commends the Bhutanese people, the Government of the Kingdom of Bhutan, and His Majesty King Jigme Khesar Namgyel Wangchuck for their commitment to conducting parliamentary elections and transitioning from an absolute monarchy to a parliamentary democracy; and
- (4) remains committed to working with Bhutan, should it so desire, to foster cultural exchange and to assist in promoting democratic reform.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. BAIRD) and the gentleman from South Carolina (Mr. WILSON) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

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

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

There was no objection.

Mr. BAIRD. Mr. Speaker, I rise in strong support of this resolution and yield myself as much time as I may consume.

I am very pleased to be here today to speak in support of H. Res. 1307, commemorating the Kingdom of Bhutan's participation in the 2008 Smithsonian Folklife Festival and commending the people and the Government of the Kingdom of Bhutan for their commitment to holding elections and broadening political participation.

I want to pay special thanks to my colleague FRED UPTON for his assistance with this legislation as well.

I had the honor of visiting the Kingdom of Bhutan in August of 2006. It is truly a magnificent and beautiful country with delightful people. I am proud to have authored this resolution and urge its passage.

Throughout modern history, Bhutan has been one of the most geographically isolated nations in the world. Nestled among the highest peaks in the eastern Himalayas, Bhutan was inaccessible by road, rail, and air throughout the greater portion of the 20th century.

This unique seclusion fostered in Bhutan a distinctive culture marked by rich artistic tradition, deep spirituality, and an agrarian heritage emphasizing conservation and environmental stewardship.

Bhutan has adopted a principle to guide its development and preserve its rich cultural heritage—the principle of "gross national happiness," or as the King informed us, contentment. This unique philosophy, enshrined as Bhutan's national objective by King Jigme Singye Wangchuck in 1982, measures progress not only in terms of economic gains or technological achievement, but as a complete balance of many important factors encompassing the well-being and prosperity of the communities and individuals who make up the kingdom.

The pursuit of gross national happiness promotes Bhutanese cultural values as the key to the nation's development and has enabled Bhutan to progress in the modern world while maintaining its commitment to itself. By respecting these traditions, Bhutan has preserved not only its culture but its pristine national environment and enabled the kingdom to remain one of the most biologically diverse ecosystems on the planet.

As Bhutan continued on its careful path of development under the leadership of King Jigme Wangchuck, the kingdom began to pursue political reforms. In 2008, Bhutan observes an important milestone and celebrates a historical achievement: 2008 marks not only the 100th anniversary of the kingdom's monarchy but also the dawn of Bhutan's emergence as a democratic constitutional monarchy.

This process of democratization began in 1998 when King Wangchuck devolved executive authority from the throne to the cabinet and initiated the drafting of a constitution by royal decree.

On December 14, 2006, King Wangchuck honored his pledge and abdicated the throne, abolished Bhutan's absolute monarchy, and transferred the throne to his son, Jigme Khesar Namgyel Wangchuck.

The new King has continued to oversee the democratization of his country. In March of 2008, Bhutan held its first parliamentary elections, embarking on the final step in its decade-long transition to full constitutional democracy. There are plans for a grant coronation in November of this year. At that time, Bhutan's first constitutional monarch will formally ascend to the throne.

H. Res. 1307 recognizes the political achievements of the Kingdom of Bhutan and commends the people and the leadership of the kingdom for their ability to pursue development while serving the nation's gross national happiness. We also commemorate the participation of Bhutan at the 2008 Folklife Festival, marking a unique opportunity for thousands of Americans to appreciate the Bhutanese culture that continues to flourish along Bhutan's path of development.

I urge passage of the resolution.

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

Mr. WILSON of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Resolution 1307, a resolution commemorating Bhutan's participation in the 2008 Smithsonian Folklife Festival and commending the people and leaders of that isolated and mountainous country for their commitment to democratic reform.

Mr. Speaker, the Kingdom of Bhutan, called by its people "the Land of the Thunder Dragon," is one of the most hauntingly beautiful and remarkable countries in the world.

If the diversity of its peoples, geography, and ecosystems weren't enough to make Bhutan stand out, this traditional society is also experiencing an extraordinary political evolution.

Due to the perceptive policies of its two most recent rulers, Bhutan has been transformed from one of the world's most reclusive poor countries to one of its more enlightened. The economy has grown at an average annual rate of 7 percent over the past 25 years. With huge investments in public health, life expectancy rose during the King's reign from 40 to 66. During the 1990s, the primary school enrollment rate rose by over a quarter to 72 percent.

This March, Bhutan held successful elections for the lower house of parliament. This event, which built upon the historic and peaceful elections for the upper house of parliament in December 2007, marked another positive



step in Bhutan's transition to a democratic, constitutional monarchy.

Mr. Speaker, I urge support for this well-crafted and noncontroversial resolution.

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

Mr. BAIRD. Mr. Speaker, I thank my colleague for his kind words. It is truly a marvelous story, the development of Bhutan into a democratic monarchy. The effort of the King and his son and the entire Bhutanese people is really astonishing and a great story to tell. It is also a remarkably beautiful country.

So I would urge passage of this.

I have no further speakers at this time, and I reserve the balance of my time.

Mr. WILSON of South Carolina. Mr. Speaker, I yield back the balance of my time and commend my colleague from Washington State.

Mr. BAIRD. I thank the gentleman. With that, I yield back the balance of my time as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. BAIRD) that the House suspend the rules and agree to the resolution, H. Res. 1307, 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. BAIRD. 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.

PERMISSION FOR COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM TO FILE SUPPLEMENTAL REPORT ON H.R. 6322, PUBLIC CHARTER SCHOOLS HOME RULE ACT OF 2008

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be authorized to file a supplemental report to accompany H.R. 6322.

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

There was no objection.

GOVERNMENT ACCOUNTABILITY OFFICE ACT OF 2008

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 5683) to make certain reforms with respect to the Government Accountability Office, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Government Accountability Office Act of 2008".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 31, United States Code.

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

Sec. 1. Short title; references; table of contents.

Sec. 2. Provisions relating to future annual pay adjustments.

Sec. 3. Pay adjustment relating to certain previous years.

Sec. 4. Lump-sum payment for certain performance-based compensation.

Sec. 5. Inspector General.

Sec. 6. Reimbursement of audit costs.

Sec. 7. Financial disclosure requirements.

Sec. 8. Highest basic pay rate.

Sec. 9. Additional authorities.

SEC. 2. PROVISIONS RELATING TO FUTURE ANNUAL PAY ADJUSTMENTS.

(a) IN GENERAL.—Section 732 is amended by adding at the end the following:

"(j)(1) For purposes of this subsection—

"(A) the term 'pay increase', as used with respect to an officer or employee in connection with a year, means the total increase in the rate of basic pay (expressed as a percentage) of such officer or employee, taking effect under section 731(b) and subsection (c)(3) in such year;

"(B) the term 'required minimum percentage', as used with respect to an officer or employee in connection with a year, means the percentage equal to the total increase in rates of basic pay (expressed as a percentage) taking effect under sections 5303 and 5304–5304a of title 5 in such year with respect to General Schedule positions within the pay locality (as defined by section 5302(5) of title 5) in which the position of such officer or employee is located;

"(C) the term 'covered officer or employee', as used with respect to a pay increase, means any individual—

"(i) who is an officer or employee of the Government Accountability Office, other than an officer or employee described in subparagraph (A), (B), or (C) of section 4(c)(1) of the Government Accountability Office Act of 2008, determined as of the effective date of such pay increase; and

"(ii) whose performance is at least at a satisfactory level, as determined by the Comptroller General under the provisions of subsection (c)(3) for purposes of the adjustment taking effect under such provisions in such year; and

"(D) the term 'nonpermanent merit pay' means any amount payable under section 731(b) which does not constitute basic pay.

"(2)(A) Notwithstanding any other provision of this chapter, if (disregarding this subsection) the pay increase that would otherwise take effect with respect to a covered officer or employee in a year would be less than the required minimum percentage for such officer or employee in such year, the Comptroller General shall provide for a further increase in the rate of basic pay of such officer or employee.

"(B) The further increase under this subsection—

"(i) shall be equal to the amount necessary to make up for the shortfall described in subparagraph (A); and

"(ii) shall take effect as of the same date as the pay increase otherwise taking effect in such year.

"(C) Nothing in this paragraph shall be considered to permit or require that a rate of basic pay be increased to an amount inconsistent with the limitation set forth in subsection (c)(2).

"(D) If (disregarding this subsection) the covered officer or employee would also have re-

ceived any nonpermanent merit pay in such year, such nonpermanent merit pay shall be decreased by an amount equal to the portion of such officer's or employee's basic pay for such year which is attributable to the further increase described in subparagraph (A) (as determined by the Comptroller General), but to not less than zero.

"(3) Notwithstanding any other provision of this chapter, the effective date of any pay increase (within the meaning of paragraph (1)(A)) taking effect with respect to a covered officer or employee in any year shall be the same as the effective date of any adjustment taking effect under section 5303 of title 5 with respect to statutory pay systems (as defined by section 5302(1) of title 5) in such year."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to any pay increase (as defined by such amendment) taking effect on or after the date of the enactment of this Act.

SEC. 3. PAY ADJUSTMENT RELATING TO CERTAIN PREVIOUS YEARS.

(a) APPLICABILITY.—This section applies in the case of any individual who, as of the date of the enactment of this Act, is an officer or employee of the Government Accountability Office, excluding—

(1) an officer or employee described in subparagraph (A), (B), or (C) of section 4(c)(1); and

(2) an officer or employee who received both a 2.6 percent pay increase in January 2006 and a 2.4 percent pay increase in February 2007.

(b) PAY INCREASE DEFINED.—For purposes of this section, the term "pay increase", as used with respect to an officer or employee in connection with a year, means the total increase in the rate of basic pay (expressed as a percentage) of such officer or employee, taking effect under sections 731(b) and 732(c)(3) of title 31, United States Code, in such year.

(c) PROSPECTIVE EFFECT.—Effective with respect to pay for service performed in any pay period beginning after the end of the 6-month period beginning on the date of the enactment of this Act (or such earlier date as the Comptroller General may specify), the rate of basic pay for each individual to whom this section applies shall be determined as if such individual had received both a 2.6 percent pay increase for 2006 and a 2.4 percent pay increase for 2007, subject to subsection (e).

(d) LUMP-SUM PAYMENT.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General shall, subject to the availability of appropriations, pay to each individual to whom this section applies a lump-sum payment. Subject to subsection (e), such lump-sum payment shall be equal to—

(1)(A) the total amount of basic pay that would have been paid to the individual, for service performed during the period beginning on the effective date of the pay increase for 2006 and ending on the day before the effective date of the pay adjustment under subsection (c) (or, if earlier, the date on which the individual retires or otherwise ceases to be employed by the Government Accountability Office), if such individual had received both a 2.6 percent pay increase for 2006 and a 2.4 percent pay increase for 2007, minus

(B) the total amount of basic pay that was in fact paid to the individual for service performed during the period described in subparagraph (A); and

(2) increased by 4 percent of the amount calculated under paragraph (1).

Eligibility for a lump-sum payment under this subsection shall be determined solely on the basis of whether an individual satisfies the requirements of subsection (a) (to be considered an individual to whom this section applies), and without regard to such individual's employment status as of any date following the date of the enactment of this Act or any other factor.

(e) CONDITIONS.—Nothing in subsection (c) or (d) shall be considered to permit or require—

(1) the payment of any rate (or portion of the lump-sum amount as calculated under subsection (d)(1) based on a rate) for any pay period, to the extent that such rate would be (or would have been) inconsistent with the limitation that applies (or that applied) with respect to such pay period under section 732(c)(2) of title 31, United States Code; or

(2) the payment of any rate or amount based on the pay increase for 2006 or 2007 (as the case may be), if—

(A) the performance of the officer or employee involved was not at a satisfactory level, as determined by the Comptroller General under paragraph (3) of section 732(c) of such title 31 for purposes of the adjustment under such paragraph for that year; or

(B) the individual involved was not an officer or employee of the Government Accountability Office on the date as of which that increase took effect.

As used in paragraph (2)(A), the term “satisfactory” includes a rating of “meets expectations” (within the meaning of the performance appraisal system used for purposes of the adjustment under section 732(c)(3) of such title 31 for the year involved).

(f) RETIREMENT.—

(1) IN GENERAL.—The portion of the lump-sum payment paid under subsection (d) to an officer or employee as calculated under subsection (d)(1) shall, for purposes of any determination of the average pay (as defined by section 8331 or 8401 of title 5, United States Code) which is used to compute an annuity under subchapter III of chapter 83 or chapter 84 of such title—

(A) be treated as basic pay (as defined by section 8331 or 8401 of such title); and

(B) be allocated to the biweekly pay periods covered by subsection (d).

(2) CONTRIBUTIONS TO CIVIL SERVICE RETIREMENT AND DISABILITY RETIREMENT FUND.—

(A) EMPLOYEE CONTRIBUTIONS.—The Government Accountability Office shall deduct and withhold from the lump-sum payment paid to each employee under subsection (d) an amount equal to the difference between—

(i) employee contributions that would have been deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, if the portion of the lump-sum payment as calculated under subsection (d)(1) had been additionally paid as basic pay during the period described under subsection (d)(1) of this section; and

(ii) employee contributions that were actually deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during that period.

(B) AGENCY CONTRIBUTIONS AND PAYMENT TO THE FUND.—Not later than 9 months after the Government Accountability Office makes the lump-sum payments under subsection (d), the Government Accountability Office shall pay into the Civil Service Retirement and Disability Fund—

(i) the amount of each deduction and withholding under subparagraph (A); and

(ii) an amount for applicable agency contributions under section 8334 or 8423 of title 5, United States Code, based on payments made under clause (i).

(g) EXCLUSIVE REMEDY.—This section constitutes the exclusive remedy that any individuals to whom this section applies (as described in subsection (a)) have for any claim that they are owed any monies denied to them in the form of a pay increase for 2006 or 2007 under section 732(c)(3) of title 31, United States Code, or any other law. Notwithstanding any other provision of law, no court or administrative body, including the Government Accountability Office Personnel Appeals Board, shall have jurisdiction to entertain any civil action or other civil proceeding based on the claim of such individuals that they were due money in the form of a pay increase for 2006 or 2007 pursuant to such section 732(c)(3) or any other law.

**SEC. 4. LUMP-SUM PAYMENT FOR CERTAIN PERFORMANCE-BASED COMPENSATION.**

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General shall, subject to the availability of appropriations, pay to each qualified individual a lump-sum payment equal to the amount of performance-based compensation such individual was denied for 2006, as determined under subsection (b).

(b) AMOUNT.—The amount payable to a qualified individual under this section shall be equal to—

(1) the total amount of performance-based compensation such individual would have earned for 2006 (determined by applying the Government Accountability Office’s performance-based compensation system under GAO Orders 2540.3 and 2540.4, as in effect in 2006) if such individual had not had a salary equal to or greater than the maximum for such individual’s band (as further described in subsection (c)(2)), less

(2) the total amount of performance-based compensation such individual was in fact granted, in January 2006, for that year.

(c) QUALIFIED INDIVIDUAL.—For purposes of this section, the term “qualified individual” means an individual who—

(1) as of the date of the enactment of this Act, is an officer or employee of the Government Accountability Office, excluding—

(A) an individual holding a position subject to section 732a or 733 of title 31, United States Code (disregarding section 732a(b) and 733(c) of such title);

(B) a Federal Wage System employee; and

(C) an individual participating in a development program under which such individual receives performance appraisals, and is eligible to receive permanent merit pay increases, more than once a year; and

(2) as of January 22, 2006, was a Band I staff member with a salary above the Band I cap, a Band IIA staff member with a salary above the Band IIA cap, or an administrative professional or support staff member with a salary above the cap for that individual’s pay band (determined in accordance with the orders cited in subsection (b)(1)).

(d) EXCLUSIVE REMEDY.—This section constitutes the exclusive remedy that any officers and employees (as described in subsection (c)) have for any claim that they are owed any monies denied to them in the form of merit pay for 2006 under section 731(b) of title 31, United States Code, or any other law. Notwithstanding any other provision of law, no court or administrative body in the United States, including the Government Accountability Office Personnel Appeals Board, shall have jurisdiction to entertain any civil action or other civil proceeding based on the claim of such officers or employees that they were due money in the form of merit pay for 2006 pursuant to such section 731(b) or any other law.

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

(1) the term “performance-based compensation” has the meaning given such term under the Government Accountability Office’s performance-based compensation system under GAO Orders 2540.3 and 2540.4, as in effect in 2006; and

(2) the term “permanent merit pay increase” means an increase under section 731(b) of title 31, United States Code, in a rate of basic pay.

**SEC. 5. INSPECTOR GENERAL.**

(a) IN GENERAL.—Subchapter I of chapter 7 is amended by adding at the end the following:

**“§705. Inspector General for the Government Accountability Office**

“(a) ESTABLISHMENT OF OFFICE.—There is established an Office of the Inspector General in the Government Accountability Office, to—

“(1) conduct and supervise audits consistent with generally accepted government auditing standards and investigations relating to the Government Accountability Office;

“(2) provide leadership and coordination and recommend policies, to promote economy, efficiency, and effectiveness in the Government Accountability Office; and

“(3) keep the Comptroller General and Congress fully and currently informed concerning fraud and other serious problems, abuses, and deficiencies relating to the administration of programs and operations of the Government Accountability Office.

“(b) APPOINTMENT, SUPERVISION, AND REMOVAL.—

“(1) The Office of the Inspector General shall be headed by an Inspector General, who shall be appointed by the Comptroller General without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations. The Inspector General shall report to, and be under the general supervision of, the Comptroller General.

“(2) The Inspector General may be removed from office by the Comptroller General. The Comptroller General shall, promptly upon such removal, communicate in writing the reasons for any such removal to each House of Congress.

“(3) The Inspector General shall be paid at an annual rate of pay equal to \$5,000 less than the annual rate of pay of the Comptroller General, and may not receive any cash award or bonus, including any award under chapter 45 of title 5.

“(c) AUTHORITY OF INSPECTOR GENERAL.—In addition to the authority otherwise provided by this section, the Inspector General, in carrying out the provisions of this section, may—

“(1) have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material that relate to programs and operations of the Government Accountability Office;

“(2) make such investigations and reports relating to the administration of the programs and operations of the Government Accountability Office as are, in the judgment of the Inspector General, necessary or desirable;

“(3) request such documents and information as may be necessary for carrying out the duties and responsibilities provided by this section from any Federal agency;

“(4) in the performance of the functions assigned by this section, obtain all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence from a person not in the United States Government or from a Federal agency, to the same extent and in the same manner as the Comptroller General under the authority and procedures available to the Comptroller General in section 716 of this title;

“(5) administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the functions assigned by this section, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of Inspector General designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal;

“(6) have direct and prompt access to the Comptroller General when necessary for any purpose pertaining to the performance of functions and responsibilities under this section;

“(7) report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law; and

“(8) provide copies of all reports to the Audit Advisory Committee of the Government Accountability Office and provide such additional information in connection with such reports as is requested by the Committee.

“(d) COMPLAINTS BY EMPLOYEES.—

“(1) The Inspector General—

“(A) subject to subparagraph (B), may receive, review, and investigate, as the Inspector General considers appropriate, complaints or information from an employee of the Government

Accountability Office concerning the possible existence of an activity constituting a violation of any law, rule, or regulation, mismanagement, or a gross waste of funds; and

“(B) shall refer complaints or information concerning violations of personnel law, rules, or regulations to established investigative and adjudicative entities of the Government Accountability Office.

“(2) The Inspector General shall not, after receipt of a complaint or information from an employee, disclose the identity of the employee without the consent of the employee, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

“(3) Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee as a reprisal for making a complaint or disclosing information to the Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

“(e) SEMIANNUAL REPORTS.—(1) The Inspector General shall submit semiannual reports summarizing the activities of the Office of the Inspector General to the Comptroller General. Such reports shall include, but need not be limited to—

“(A) a summary of each significant report made during the reporting period, including a description of significant problems, abuses, and deficiencies disclosed by such report;

“(B) a description of the recommendations for corrective action made with respect to significant problems, abuses, or deficiencies described pursuant to subparagraph (A);

“(C) a summary of the progress made in implementing such corrective action described pursuant to subparagraph (B); and

“(D) information concerning any disagreement the Comptroller General has with a recommendation of the Inspector General.

“(2) The Comptroller General shall transmit the semiannual reports of the Inspector General, together with any comments the Comptroller General considers appropriate, to Congress within 30 days after receipt of such reports.

“(f) INDEPENDENCE IN CARRYING OUT DUTIES AND RESPONSIBILITIES.—The Comptroller General may not prevent or prohibit the Inspector General from carrying out any of the duties or responsibilities of the Inspector General under this section.

“(g) AUTHORITY FOR STAFF.—

“(1) IN GENERAL.—The Inspector General shall select, appoint, and employ (including fixing and adjusting the rates of pay of) such personnel as may be necessary to carry out this section consistent with the provisions of this title governing selections, appointments, and employment (including the fixing and adjusting the rates of pay) in the Government Accountability Office. Such personnel shall be appointed, promoted, and assigned only on the basis of merit and fitness, but without regard to those provisions of title 5 governing appointments and other personnel actions in the competitive service, except that no personnel of the Office may be paid at an annual rate greater than \$1,000 less than the annual rate of pay of the Inspector General.

“(2) EXPERTS AND CONSULTANTS.—The Inspector General may procure temporary and intermittent services under section 3109 of title 5 at rates not to exceed the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title.

“(3) INDEPENDENCE IN APPOINTING STAFF.—No individual may carry out any of the duties or responsibilities of the Office of the Inspector General unless the individual is appointed by the Inspector General, or provides services obtained by the Inspector General, pursuant to this paragraph.

“(4) LIMITATION ON PROGRAM RESPONSIBILITIES.—The Inspector General and any individual carrying out any of the duties or responsibilities of the Office of the Inspector General are prohibited from performing any program responsibilities.

“(h) OFFICE SPACE.—The Comptroller General shall provide the Office of the Inspector General—

“(1) appropriate and adequate office space;

“(2) such equipment, office supplies, and communications facilities and services as may be necessary for the operation of the Office of the Inspector General;

“(3) necessary maintenance services for such office space, equipment, office supplies, and communications facilities; and

“(4) equipment and facilities located in such office space.

“(i) DEFINITION.—As used in this section, the term ‘Federal agency’ means a department, agency, instrumentality, or unit thereof, of the Federal Government.”

(b) INCUMBENT.—The individual who serves in the position of Inspector General of the Government Accountability Office on the date of the enactment of this Act shall continue to serve in such position subject to removal in accordance with the amendments made by this section.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 7 is amended by inserting after the item relating to section 704 the following:

“705. Inspector General for the Government Accountability Office.”

#### SEC. 6. REIMBURSEMENT OF AUDIT COSTS.

(a) IN GENERAL.—Section 3521 is amended by adding at the end the following:

“(i)(1) If the Government Accountability Office audits any financial statement or related schedule which is prepared under section 3515 by an executive agency (or component thereof) for a fiscal year beginning on or after October 1, 2009, such executive agency (or component) shall reimburse the Government Accountability Office for the cost of such audit, if the Government Accountability Office audited the statement or schedule of such executive agency (or component) for fiscal year 2007.

“(2) Any executive agency (or component thereof) that prepares a financial statement under section 3515 for a fiscal year beginning on or after October 1, 2009, and that requests, with the concurrence of the Inspector General of such agency, the Government Accountability Office to conduct the audit of such statement or any related schedule required by section 3521 may reimburse the Government Accountability Office for the cost of such audit.

“(3) For the audits conducted under paragraphs (1) and (2), the Government Accountability Office shall consult prior to the initiation of the audit with the relevant executive agency (or component) and the Inspector General of such agency on the scope, terms, and cost of such audit.

“(4) Any reimbursement under paragraph (1) or (2) shall be deposited to a special account in the Treasury and shall be available to the Government Accountability Office for such purposes and in such amounts as are specified in annual appropriations Acts.”

(b) CONFORMING AMENDMENT.—Section 1401 of title I of Public Law 108–83 (31 U.S.C. 3523 note) is repealed, effective October 1, 2010.

#### SEC. 7. FINANCIAL DISCLOSURE REQUIREMENTS.

Section 109(13)(B) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in clause (i), by inserting “(except any officer or employee of the Government Accountability Office)” after “legislative branch”, and by striking “and” at the end;

(2) by redesignating clause (ii) as clause (iii); and

(3) by inserting after clause (i) the following: “(ii) each officer or employee of the Government Accountability Office who, for at least 60 consecutive days, occupies a position for which

the rate of basic pay, minus the amount of locality pay that would have been authorized under section 5304 of title 5, United States Code (had the officer or employee been paid under the General Schedule) for the locality within which the position of such officer or employee is located (as determined by the Comptroller General), is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS–15 of the General Schedule; and”.

#### SEC. 8. HIGHEST BASIC PAY RATE.

Section 732(c)(2) is amended by striking “highest basic rate for GS–15;” and inserting “rate for level III of the Executive Level, except that the total amount of cash compensation in any year shall be subject to the limitations provided under section 5307(a)(1) of title 5;”.

#### SEC. 9. ADDITIONAL AUTHORITIES.

(a) IN GENERAL.—Section 731 is amended—

(1) by repealing subsection (d);

(2) in subsection (e)—

(A) in the matter before paragraph (1), by striking “maximum daily rate for GS–18 under section 5332 of such title” and inserting “daily rate for level IV of the Executive Schedule”; and

(B) by striking “more than—” and all that follows and inserting the following: “more than 20 experts and consultants may be procured for terms of not more than 3 years, but which shall be renewable.”; and

(3) by adding at the end the following:

“(j) Funds appropriated to the Government Accountability Office for salaries and expenses are available for meals and other related reasonable expenses incurred in connection with recruitment.”.

(b) CONFORMING AMENDMENTS.—(1) Section 732a(b) is amended by striking “section 731(d), (e)(1), or (e)(2)” and inserting “paragraph (1) or (2) of section 731(e)”.

(2) Section 733(c) is amended by striking “(d),”.

(3) Section 735(a) is amended by striking “731(c)–(e),” and inserting “731(c) and (e),”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Virginia (Mr. DAVIS) 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 might consume.

Mr. Speaker, once again, we come to the House floor to consider and pass what, in my opinion, is a vitally important piece of legislation designed to ensure the continual effectiveness of the U.S. Congress. H.R. 5683, the Government Accountability Act of 2008, will allow the Government Accountability Office to regain its footing as a premier government agency that both promotes its employees as the best and the brightest, as well as treats them as such.

On April 2, after a 2-year investigation and several subcommittee hearings, I introduced H.R. 5683, which would restore the 2006 and 2007 annual

across-the-board increase to GAO employees who met expectations but did not receive the adjustment.

In summary, the legislation sets a “floor guarantee” that would preserve GAO’s performance-based compensation system, while ensuring that GAO employees receive an annual increase in their permanent pay, provided they meet expectations, that is at least equal to the congressionally approved across-the-board increase. The floor guarantee will be comprised of the annual adjustment to the GAO pay schedule plus the permanent merit pay increase received by an employee under GAO’s merit pay system.

Other provisions in the bill include creating a statutory Inspector General for GAO, permitting the Comptroller General greater flexibility to administer oaths to witnesses when auditing and settling accounts, enabling the CG to expenditures for meals and other expenses in connection with recruitment, and eliminates the statutorily employed GS-15 pay cap to allow the Comptroller General the authority to pay employees up to the rate for Executive Level III.

After consideration by our colleagues in the Senate, H.R. 5683 returns to us in the House amended and, in some respects, strengthened by the inclusion of language requiring the Treasury Department, the Internal Revenue Service, or any other Federal agency that the GAO elects to audit, to reimburse the GAO for the cost of performing such audits during fiscal year 2007. The most recent iteration of the bill also makes sure that GAO would be reimbursed by an agency that asks to be audited and elects to pay for the audit.

While the bill represents a significant step forward, the subcommittee and many Members of the House still recognize that more work needs to be done at GAO. Nevertheless, H.R. 5683 will help improve the morale at GAO and remedy the inequities that resulted from the denial of the 2006 and 2007 across-the-board adjustments.

Mr. Speaker, I hope that my colleagues will once again join GAO and the International Federation of Professional and Technical Engineers and support the passage of this bill.

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

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to speak on H.R. 5683, the Government Accountability Office Act of 2008. Last year, the GAO submitted to Congress a legislative proposal to make a number of largely noncontroversial changes to GAO’s authorizing statutes. In May of this year, our committee approved H.R. 5683, and in June, the bill passed the House under suspension.

Now, the bill passed by the House did a number of things that were sought by the GAO. For example, that bill and the bill we’re taking up today would make statutory GAO’s Inspector Gen-

eral and would attempt to resolve longstanding pay disputes between GAO and some of its employees.

The Senate took up the House bill before the August recess, amended it, passed it, and sent it over here back to the House. It is the Senate’s version of our bill that we’re taking up today.

Now, the Senate’s new language would add 4 percent to the lump sum payments under section 3. This is intended to compensate employees for the fact that under the Senate bill employees would have to make contributions into the retirement system.

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The original House bill expected GAO to cover these costs, which GAO was willing to do, but the Senate language expects employees to pay their fair share.

The new language would also revise reimbursement of GAO audit costs to limit reimbursements to those audits that are currently being done by GAO, but would allow reimbursement of other audits with the concurrence of the agency’s IG.

Since it appears all interested parties agreed to the new language before the bill passed the Senate, I support it as well and urge my colleagues to vote for the bill.

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

Mr. DAVIS of Illinois. I want to thank the gentleman from Virginia for his support of the 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 Illinois (Mr. DAVIS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 5683.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

#### LANCE CORPORAL DREW W. WEAVER POST OFFICE BUILDING

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6168) to designate the facility of the United States Postal Service located at 112 South 5th Street in Saint Charles, Missouri, as the “Lance Corporal Drew W. Weaver Post Office Building”.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6168

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

#### SECTION 1. LANCE CORPORAL DREW W. WEAVER POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 112 South 5th Street in Saint Charles, Missouri, shall be known and designated as the “Lance Corporal Drew W. Weaver 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 Drew W. Weaver Post Office Building”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Missouri (Mr. AKIN) 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, on behalf of the House Committee on Oversight and Government Reform, I present for consideration and support H.R. 6168, which names a postal facility in St. Charles, Missouri, after Lance Corporal Drew Weaver, a heroic marine and great American.

H.R. 6198 was introduced by a colleague, Representative AKIN of Missouri, on June 3, 2008, and has been considered by and reported from the Oversight Committee. I should mention that the measure had the support of the entire congressional delegation from Missouri before the committee approved the bill by a voice vote on July 16, 2008.

Lance Corporal Drew Weaver was assigned to the 3rd Light Armored Reconnaissance Battalion, 1st Marine Division I, Marine Expeditionary Force Twenty-Nine out of Palms, California, and was serving in Operation Iraqi Freedom during the time of his death. A true hero and American serviceman, Lance Corporal Weaver was well known not only for his service to his country, but also for his service to his local community of St. Charles, Missouri.

St. Charles, Missouri is proud of their hometown hero for the sacrifices he so nobly made, and those of us in the House of Representatives are as well. Therefore, Mr. Speaker, let us remember and pay tribute to the life and legacy of the courageous Lance Corporal Weaver and pass H.R. 6168 without objection.

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

Mr. AKIN. Mr. Speaker, I rise today in support of H.R. 6168. It’s a bill that I introduced to honor the life of Drew W. Weaver by designating the post office in St. Charles, Missouri, as the Lance Corporal Drew W. Weaver Post Office Building.

A resident of St. Charles, Missouri, Lance Corporal Drew Weaver was part of the 3rd Light Armored Reconnaissance Battalion, 1st Marine Division,

1st Marine Expeditionary Force. On February 21, 2007, Lance Corporal Weaver died while conducting combat operations in the al Anbar province in Iraq. As Captain Mark C. Brown noted, Drew was "known for his enthusiasm and his ability to motivate people around him."

Drew's contribution to his country was honored by his community when hundreds of people showed up to his memorial service and procession. A graduate of St. Charles High School, friends and family of Drew remember him as an energetic young man who was eager to serve his country. Ryan Hanson, his best friend and a fellow serviceman, said, "Drew loved what he was doing and was proud of what he was doing for the Marine Corps."

As the father of two Marines, one of whom has served in Iraq, it is a privilege to stand here today to honor one of our fallen heroes. Drew's commitment and dedication to his country is a shining example of how our military men and women are the finest our Nation has to offer.

His and his family's sacrifice should serve as a reminder to all that the freedom we enjoy as Americans is not free, but the result of tremendous bravery and selfless sacrifice of men and women willing to put themselves in harm's way for freedom's cause.

As Reverend James Benz noted during Drew's funeral, "I think we can learn from them that the freedom we enjoy in this country is precious, that it is special, and it must be preserved sometimes at great personal cost."

Our Nation will be forever indebted to Lance Corporal Drew Weaver. Madam Speaker, I ask that my colleagues join me today in honoring Lance Corporal Drew Weaver.

Vote "yes" on H.R. 6168.

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

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

The SPEAKER pro tempore (Ms. SOLIS). 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. 6168.

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

The yeas and nays were ordered.

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

#### SPECIALIST PETER J. NAVARRO POST OFFICE BUILDING

Mr. DAVIS of Illinois. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6169) to designate the facility of the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, as the "Spe-

cialist Peter J. Navarro Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6169

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

#### SECTION 1. SPECIALIST PETER J. NAVARRO POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, shall be known and designated as the "Specialist Peter J. Navarro 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 "Specialist Peter J. Navarro Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Missouri (Mr. AKIN) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

#### GENERAL LEAVE

Mr. DAVIS of Illinois. 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 Illinois?

There was no objection.

Mr. DAVIS of Illinois. Madam 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. 6169, which names a postal facility in Baldwin, Missouri, after a fallen hero, Specialist Peter J. Navarro.

Introduced on June 3, 2008, H.R. 6169 is sponsored by Congressman TODD AKIN, representative of Missouri's Second Congressional District, and co-sponsored by Missouri's entire congressional delegation and a total of eight Members of Congress. H.R. 6169 was reported from the Oversight Committee on July 16, 2008 by a voice vote.

Upon graduating from Lafayette High School in Wildwood, Missouri, Specialist Peter J. Navarro was assigned to the Army's 2nd Battalion and served in that capacity as an outstanding member of his regiment. While conducting combat operations, an improvised explosion device was detonated near his Humvee, killing the 20-year-old.

His mother had asked him not to return to Iraq, but being the dedicated soldier that he was, Specialist Navarro returned because he believed in the mission. Described as a strong willed and caring young man, Specialist Peter J. Navarro served his country in Iraq with pride and distinction. In honor of this sacrifice, Mr. Speaker, let us also pay tribute to the life of Specialist Navarro and pass H.R. 6169 and des-

ignate the Manchester Road Post Office Building in Baldwin, Missouri, after this fine and outstanding American soldier.

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

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

Mr. Speaker, I rise today in strong support of H.R. 6169, a bill I introduced to honor the life of Peter J. Navarro by designating the post office in Baldwin, Missouri, as the "Specialist Peter J. Navarro Post Office Building."

A resident of Wildwood, Missouri, Specialist Peter Navarro was part of Company A, 2nd Battalion, 70th Armor Regiment, 3rd Brigade Combat Team, 1st Armored Division. On December 13, 2005, Specialist Navarro was one of four soldiers killed when a roadside bomb detonated near their Humvee during combat operations in Taji, Iraq.

A graduate of Lafayette High School, Peter declined his acceptance at Truman State University so he could join the Army right after graduation.

When Peter returned home for his younger brother's funeral, he was faced with the undeniable risks of serving his country; however, he returned to Iraq, telling friends and family "they need me there." Peter was a dedicated soldier willing to give the ultimate sacrifice to protect his country and the men and women who reside there.

As Peter's father, Jose Navarro, said, "He cared for the soldiers he worked with. He would do anything for his friends. And he told me he believed in the mission that he was involved in."

As a father of two marines, one of whom has served in Iraq, it is a privilege to stand here today to honor one of our fallen soldiers. Peter's commitment and dedication to his country is a shining example of how our military men and women are the finest our Nation has to offer.

His and his family's sacrifice should serve as a reminder to all that the freedom we enjoy as Americans is not free, but the result of the tremendous bravery and selfless service of men and women willing to put themselves in harm's way for freedom's cause.

Our Nation will be forever indebted to Specialist Peter Navarro. Mr. Speaker, I ask that my colleagues join me today in honoring Peter by voting "yes" on H.R. 6169.

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

Mr. DAVIS of Illinois. Mr. Speaker, I am very pleased to join with Representative AKIN. And we would urge passage of this legislation in honor of an outstanding American soldier.

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

The SPEAKER pro tempore (Mr. SALAZAR). 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. 6169.

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. AKIN. 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.

### OVER-CLASSIFICATION REDUCTION ACT

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6575) to require the Archivist of the United States to promulgate regulations to prevent the over-classification of 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. 6575

*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 "Over-Classification Reduction Act".

#### SEC. 2. PURPOSE.

The purpose of this Act is to increase Governmentwide information sharing and the availability of information to the public by applying standards and practices to reduce improper classification.

#### SEC. 3. OVER-CLASSIFICATION PREVENTION WITHIN THE FEDERAL GOVERNMENT.

##### (a) ARCHIVIST RESPONSIBILITIES.—

(1) REGULATIONS.—The Archivist of the United States, in consultation with the heads of affected Federal agencies, shall promulgate regulations to prevent the over-classification of information.

(2) REQUIREMENTS.—The regulations under this subsection shall—

(A) identify specific requirements to prevent the over-classification of information, including for determining—

(i) when classified products should be prepared in a similar format governmentwide; and

(ii) when classified products should also be prepared in an unclassified format; taking into consideration whether 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, the private sector, or the public;

(B) ensure that compliance with this Act protects national security and privacy rights; and

(C) establish requirements for Federal agencies to implement, subject to chapter 71 of title 5, United States Code, including the following:

(i) The process whereby an individual may challenge without retribution classification decisions by another individual and be rewarded with specific incentives for successful challenges resulting in—

(I) the removal of improper classification markings; or

(II) the correct application of appropriate classification markings.

(ii) A method for informing individuals that repeated failure to comply with the regulations promulgated under this section could subject them to a series of penalties.

(iii) Penalties for individuals who repeatedly fail to comply with the regulations pro-

mulgated under this section after having received both notice of their noncompliance and appropriate training or re-training to address such noncompliance.

(3) CONSULTATION.—The regulations shall be promulgated in consultation, as appropriate, 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.

(4) DEADLINE.—The regulations under this subsection shall be promulgated in final form not later than one year after the date of the enactment of this Act.

(b) INSPECTOR GENERAL RESPONSIBILITIES.—Consistent with the Inspector General Act of 1978 (5 U.S.C. App.) and section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q), the Inspector General of each affected Federal agency, in consultation with the Archivist, shall randomly audit classified information from each component of the agency with employees that have classification authority. In conducting any such audit, the Inspector General shall—

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

(2) describe any problems with the administration of the applicable classification 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 Congress, the Archivist, and the public, in an appropriate format, on the findings of the Inspector General's audits under this section.

#### SEC. 4. ENFORCEMENT OF OVER-CLASSIFICATION PREVENTION WITHIN THE FEDERAL GOVERNMENT.

##### (a) PERSONAL IDENTIFIERS.—

(1) IN GENERAL.—For purposes described in paragraph (2), the Archivist of the United States shall require that, at the time of classification of information, the following shall appear on the information:

(A) The name, personal identifier, or unique agency identifier of the individual applying classification markings 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 over-classification problems, including the classification of information that should not be classified.

(B) To assess the information sharing impact of any such problems.

(b) TRAINING.—When implementing the security education and training program pursuant to Executive Order 12958, Executive Order 12829, and successor appropriate Executive Orders, the Archivist, subject to chapter 71 of title 5, United States Code, shall, in consultation with heads of affected Federal agencies—

(1) integrate training to educate about—

(A) the prevention of over-classification of information;

(B) the proper use of classification markings, including portion markings;

(C) the consequences of over-classification and other repeated improper uses of classification markings, including the misapplication of classification markings 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, including the negative consequences for the individual's personnel evaluation, information sharing, and the overall success of the agency's missions; and

(D) information relating to lessons learned from implementation of the regulations including affected Federal agency internal audits and Inspector General audits, as provided under this Act; 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.

##### (c) DETAILEE PROGRAM.—

(1) REQUIREMENT FOR PROGRAM.—The Archivist, subject to chapter 71 of title 5, United States Code, in consultation with heads of affected Federal agencies, 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 the agency personnel assigned so that they may better understand the policies, procedures and laws governing classification authorities;

(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. DEFINITIONS.

In this Act:

(1) 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.

(2) 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.

(3) AFFECTED FEDERAL AGENCY.—The term "affected Federal agency" means any Federal agency that employs an individual with original or derivative classification authority.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Missouri (Mr. AKIN) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri (Mr. CLAY).

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GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, H.R. 6575, the Over-Classification Reduction Act, addresses the ongoing problem in the Federal

Government of over-classification. This bill was introduced by the chairman and ranking member of the Committee on Oversight and Government Reform, HENRY WAXMAN and TOM DAVIS.

The National Commission on Terrorist Attacks Upon the United States, known as the 9/11 Commission, recommended limiting the unnecessary classification of documents and providing incentives for information sharing. Yet as we mark the 7th-year anniversary of the September 11 tragedy, our government still is not sharing important information. Some information must be protected to avoid threatening our national security. But going too far by over-protecting information is also damaging. Over-classification hurts our efforts to fight terrorism because it prevents agencies from sharing information with relevant stakeholders, including State and local law enforcement and other Federal agencies. It also undermines public access to this important information.

H.R. 6575 calls on the Archivist to promulgate regulations to prevent the over-classification of information. In addition to reducing over-classification, the Archivist would consider what classified information should be prepared in an unclassified format. Agencies would be required to give employees training and the opportunity to challenge classifications, and agency inspectors general would randomly audit classified information to ensure that it is properly marked.

This bill is being considered with an amendment that makes clarifications and addresses concerns raised by the administration and some Members of Congress. For example, the amendment ensures that the bill is consistent with executive order 12958 as well as other existing laws and programs. The amendment also clarifies that the regulations required by the bill be developed in consultation with the heads of affected agencies. It is essential that the Director of National Intelligence play an important role in developing policies related to the declassification of intelligence information. The Archivist also should consult with relevant agencies such as the Department of Defense regarding information about military operations or the Department of Energy regarding safeguarding nuclear facilities.

This bill takes a government-wide approach to improving information sharing. By doing so it will help strengthen our national security.

I would like to thank Chairman REYES and Representative HARMAN for working with the Committee on Oversight on this bill. I urge my colleagues to support this measure.

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

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

I agree completely with my friend from St. Louis here, and H.R. 6575 makes a whole lot of sense.

When we face direct threats, it's easy to assume that the best thing to do is to conceal, protect, or hide information, and, in fact, it's probably the worst thing that we can do. That's what the 9/11 Commission decided as it reviewed the American classification process that existed before the 2001 attacks. This is a quotation:

"Current security requirements nurture over-classification and excessive compartmentalization of information among agencies. Each agency's incentive structure opposes sharing, with risks, criminal, civil, and internal administrative sanctions, but few rewards for sharing information. No one has to pay the long-term costs of over-classifying information though these costs, even in literal financial terms, are substantial."

The result is that the United States for a long time has tried to protect a huge body of secrets using an incomprehensibly complex system of classifications and safeguard requirements. Worst still, this body of secrets is growing and no one can say with any degree of certainty how much information is classified, how much needs to be declassified, or whether the Nation's real secrets can be adequately protected in a system so bloated it often does not distinguish between the critically important and the merely embarrassing.

Our classification practices have been highly subjective, inconsistent, and susceptible to abuse. Over-classification often confuses national security with bureaucratic, political, or diplomatic convenience.

With this legislation we intend to reduce improper and over-classification and consequently increasing government-wide information sharing and the availability of information to the public. We accomplish this by instructing the Archivist to promulgate regulations which will standardize decisions on the classification documents.

The legislation also establishes systems for challenging whether information ought to be classified and instructs agency IGs to randomly audit classified information to assess whether proper classification decisions are actually being made.

Finally, this legislation creates a record attached to each classified document stating who made the decision to classify. The current system of organizational silos restricts the free flow of information from agency to agency. This system reduces this Nation's overall security by making sure no one gets a view of the entire mosaic. The legislation presents a government-wide solution to protect what must be protected but requires sharing what ought to be shared.

Mr. Speaker, 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. I urge my colleagues to support it.

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

Mr. CLAY. Mr. Speaker, I would just like to urge my colleagues to vote in favor of H.R. 6575, the Over-Classification Reduction Act, which addresses the ongoing problem in the Federal Government of over-classification. Let me thank again Chairman WAXMAN as well as Ranking Member DAVIS for their sponsorship of this bill.

Mr. DAVIS of Virginia. Mr. Speaker, an old military maxim instructs, "He who protects everything protects nothing." For too long, that instruction has been ignored in this country with regards to our classified secrets.

When facing direct threats, it is always easy to assume the best thing to do is to conceal, protect and hide information. The problem is, as the old military maxim said, that could be the exact worst thing to do.

The 9/11 Commission put it this way: "Current security requirements nurture overclassification and excessive compartmentation [sic] of information among agencies. Each agency's incentive structure opposes sharing, with risks, criminal, civil, and internal administrative sanctions, but few rewards for sharing information. No one has to pay the long-term costs of over-classifying information, though these costs—even in literal financial terms—are substantial."

The result is the United States for a long time has tried to protect a huge body of secrets using an incomprehensibly complex system of classifications and safeguard requirements.

Worse still, this body of secrets is growing. And no one can say—with any degree of certainty—how much information is classified, how much needs to be declassified or whether the Nation's real secrets can be adequately protected in a system so bloated it often does not distinguish between the critically important and the merely embarrassing.

Our classification practices have been highly subjective, inconsistent and susceptible to abuse. Over-classification often confuses national security with bureaucratic, political or diplomatic convenience.

With this legislation, we intend to reduce improper and over-classification—and, consequently, increasing government-wide information sharing and the availability of information to the public.

We accomplish this by instructing the Archivist to promulgate regulations which will standardize decisions on the classification of documents.

The legislation also establishes systems for challenging whether information ought to be classified and instructs agency IGs to randomly audit classified information to assess whether proper classification decisions are being made.

Finally, this legislation creates a record—attached to each classified document—stating who made the decision to classify it.

The current system of organizational silos restricts the free flow of information from agency to agency. This reduces the Nation's overall security by making sure no one gets to view the entire mosaic.

Today, "connecting the dots" must be a "team sport" and this legislation presents a government-wide solution to protect what must be protected—but requires sharing of what ought to be shared.

Mr. Speaker, 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. WAXMAN. Mr. Speaker, H.R. 6575, the Over-Classification Reduction Act, is aimed at reducing over-classification by the Federal Government. I introduced this bill with the Ranking Member of the Committee on Oversight and Government Reform, TOM DAVIS.

I want to thank Ranking Member DAVIS for working with me to move this bill. I also want to thank Chairman REYES and Representative HARMAN for their cooperation on this bill and for their leadership on this issue. In addition, I want to recognize Representative CLAY for his work on this issue.

The 9/11 Commission recommended providing incentives for information sharing, "to restore a better balance between security and shared knowledge." But unfortunately, that advice has not been heeded. We continue to see the Federal Government fostering secrecy using the tool of over-classification.

As the 9/11 Commission pointed out in its report, "[c]urrent security requirements nurture overclassification and excessive compartmentalization of information among agencies. Each agency's incentive structure opposes sharing, with risks . . . but few rewards for sharing information. No one has to pay the long-term costs of overclassifying information, though these costs—even in literal financial terms—are substantial."

H.R. 6575 would require the Archivist to promulgate regulations to prevent the over-classification of information. This bill would increase accountability by allowing individuals to challenge decisions to classify information and requiring that successful challenges be rewarded. The bill improves oversight of classification decisions by requiring the Inspector General of each affected agency to randomly audit classified information to determine whether the appropriate procedures were followed and to provide recommendations for improvements. It also requires training for employees to proactively prevent over-classification.

The problem of over-classification is governmentwide and it demands a governmentwide solution. In order to improve information sharing, every agency that has employees with the authority to classify documents must be held accountable. This bill does that. I urge support for H.R. 6575.

Mr. CLAY. 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 Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 6575, 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.

#### SECURITIES ACT OF 2008

Mr. KANJORSKI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6513) to amend the Federal securities laws to enhance the effectiveness of the Securities and Exchange Commission's enforcement, corporation finance, trading and markets,

investment management, and examination programs, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6513

*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 "Securities Act of 2008".

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Authority to impose civil penalties in cease and desist proceedings.
- Sec. 3. Formerly associated persons.
- Sec. 4. Scope of exemption from State securities regulation.
- Sec. 5. Covered securities.
- Sec. 6. Collateral bars.
- Sec. 7. Unlawful margin lending.
- Sec. 8. Securities Investor Protection Act of 1970 amendments.
- Sec. 9. Annual testimony on reducing complexity in financial reporting.
- Sec. 10. Equal treatment for self-regulatory organization rules.
- Sec. 11. Lost and stolen securities.
- Sec. 12. Fingerprinting.
- Sec. 13. Clarification that section 205 of the Investment Advisers Act of 1940 does not apply to State-registered advisers.
- Sec. 14. Amendments to section 31 of the Securities Exchange Act of 1934.
- Sec. 15. Protecting confidentiality of materials submitted to Commission.
- Sec. 16. Sharing privileged information with other authorities.
- Sec. 17. Technical corrections.
- Sec. 18. Conforming amendments for the repeal of the Public Utility Holding Company Act of 1935.
- Sec. 19. Nationwide service of subpoenas.

#### SEC. 2. AUTHORITY TO IMPOSE CIVIL PENALTIES IN CEASE AND DESIST PROCEEDINGS.

(a) UNDER THE SECURITIES ACT OF 1933.—Section 8A of the Securities Act of 1933 (15 U.S.C. 77h-1) is amended by adding at the end the following new subsection:

"(g) AUTHORITY TO IMPOSE MONEY PENALTIES.—

"(1) GROUNDS FOR IMPOSING.—In any cease-and-desist proceeding under subsection (a), the Commission may impose a civil penalty on a person if it finds, on the record after notice and opportunity for hearing, that—

"(A) such person—

"(i) is violating or has violated any provision of this title, or any rule or regulation thereunder; or

"(ii) is or was a cause of the violation of any provision of this title, or any rule or regulation thereunder; and

"(B) such penalty is in the public interest.

"(2) MAXIMUM AMOUNT OF PENALTY.—

"(A) FIRST TIER.—The maximum amount of penalty for each act or omission described in paragraph (1) shall be \$6,500 for a natural person or \$65,000 for any other person.

"(B) SECOND TIER.—Notwithstanding paragraph (A), the maximum amount of penalty for each such act or omission shall be \$65,000 for a natural person or \$325,000 for any other person if the act or omission described in paragraph (1) involved fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement.

"(C) THIRD TIER.—Notwithstanding paragraphs (A) and (B), the maximum amount of penalty for each such act or omission shall be \$130,000 for a natural person or \$650,000 for any other person if—

"(i) the act or omission described in paragraph (1) involved fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement; and

"(ii) such act or omission directly or indirectly resulted in substantial losses or created a significant risk of substantial losses to other persons or resulted in substantial pecuniary gain to the person who committed the act or omission.

"(3) EVIDENCE CONCERNING ABILITY TO PAY.—In any proceeding in which the Commission may impose a penalty under this section, a respondent may present evidence of the respondent's ability to pay such penalty. The Commission may, in its discretion, consider such evidence in determining whether such penalty is in the public interest. Such evidence may relate to the extent of such person's ability to continue in business and the collectability of a penalty, taking into account any other claims of the United States or third parties upon such person's assets and the amount of such person's assets."

(b) UNDER THE SECURITIES EXCHANGE ACT OF 1934.—Subsection (a) of section 21B of the Securities Exchange Act of 1934 (15 U.S.C. 78u-2(a)) is amended—

(1) by striking "(a) COMMISSION AUTHORITY TO ASSESS MONEY PENALTIES.—In any proceeding" and inserting the following:

"(a) COMMISSION AUTHORITY TO ASSESS MONEY PENALTIES.—

"(1) IN GENERAL.—In any proceeding";

(2) by redesignating paragraphs (1) through (4) of such subsection as subparagraphs (A) through (D), respectively and moving such redesignated subparagraphs and the matter following such subparagraphs 2 ems to the right; and

(3) by adding at the end of such subsection the following new paragraph:

"(2) CEASE-AND-DESIST PROCEEDINGS.—In any proceeding instituted pursuant to section 21C of this title against any person, the Commission may impose a civil penalty if it finds, on the record after notice and opportunity for hearing, that such person—

"(A) is violating or has violated any provision of this title, or any rule or regulation thereunder; or

"(B) is or was a cause of the violation of any provision of this title, or any rule or regulation thereunder."

(c) UNDER THE INVESTMENT COMPANY ACT OF 1940.—Paragraph (1) of section 9(d) of the Investment Company Act of 1940 (15 U.S.C. 80a-9(d)(1)) is amended—

(1) by striking "(1) AUTHORITY OF COMMISSION.—In any proceeding" and inserting the following:

"(1) AUTHORITY OF COMMISSION.—

"(A) IN GENERAL.—In any proceeding";

(2) by redesignating subparagraphs (A) through (C) of such paragraph as clauses (i) through (iii), respectively and by moving such redesignated clauses and the matter following such subparagraphs 2 ems to the right; and

(3) by adding at the end of such paragraph the following new subparagraph:

"(B) CEASE-AND-DESIST PROCEEDINGS.—In any proceeding instituted pursuant to subsection (f) against any person, the Commission may impose a civil penalty if it finds, on the record after notice and opportunity for hearing, that such person—

"(i) is violating or has violated any provision of this title, or any rule or regulation thereunder; or

"(ii) is or was a cause of the violation of any provision of this title, or any rule or regulation thereunder."

(d) UNDER THE INVESTMENT ADVISERS ACT OF 1940.—Paragraph (1) of section 203(i) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-3(i)(1)) is amended



(1) by striking “(1) AUTHORITY OF COMMISSION.—In any proceeding” and inserting the following:

“(1) AUTHORITY OF COMMISSION.—

“(A) IN GENERAL.—In any proceeding”;

(2) by redesignating subparagraphs (A) through (D) of such paragraph as clauses (i) through (iv), respectively and moving such redesignated clauses and the matter following such subparagraphs 2 ems to the right; and

(3) by adding at the end of such paragraph the following new subparagraph:

“(B) CEASE-AND-DESIST PROCEEDINGS.—In any proceeding instituted pursuant to subsection (k) against any person, the Commission may impose a civil penalty if it finds, on the record after notice and opportunity for hearing, that such person—

“(i) is violating or has violated any provision of this title, or any rule or regulation thereunder; or

“(ii) is or was a cause of the violation of any provision of this title, or any rule or regulation thereunder.”.

### SEC. 3. FORMERLY ASSOCIATED PERSONS.

(a) MEMBER OR EMPLOYEE OF THE MUNICIPAL SECURITIES RULEMAKING BOARD.—Section 15B(c)(8) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-4(c)(8)) is amended by striking “any member or employee” and inserting “any person who is, or at the time of the alleged misconduct was, a member or employee”.

(b) PERSON ASSOCIATED WITH A GOVERNMENT SECURITIES BROKER OR DEALER.—Section 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o-5) is amended—

(1) in subsection (c)(1)(C), by striking “or seeking to become associated,” and inserting “seeking to become associated, or, at the time of the alleged misconduct, associated or seeking to become associated”;

(2) in subsection (c)(2)(A), by inserting “, seeking to become associated, or, at the time of the alleged misconduct, associated or seeking to become associated” after “any person associated”; and

(3) in subsection (c)(2)(B), by inserting “, seeking to become associated, or, at the time of the alleged misconduct, associated or seeking to become associated” after “any person associated”.

(c) PERSON ASSOCIATED WITH A MEMBER OF A NATIONAL SECURITIES EXCHANGE OR REGISTERED SECURITIES ASSOCIATION.—Section 21(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(a)(1)) is amended by inserting “, or, as to any act or practice, or omission to act, while associated with a member, formerly associated” after “member or a person associated”.

(d) PARTICIPANT OF A REGISTERED CLEARING AGENCY.—Section 21(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(a)(1)) is amended by inserting “or, as to any act or practice, or omission to act, while a participant, was a participant,” after “in which such person is a participant.”.

(e) OFFICER OR DIRECTOR OF A SELF-REGULATORY ORGANIZATION.—Section 19(h)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(h)(4)) is amended—

(1) by striking “any officer or director” and inserting “any person who is, or at the time of the alleged misconduct was, an officer or director”; and

(2) by striking “such officer or director” and inserting “such person”.

(f) OFFICER OR DIRECTOR OF AN INVESTMENT COMPANY.—Section 36(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-35(a)) is amended—

(1) by striking “a person serving or acting” and inserting “a person who is, or at the time of the alleged misconduct was, serving or acting”; and

(2) by striking “such person so serves or acts” and inserting “such person so serves or acts, or at the time of the alleged misconduct, so served or acted”.

### SEC. 4. SCOPE OF EXEMPTION FROM STATE SECURITIES REGULATION.

Section 18(b)(1) of the Securities Act of 1933 (15 U.S.C. 77r(b)(1)) is amended—

(1) in subparagraph (A)—

(A) by striking “or the American Stock Exchange, or listed, or authorized for listing, on the National Market System of the Nasdaq Stock Market (or any successor to such entities)” and inserting “, the American Stock Exchange, or the Nasdaq Stock Market (or any successor to such entities)”; and

(B) by inserting before the semicolon the following: “, except that a security listed, or authorized for listing, on the New York Stock Exchange, the American Stock Exchange, or the Nasdaq Stock Market (or any successor to such entities) shall not be a covered security if the exchange adopts listing standards pursuant to section 19(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)) that designates a tier or segment of such securities as securities that are not covered securities for purposes of this section and such security is listed, or authorized for listing, on such tier or segment”; and

(2) in subparagraph (B), by inserting “covered” after “applicable to”.

### SEC. 5. COVERED SECURITIES.

(a) WARRANTS AND RIGHTS.—Section 18(b)(1) of the Securities Act of 1933 (15 U.S.C. 77r(b)(1)) 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:

“(D) a warrant or right to subscribe to or purchase any of the foregoing.”.

(b) EXEMPT OFFERINGS.—Section 18(b)(4)(D) of the Securities Act of 1933 (15 U.S.C. 77r(b)(4)(D)) is amended to read as follows:

“(D) Commission rules or regulations issued under section 4(2), except that this subparagraph does not prohibit a State from imposing notice filing requirements that are substantially similar to those required by rule or regulation under section 4(2) that are in effect on September 1, 1996, including information corresponding to that in all the parts and the appendix to Form D.”.

### SEC. 6. COLLATERAL BARS.

(a) SECTION 15(B)(6)(A) OF THE SECURITIES EXCHANGE ACT OF 1934.—Section 15(b)(6)(A) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)(6)(A)) is amended by striking “12 months, or bar such person from being associated with a broker or dealer,” and inserting “12 months, or bar any such person from being associated with a broker, dealer, investment adviser, municipal securities dealer, or transfer agent.”.

(b) SECTION 15B(C)(4) OF THE SECURITIES EXCHANGE ACT OF 1934.—Section 15B(c)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-4(c)(4)) is amended by striking “twelve months or bar any such person from being associated with a municipal securities dealer,” and inserting “twelve months or bar any such person from being associated with a broker, dealer, investment adviser, municipal securities dealer, or transfer agent.”.

(c) SECTION 17A(C)(4)(C) OF THE SECURITIES EXCHANGE ACT OF 1934.—Section 17A(c)(4)(C) of the Securities Exchange Act of 1934 (15 U.S.C. 78q-1(c)(4)(C)) is amended by striking “twelve months or bar any such person from being associated with the transfer agent,” and inserting “twelve months or bar any such person from being associated with any transfer agent, broker, dealer, investment adviser, or municipal securities dealer.”.

(d) SECTION 203(F) OF THE INVESTMENT ADVISERS ACT OF 1940.—Section 203(f) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-3(f)) is amended by striking “twelve months or bar any such person from being associated with an investment adviser,” and inserting “twelve months or bar any such person from being associated with an investment adviser, broker, dealer, municipal securities dealer, or transfer agent.”.

### SEC. 7. UNLAWFUL MARGIN LENDING.

Section 7(c)(1)(A) of the Securities Exchange Act of 1934 (15 U.S.C. 78g(c)(1)(A)) is amended by striking “; and” and inserting “; or”.

### SEC. 8. SECURITIES INVESTOR PROTECTION ACT OF 1970 AMENDMENTS.

(a) SIPC ADVANCES.—Section 9(a)(1) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78fff-3(a)(1)) is amended by inserting “or options on commodity futures contracts” after “claim for securities”.

(b) DEFINITIONS.—Section 16 of such Act (15 U.S.C. 78lll) is amended—

(1) by amending paragraph (2) to read as follows:

“(2) CUSTOMER.—

“(A) IN GENERAL.—The term ‘customer’ of a debtor means any person (including any person with whom the debtor deals as principal or agent) who has a claim on account of securities received, acquired, or held by the debtor in the ordinary course of its business as a broker or dealer from or for the securities accounts of such person for safekeeping, with a view to sale, to cover consummated sales, pursuant to purchases, as collateral, security, or for purposes of effecting transfer.

“(B) INCLUDED PERSONS.—The term ‘customer’ includes—

“(i) any person who has deposited cash with the debtor for the purpose of purchasing securities;

“(ii) any person who has a claim against the debtor for cash, securities, futures contracts, or options on futures contracts received, acquired, or held in a portfolio margining account carried as a securities account pursuant to a portfolio margining program approved by the Commission; and

“(iii) any person who has a claim against the debtor arising out of sales or conversions of such securities.

“(C) EXCLUDED PERSONS.—The term ‘customer’ does not include—

“(i) any person to the extent that the claim of such person arises out of transactions with a foreign subsidiary of a member of SIPC; or

“(ii) any person to the extent that such person has a claim for cash or securities which by contract, agreement, or understanding, or by operation of law, is part of the capital of the debtor, or is subordinated to the claims of any or all creditors of the debtor, notwithstanding that some ground exists for declaring such contract, agreement, or understanding void or voidable in a suit between the claimant and the debtor.”;

(2) in paragraph (4), by inserting after the first sentence the following new sentence: “In the case of portfolio margining accounts of customers that are carried as securities accounts pursuant to a portfolio margining program approved by the Commission, such term shall also include futures contracts and options on futures contracts received, acquired, or held by or for the account of a debtor from or for such accounts, and the proceeds thereof.”;

(3) in paragraph (9), by inserting before “Such term” in the matter following subparagraph (L) the following: “The term includes revenues earned by a broker or dealer in connection with transactions in customers’ portfolio margining accounts carried

as securities accounts pursuant to a portfolio margining program approved by the Commission.”; and

(4) in paragraph (11)—

(A) by amending subparagraph (A) to read as follows:

“(A) calculating the sum which would have been owed by the debtor to such customer if the debtor had liquidated, by sale or purchase on the filing date—

“(i) all securities positions of such customer (other than customer name securities reclaimed by such customer); and

“(ii) all positions in futures contracts and options on futures contracts held in a portfolio margining account carried as a securities account pursuant to a portfolio margining program approved by the Commission; minus”; and

(B) by inserting before “In determining” in the matter following subparagraph (C) the following: “A claim for a commodity futures contract received, acquired, or held in a portfolio margining account pursuant to a portfolio margining program approved by the Commission, or a claim for a security futures contract, shall be deemed to be a claim for the mark-to-market (variation) payments due with respect to such contract as of the filing date, and such claim shall be treated as a claim for cash.”.

**SEC. 9. ANNUAL TESTIMONY ON REDUCING COMPLEXITY IN FINANCIAL REPORTING.**

(a) FINDINGS.—Congress finds the following:

(1) Transparent and clear financial reporting is integral to the continued growth and strength of our capital markets and the confidence of investors.

(2) The increasing detail and volume of accounting, auditing, and reporting guidance pose a major challenge.

(3) The complexity of accounting and auditing standards in the United States has added to the costs and effort involved in financial reporting.

(b) TESTIMONY REQUIRED ON REDUCING COMPLEXITY IN FINANCIAL REPORTING.—The Securities and Exchange Commission, the Financial Accounting Standards Board, and the Public Company Accounting Oversight Board shall annually provide oral testimony by their respective Chairpersons or a designee of the Chairperson, beginning in 2009, and for 5 years thereafter, to the Committee on Financial Services of the House of Representatives on their efforts to reduce the complexity in financial reporting to provide more accurate and clear financial information to investors, including—

(1) reassessing complex and outdated accounting standards;

(2) improving the understandability, consistency, and overall usability of the existing accounting and auditing literature;

(3) developing principles-based accounting standards;

(4) encouraging the use and acceptance of interactive data; and

(5) promoting disclosures in “plain English”.

**SEC. 10. EQUAL TREATMENT FOR SELF-REGULATORY ORGANIZATION RULES.**

Section 29(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78cc(a)) is amended by striking “an exchange required thereby” and inserting “a self-regulatory organization”.

**SEC. 11. LOST AND STOLEN SECURITIES.**

Section 17(f)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78q(f)(1)) is amended—

(1) in subparagraph (A), by striking “missing, lost, counterfeit, or stolen securities” and inserting “securities that are missing, lost, counterfeit, stolen, cancelled, or any other category of securities as the Commission, by rule, may prescribe”; and

(2) in subparagraph (B), by striking “or stolen” and inserting “stolen, cancelled, or

reported in such other manner as the Commission, by rule, may prescribe”.

**SEC. 12. FINGERPRINTING.**

Section 17(f)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78q(f)(2)) is amended—

(1) by striking “and registered clearing agency,” and inserting “registered clearing agency, registered securities information processor, national securities exchange, and national securities association”; and

(2) by striking “or clearing agency,” and inserting “clearing agency, securities information processor, national securities exchange, or national securities association.”.

**SEC. 13. CLARIFICATION THAT SECTION 205 OF THE INVESTMENT ADVISERS ACT OF 1940 DOES NOT APPLY TO STATE-REGISTERED ADVISERS.**

Section 205(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-5(a)) is amended—

(1) by striking “, unless exempt from registration pursuant to section 203(b),” and inserting “registered or required to be registered with the Commission”; and

(2) by striking “make use of the mails or any means or instrumentality of interstate commerce, directly or indirectly, to”; and

(3) by striking “to” after “in any way”.

**SEC. 14. AMENDMENTS TO SECTION 31 OF THE SECURITIES EXCHANGE ACT OF 1934.**

Section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) is amended—

(1) in subsection (e)(2), by striking “September 30” and inserting “September 25”; and

(2) in subsection (g), by striking “April 30” and inserting “August 31”.

**SEC. 15. PROTECTING CONFIDENTIALITY OF MATERIALS SUBMITTED TO COMMISSION.**

(a) SECURITIES EXCHANGE ACT OF 1934.—Section 17(j) of the Securities Exchange Act of 1934 (15 U.S.C. 78q(j)) is amended to read as follows:

“(j) AUTHORITY TO LIMIT DISCLOSURE OF INFORMATION.—Notwithstanding any other provision of law, the Commission shall not be compelled to disclose any information, documents, records, or reports that relate to an examination of a person subject to or described in this section, including subsection (i)(5)(A), or the financial or operational condition of such persons, or any information supplied to the Commission by any domestic or foreign regulatory agency that relates to the financial or operational condition of such persons, of any associated person of such persons, or any affiliate of an investment bank holding company. Nothing in this subsection shall authorize the Commission to withhold information from Congress, or prevent the Commission from complying with a request for information from any other Federal department or agency or any self-regulatory organization requesting the information for purposes within the scope of its jurisdiction. Nothing in this subsection shall prevent the Commission from complying with an order of a court of the United States in an action brought by the United States or the Commission against such a person to produce information, documents, records, or reports relating directly to the examination of that person or the financial or operational condition of that person or an associated or affiliated person of that person. For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of such section 552. In prescribing regulations to carry out the requirements of this subsection, the Commission shall designate information described in or obtained pursuant to subparagraphs (A), (B), and (C) of subsection (i)(3) as confidential information for purposes of section 24(b)(2) of this title.”.

(b) INVESTMENT COMPANY ACT OF 1940.—Section 31(b) of the Investment Company Act of 1940 (15 U.S.C. 80a-30(b)) is amended by adding at the end the following:

“(4) CONFIDENTIALITY.—Notwithstanding any other provision of law, the Commission shall not be compelled to disclose any information, documents, records, or reports that relate to an examination of a person subject to or described in this section. Nothing in this subsection shall authorize the Commission to withhold information from Congress, or prevent the Commission from complying with a request for information from any other Federal department or agency requesting the information for purposes within the scope of its jurisdiction. Nothing in this subsection shall prevent the Commission from complying with an order of a court of the United States in an action brought by the United States or the Commission against such a person to produce information, documents, records, or reports relating directly to the examination of that person or the financial or operational condition of that person or an associated or affiliated person of that person. For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of such section 552.”.

(c) INVESTMENT ADVISERS ACT OF 1940.—Section 204 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-4) is amended by adding at the end the following new subsection:

“(d) CONFIDENTIALITY.—Notwithstanding any other provision of law, the Commission shall not be compelled to disclose any information, documents, records, or reports that relate to an examination of a person subject to or described in this section. Nothing in this subsection shall authorize the Commission to withhold information from Congress, or prevent the Commission from complying with a request for information from any other Federal department or agency requesting the information for purposes within the scope of its jurisdiction. Nothing in this subsection shall prevent the Commission from complying with an order of a court of the United States in an action brought by the United States or the Commission against such a person to produce information, documents, records, or reports relating directly to the examination of that person or the financial or operational condition of that person or an associated or affiliated person of that person. For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of such section 552.”.

**SEC. 16. SHARING PRIVILEGED INFORMATION WITH OTHER AUTHORITIES.**

Section 24 of the Securities Exchange Act of 1934 (15 U.S.C. 78x) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(2) in subsection (e), as redesignated, by striking “as provided in subsection (e)” and inserting “as provided in subsection (f)”;

(3) by inserting after subsection (c) the following new subsection (d)—

“(d) SHARING PRIVILEGED INFORMATION WITH OTHER AUTHORITIES.—

“(1) PRIVILEGED INFORMATION PROVIDED BY THE COMMISSION.—The Commission shall not be deemed to have waived any privilege applicable to any information by transferring that information to or permitting that information to be used by—

“(A) any agency (as defined in section 6 of title 18, United States Code);

“(B) any foreign securities authority;

“(C) any foreign law enforcement authority; or

“(D) any State securities or law enforcement authority.”.

“(2) NON-DISCLOSURE OF PRIVILEGED INFORMATION PROVIDED TO THE COMMISSION.—Except as provided in subsection (f), the Commission shall not be compelled to disclose privileged information obtained from any foreign securities authority, or foreign law enforcement authority, if the authority has in good faith determined and represented to the Commission that the information is privileged.

“(3) NON-WAIVER OF PRIVILEGED INFORMATION PROVIDED TO THE COMMISSION.—No Federal agency or State securities or law enforcement authority shall be deemed to have waived any privilege applicable to any information by transferring that information to or permitting that information to be used by the Commission.

“(4) DEFINITIONS.—For purposes of this subsection:

“(A) The term ‘privilege’ includes any work-product privilege, attorney-client privilege, governmental privilege, or other privilege recognized under Federal, Foreign, or State law.

“(B) The term ‘foreign law enforcement authority’ means any foreign authority that is empowered under foreign law to detect, investigate or prosecute potential violations of law.

“(C) The term ‘State securities or law enforcement authority’ means the authority of any State or territory that is empowered under State or territory law to detect, investigate or prosecute potential violations of law.”

#### SEC. 17. TECHNICAL CORRECTIONS.

(a) SECURITIES ACT OF 1933.—The Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended—

(1) in section 3(a)(4) (15 U.S.C. 77c(a)(4)), by striking “individual;” and inserting “individual;”;

(2) in section 18(b)(1)(C) (15 U.S.C. 77r(b)(1)(C)), by striking “is a security” and inserting “a security”;

(3) in section 18(c)(2)(B)(i) (15 U.S.C. 77r(c)(2)(B)(i)), by striking “State, or” and inserting “State or”;

(4) in section 19(d)(6)(A) (15 U.S.C. 77s(d)(6)(A)), by striking “in paragraph (1) of (3)” and inserting “in paragraph (1) or (3)”;

(5) in section 27A(c)(1)(B)(ii) (15 U.S.C. 77z-2(c)(1)(B)(ii)), by striking “business entity;” and inserting “business entity.”

(b) SECURITIES EXCHANGE ACT OF 1934.—The Securities Exchange Act of 1934 (15 U.S.C. 78 et seq.) is amended—

(1) in section 2(1)(a) (15 U.S.C. 78b(1)(a)), by striking “affected” and inserting “effected”;

(2) in section 3(a)(55)(A) (15 U.S.C. 78c(a)(55)(A)), by striking “section 3(a)(12) of the Securities Exchange Act of 1934” and inserting “section 3(a)(12) of this Act”;

(3) in section 3(g) (15 U.S.C. 78c(g)), by striking “company, account person, or entity” and inserting “company, account, person, or entity”;

(4) in section 10A(i)(1)(B)(i) (15 U.S.C. 78j-1(i)(1)(B)(i)), by striking “nonaudit” and inserting “non-audit”;

(5) in section 13(b)(1) (15 U.S.C. 78m(b)(1)), by striking “earning statement” and inserting “earnings statement”;

(6) in section 15(b)(1) (15 U.S.C. 78o(b)(1))—  
(A) by striking the sentence beginning “The order granting” and ending “from such membership.” in subparagraph (B); and

(B) by inserting such sentence in the matter following such subparagraph after “are satisfied.”;

(7) in section 15 (15 U.S.C. 78o), by redesignating subsection (i), as added by section 303(f) of the Commodity Futures Modernization Act of 2000 (114 Stat. 2763A-455), as subsection (j);

(8) in section 15C(a)(2) (15 U.S.C. 78o-5(a)(2))—

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

(B) by striking the sentence beginning “The order granting” and ending “from such membership.” in such subparagraph (B), as redesignated; and

(C) by inserting such sentence in the matter following such redesignated subparagraph after “are satisfied.”;

(9) in section 16(a)(2)(C) (15 U.S.C. 78p(a)(2)(C)), by striking “section 206(b)” and inserting “section 206B”;

(10) in section 17(b)(1)(B) (15 U.S.C. 78q(b)(1)(B)), by striking “15A(k) gives” and inserting “15A(k), give”; and

(11) in section 21C(c)(2) (15 U.S.C. 78u-3(c)(2)), by striking “paragraph (1) subsection” and inserting “Paragraph (1)”.

(c) TRUST INDENTURE ACT OF 1939.—The Trust Indenture Act of 1939 (15 U.S.C. 77aaa et seq.) is amended—

(1) in section 304(b) (15 U.S.C. 77ddd(b)), by striking “section 2 of such Act” and inserting “section 2(a) of such Act”;

(2) in section 313(a)(4) (15 U.S.C. 77mmm(a)(4)) by striking “subsection 311” and inserting “section 311(b)”;

(3) in section 317(a)(1) (15 U.S.C. 77qqq(a)(1)), by striking “(1),” and inserting “(1)”.

(d) INVESTMENT COMPANY ACT OF 1940.—The Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.) is amended—

(1) in section 2(a)(19) (15 U.S.C. 80a-2(a)(19)) by striking “clause (vi)” both places it appears in the last two sentences and inserting “clause (vii)”;

(2) in section 9(b)(4)(B) (15 U.S.C. 80a-9(b)(4)(B)), by inserting “or” after the semicolon at the end;

(3) in section 12(d)(1)(J) (15 U.S.C. 80a-12(d)(1)(J)), by striking “any provision of this subsection” and inserting “any provision of this paragraph”;

(4) in section 13(a)(3) (15 U.S.C. 80a-13(a)(3)), by inserting “or” after the semicolon at the end;

(5) in section 17(f)(4) (15 U.S.C. 80a-17(f)(4)), by striking “No such member” and inserting “No member of a national securities exchange”;

(6) in section 17(f)(6) (15 U.S.C. 80a-17(f)(6)), by striking “company may serve” and inserting “company, may serve”; and

(7) in section 61(a)(3)(B)(iii) (15 U.S.C. 80a-60(a)(3)(B)(iii))—

(A) by striking “paragraph (1) of section 205” and inserting “section 205(a)(1)”;

(B) by striking “clause (A) or (B) of that section” and inserting “section 205(b)(1) or (2)”.

(e) INVESTMENT ADVISERS ACT OF 1940.—The Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.) is amended—

(1) in each of the following sections, by striking “principal business office” or “principal place of business” (whichever and wherever it appears) and inserting “principal office and place of business”: sections 203(c)(1)(A), 203(k)(4)(B), 213(a), 222(b), and 222(c) (15 U.S.C. 80b-3(c)(1)(A), 80b-3(k)(4)(B), 80b-13(a), 80b-18a(b), and 80b-18a(c)); and

(2) in section 206(3) (15 U.S.C. 80b-6(3)), by inserting “or” after the semicolon at the end.

#### SEC. 18. CONFORMING AMENDMENTS FOR THE REPEAL OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935.

(a) SECURITIES EXCHANGE ACT OF 1934.—The Securities Exchange Act of 1934 (15 U.S.C. 78 et seq.) is amended—

(1) in section 3(a)(47) (15 U.S.C. 78c(a)(47)), by striking “the Public Utility Holding Company Act of 1935 (15 U.S.C. 79a et seq.)”; and

(2) in section 12(k) (15 U.S.C. 78l(k)), by amending paragraph (7) to read as follows:

“(7) DEFINITION.—For purposes of this subsection, the term ‘emergency’ means—

“(A) a major market disturbance characterized by or constituting—

“(i) sudden and excessive fluctuations of securities prices generally, or a substantial threat thereof, that threaten fair and orderly markets; or

“(ii) a substantial disruption of the safe or efficient operation of the national system for clearance and settlement of transactions in securities, or a substantial threat thereof; or

“(B) a major disturbance that substantially disrupts, or threatens to substantially disrupt—

“(i) the functioning of securities markets, investment companies, or any other significant portion or segment of the securities markets; or

“(ii) the transmission or processing of securities transactions.”

(3) in section 21(h)(2) (15 U.S.C. 78u(h)(2)), by striking “section 18(c) of the Public Utility Holding Company Act of 1935.”

(b) TRUST INDENTURE ACT OF 1939.—The Trust Indenture Act of 1939 (15 U.S.C. 77aaa et seq.) is amended—

(1) in section 303 (15 U.S.C. 77ccc), by amending paragraph (17) to read as follows:

“(17) The terms ‘Securities Act of 1933’ and ‘Securities Exchange Act of 1934’ shall be deemed to refer, respectively, to such Acts, as amended, whether amended prior to or after the enactment of this title.”;

(2) in section 308 (15 U.S.C. 77hhh), by striking “Securities Act of 1933, the Securities Exchange Act of 1934, or the Public Utility Holding Company Act of 1935” each place it appears and inserting “Securities Act of 1933 or the Securities Exchange Act of 1934”;

(3) in section 310 (15 U.S.C. 77jjj), by striking subsection (c) (including the preceding heading);

(4) in section 311 (15 U.S.C. 77kkk) by striking subsection (c);

(5) in section 323(b) (15 U.S.C. 77www(b)), by striking “Securities Act of 1933, or the Securities Exchange Act of 1934, or the Public Utility Holding Company Act of 1935” and inserting “Securities Act of 1933 or the Securities Exchange Act of 1934”; and

(6) in section 326 (15 U.S.C. 77zzz), by striking “Securities Act of 1933, or the Securities Exchange Act of 1934, or the Public Utility Holding Company Act of 1935,” and inserting “Securities Act of 1933 or the Securities Exchange Act of 1934”.

(c) INVESTMENT COMPANY ACT OF 1940.—The Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.) is amended—

(1) in section 2(a)(44) (15 U.S.C. 80a-2(a)(44)), by striking “Public Utility Holding Company Act of 1935”;

(2) in section 3(c) (15 U.S.C. 80a-3(c)), by amending paragraph (8) to read as follows:

“(8) [Repealed]”;

(3) in section 38(b) (15 U.S.C. 80a-37(b)), by striking “the Public Utility Holding Company Act of 1935.”; and

(4) in section 50 (15 U.S.C. 80a-49), by striking “the Public Utility Holding Company Act of 1935.”.

(d) INVESTMENT ADVISERS ACT OF 1940.—Section 202(a)(21) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(21)) is amended by striking “Public Utility Holding Company Act of 1935.”.

#### SEC. 19. NATIONWIDE SERVICE OF SUBPOENAS.

(a) SECURITIES ACT OF 1933.—Section 22(a) of the Securities Act of 1933 (15 U.S.C. 77v(a)) is amended by inserting after the second sentence the following: “In any action or proceeding instituted by the Commission under this title in a United States district court for any judicial district, subpoenas issued by or on behalf of such court to compel the attendance of witnesses or the production of

documents or tangible things (or both) may be served in any other district. Such subpoenas may be served and enforced without application to the court or a showing of cause, notwithstanding the provisions of rule 45(b)(2), (c)(3)(A)(ii), and (c)(3)(B)(iii) of the Federal Rules of Civil Procedure.”

(b) SECURITIES EXCHANGE ACT OF 1934.—Section 27 of the Securities Exchange Act of 1934 (15 U.S.C. 78aa) is amended by inserting after the third sentence the following: “In any action or proceeding instituted by the Commission under this title in a United States district court for any judicial district, subpoenas issued by or on behalf of such court to compel the attendance of witnesses or the production of documents or tangible things (or both) may be served in any other district. Such subpoenas may be served and enforced without application to the court or a showing of cause, notwithstanding the provisions of rule 45(b)(2), (c)(3)(A)(ii), and (c)(3)(B)(iii) of the Federal Rules of Civil Procedure.”

(c) INVESTMENT COMPANY ACT OF 1940.—Section 44 of the Investment Company Act of 1940 (15 U.S.C. 80a-43) is amended by inserting after the fourth sentence the following: “In any action or proceeding instituted by the Commission under this title in a United States district court for any judicial district, subpoenas issued by or on behalf of such court to compel the attendance of witnesses or the production of documents or tangible things (or both) may be served in any other district. Such subpoenas may be served and enforced without application to the court or a showing of cause, notwithstanding the provisions of rule 45(b)(2), (c)(3)(A)(ii), and (c)(3)(B)(iii) of the Federal Rules of Civil Procedure.”

(d) INVESTMENT ADVISERS ACT OF 1940.—Section 214 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-14) is amended by inserting after the third sentence the following: “In any action or proceeding instituted by the Commission under this title in a United States district court for any judicial district, subpoenas issued by or on behalf of such court to compel the attendance of witnesses or the production of documents or tangible things (or both) may be served in any other district. Such subpoenas may be served and enforced without application to the court or a showing of cause, notwithstanding the provisions of rule 45(b)(2), (c)(3)(A)(ii), and (c)(3)(B)(iii) of the Federal Rules of Civil Procedure.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. KANJORSKI) and the gentlewoman from Ohio (Ms. PRYCE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

#### GENERAL LEAVE

Mr. KANJORSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and insert extraneous material thereon.

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

There was no objection.

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

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

Mr. KANJORSKI. Mr. Speaker, I rise today in support of H.R. 6513, the Securities Act of 2008.

This commonsense legislation enjoys broad bipartisan support. H.R. 6513 will also better protect investors, promote greater confidence in our capital markets at a crucial time, as investor anxieties persist because of this ongoing financial turmoil.

Additionally, H.R. 6513 increases the effectiveness of the Securities and Exchange Commission by strengthening its enforcement authority.

The current economic woes have once again highlighted the need for the Congress to vest regulators with the authority they need to keep markets balanced and their participants honest. The Securities Act of 2008 thus provides the commission with many of the important regulatory tools that it has sought as part of its annual authorization requests in recent years.

In particular, the commission's enforcement program will benefit greatly from the provisions authorizing the nationwide service of subpoenas and the imposition of collateral bars. These provisions respectively will allow the commission to allocate its funds more efficiently and prevent bad actors from re-entering other parts of the industry.

Securities Exchange Chairman Cox has expressed a letter of his support for this legislation to implement the commission's recommendations. Chairman Cox has also commended the Financial Services Committee's bipartisan leadership in developing this bill. The North American Securities Administrators Association has also endorsed this bill by noting that now is the time to strengthen securities regulation, given what has happened on Wall Street in recent years.

In addition to updating the Federal securities laws by making numerous technical corrections, this bill improves investor protection in at least three other ways.

First, it provides greater clarity about the commission's authority to impose sanctions on and seek remedies from individuals who violated the law but who are no longer associated with a regulated entity.

Second, the bill conforms the language of the law to existing interpretations about when unlawful margin lending occurs.

Third, this bill helps investors by extending the insurance provided by the Securities Investor Protection Corporation to securities futures held within their portfolio. As a result, this bill enhances the competitiveness of the U.S. markets by advancing portfolio-based margining for the customers of broker-dealers.

Capital flows to the most efficient markets, and because most financially developed countries allow this risk-based, investor protection hedging practice, the U.S. equity markets simply must keep pace to compete in today's global economy by allowing it as well.

As per my earlier unanimous consent request, I am inserting in the CONGRESSIONAL RECORD a more detailed state-

ment about these three important investor protection measures in order to provide greater legislative history on them.

Before closing, I should note that previously the House has unanimously passed during the 110th Congress several of the provisions contained in this larger reform package. Moreover, this bill has strong bipartisan support, and my colleagues on both sides of the aisle therefore deserve tremendous credit for working together on this legislation. In particular, the gentleman from New York (Mr. MEEKS), the gentleman from Illinois (Mr. ROSKAM), the gentleman from Kentucky (Mr. DAVIS), and the gentleman from California (Mr. CAMPBELL) have worked diligently on many of these provisions in this bill. I appreciate their prior efforts and their support as cosponsors of this larger legislative package.

The chairman, Mr. FRANK, and the ranking member, Mr. BACHUS, of the Financial Services Committee, in addition to my ranking member (Ms. PRYCE) on the Capital Markets Subcommittee all support this bill.

□ 1430

Our cooperative effort on this bill illustrates that good policy can emerge from this body when ideology and partisanship yield to practicality and the common good.

I would just like to comment that that sentence represents the career, to some extent, of Ms. PRYCE. Ms. PRYCE is joining us on the floor today, possibly for the last time in her congressional career. She has been my chairman and my ranking member as my career through Congress has occurred. DEBORAH knows that when I first heard of her intentions to retire, I was greatly saddened, because this body will be losing an individual on either side of the aisle who has been most cooperative, most nonpartisan, and most productive as a legislator of anyone I can remember in my years here in this body.

I wish her well in her retirement. I know it will only be a retirement in terms of leaving the Congress, not leaving active, productive, and contributing life in another form in Ohio or somewhere else. But we will miss you on the committee, on the subcommittee, and in this Congress, Ms. PRYCE.

In sum, I urge all my colleagues to vote “yes” on H.R. 6513.

Mr. KANJORSKI. Mr. Speaker, I rise today to express further support for the Securities Act of 2008, to explain why this legislation confirms certain existing authorities of the Securities and Exchange Commission, and to provide for the legislative history some background on the facts that informed the drafting of this bill.

In regard to section 3 on Formerly Associated Persons in H.R. 6513, many provisions of the Federal securities laws that authorize the sanctioning of a person who engages in misconduct while associated with a regulated or supervised entity explicitly provide that such

authority exists even if the person is no longer associated with that entity.

Several provisions, however, do not explicitly address this issue, although the intent of earlier Congresses appears to have been that the Securities and Exchange Commission had such authority, and no contrary statutory language or legislative history exists. In fact, the Congress has earlier amended several statutory provisions to ratify and confirm the authority of the Commission to discipline a person formerly associated with a regulated entity for conduct while an associated person, but it did not express intent to provide such authority only for those provisions being amended.

To build on these previous efforts, section 3 of H.R. 6513 amends additional provisions of the securities laws that do not explicitly address this issue. These changes confirm that the Commission may sanction or discipline persons who engage in misconduct while associated with a regulated or supervised entity, even if they are no longer associated with that entity. Accordingly, the amendments would not alter or expand the Commission's current authority. They would only ratify and confirm it.

As a general rule, it is the intent of the Congress that the securities laws, including but not limited to those provisions amended by this section, apply to and provide meaningful remedies for sanctioning persons who engage in misconduct while associated with a regulated or supervised entity, even if the person is no longer associated with that entity.

Also, the Capital Markets Efficiency Act of 1996 inter alia exempted from Federal margin requirements, adopted under section 7 of the Securities Exchange Act of 1934, credit extended, maintained, or arranged to or for a member of a national securities exchange or registered broker-dealer under certain circumstances. In the portion of section 7 that was not substantively amended by the Capital Markets Efficiency Act, the word "and" was inserted, which could be read to mean that margin lending would be unlawful only if both elements of the pre-existing prohibitions were violated, when prior to the Capital Markets Efficiency Act violation of either prong was sufficient to make such margin lending unlawful.

Specifically, the first prong, section 7(c)(1)(A), states that margin lending is unlawful if done in contravention of the Federal Reserve Board's rules, and the second prong, section 7(c)(1)(B), states that margin lending is unlawful without collateral or on any collateral other than securities, except in accordance with the Federal Reserve Board's rules. The proposed change would clarify that a violation of either prong remains sufficient to establish a cause of action for improper margin lending. This technical drafting amendment contained in section 7 of H.R. 6513 conforms the statutory language of section 7 of the Exchange Act to existing interpretations that provide that the two clauses represent independent requirements.

Additionally, section 8 of H.R. 6513 would amend the Securities Investor Protection Act of 1970 to extend Securities Investor Protection Corporation insurance to futures positions held in a portfolio margining account under a program approved by the Commission. In paragraph (b)(2)(B)(iii) of this section, the word "such" refers to those securities positions described in paragraphs (b)(2)(A) and (b)(2)(B)(ii). The purpose of paragraph (b)(2)(B)(iii) is to extend protection to any per-

son who has a claim against the debtor arising out of sales or conversions of securities described in either paragraph. Any claims for security futures under this section are claims for cash and not for a "security." In addition, "security futures contract" as used in this section has the same meaning as "security future" as defined in 15 USC 78111 (14).

With this additional legislative history in mind, I will vote for this bill. I urge my colleagues to do the same.

I reserve the balance of my time.

Ms. PRYCE of Ohio. I yield myself such time as I may consume.

Please let me begin by thanking my chairman for those very, very kind, overly kind remarks. I will miss working with him and on this committee. It has been a wonderful experience for me, and working in a bipartisan, non-partisan way with Chairman KANJORSKI and others on the committee has been an experience that I will always value. So, thank you, sir.

Mr. Speaker, I rise in support of H.R. 6513, the Securities Act of 2008. This legislation before us today is a commonsense, bipartisan bill developed by Chairman KANJORSKI, Chairman FRANK, Ranking Member BACHUS, and myself.

The bill enhances investor protection, capital market competitiveness, makes the SEC a more effective agency, and the legislation makes our regulation and standards setter, the SEC, more accountable to the capital markets.

H.R. 6513 would enact components of the Securities and Exchange Commission's legislative requests submitted to Congress in both 2007 and 2008. The bill also amends the Securities Investor Protection Act, or SIPA, to allow investors to hold all equity-related positions in a single portfolio margin account. The SIPA amendment creates a clear pathway for regulators to follow in order to realize the state-of-the-art portfolio-based margining system for customers of broker-dealers.

The SIPA amendment would enhance the competitiveness of U.S. markets and eliminate inefficiencies in our current regulatory regime that put U.S. firms and customers at a competitive disadvantage internationally.

Mr. Speaker, this bill also includes bills passed by the House last year under suspension, including H.R. 755, introduced by Representative GEOFF DAVIS, benefiting investors by increasing the usability of financial reports and ensuring that financial regulators are committed to meaningful and clear disclosures; H.R. 2868, by Representatives MEEKS and FOSSELLA, allowing U.S. exchanges to create listing tiers for smaller companies. This is a welcome tool to promote our capital markets as well as attract and retain investment capital in the United States. And H.R. 3505, by Representative PETER ROSKAM, which makes technical corrections to the Federal securities laws, making sure our securities laws are unambiguous, grammatically correct, and current.

The SEC endorsed this legislation, as did the North American Securities Administrators Association and a large coalition of U.S. exchanges. In this time of tumult in our marketplaces in this country and elsewhere, it is appropriate legislation.

In closing, Mr. Speaker, I want to thank Kevin Edgar, Todd Harper, and Jason Pitcock from the Capital Market Subcommittee staff; Peter Roberson, Deborah Silberman, and Lawranne Stewart from Chairman FRANK's staff for all their hard work on this legislation, as well as Peter Freeman from my staff.

I urge my colleagues to support the Securities Act of 2008. I thank the chairman once again for his kind words.

I yield back the balance of my time.

Mr. KANJORSKI. 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 Pennsylvania (Mr. KANJORSKI) that the House suspend the rules and pass the bill, H.R. 6513, 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. PRYCE of Ohio. 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.

#### 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. Con. Res. 344, by the yeas and nays;

House Resolution 937, by the yeas and nays;

House Resolution 1069, by the yeas and nays.

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

#### RECOGNIZING THAT WE ARE FACING A GLOBAL FOOD CRISIS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 344, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by

the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 344, as amended.

The vote was taken by electronic device, and there were—yeas 404, nays 1, answered “present” 4, not voting 24, as follows:

[Roll No. 570]

YEAS—404

Abercrombie	Crowley	Hoekstra
Ackerman	Cuellar	Holden
Aderholt	Culberson	Holt
Akin	Cummings	Honda
Alexander	Davis (AL)	Hooley
Allen	Davis (CA)	Hoyer
Altmire	Davis (IL)	Hunter
Andrews	Davis (KY)	Inglis (SC)
Arcuri	Davis, David	Inslee
Baca	Davis, Lincoln	Israel
Bachmann	Davis, Tom	Issa
Bachus	Deal (GA)	Jackson (IL)
Baird	DeFazio	Jackson-Lee
Baldwin	DeGette	(TX)
Barrett (SC)	Delahunt	Jefferson
Barrow	DeLauro	Johnson (GA)
Bartlett (MD)	Dent	Johnson (IL)
Barton (TX)	Diaz-Balart, L.	Johnson, E. B.
Bean	Diaz-Balart, M.	Johnson, Sam
Becerra	Dicks	Jones (NC)
Berkley	Dingell	Jordan
Berman	Doggett	Kagen
Berry	Donnelly	Kanjorski
Biggart	Doolittle	Kaptur
Bilbray	Doyle	Keller
Bilirakis	Drake	Kennedy
Bishop (GA)	Dreier	Kildee
Bishop (NY)	Duncan	Kilpatrick
Bishop (UT)	Edwards (MD)	Kind
Blackburn	Edwards (TX)	King (IA)
Blumenauer	Ehlers	King (NY)
Blunt	Ellsworth	Kingston
Boehner	Emanuel	Kirk
Bonner	Emerson	Klein (FL)
Bono Mack	English (PA)	Kline (MN)
Boozman	Eshoo	Knollenberg
Boren	Everett	Kucinich
Boswell	Fallin	Kuhl (NY)
Boustany	Farr	LaHood
Boyd (FL)	Fattah	Lamborn
Boyd (KS)	Feeney	Lampson
Brady (PA)	Ferguson	Langevin
Brady (TX)	Filner	Larsen (WA)
Braley (IA)	Flake	Larson (CT)
Broun (GA)	Forbes	Latham
Brown (SC)	Fortenberry	LaTourette
Brown, Corrine	Fossella	Latta
Brown-Waite,	Foster	Lewis (CA)
Ginny	Frank (MA)	Lewis (GA)
Buchanan	Franks (AZ)	Lewis (KY)
Burgess	Frelinghuysen	Linder
Burton (IN)	Gallely	Lipinski
Butterfield	Garrett (NJ)	LoBiondo
Buyer	Gerlach	Loebsack
Calvert	Giffords	Logren, Zoe
Camp (MI)	Gilchrest	Lowe
Campbell (CA)	Gillibrand	Lucas
Cantor	Gingrey	Lungren, Daniel
Capito	Gonzalez	E.
Capps	Goode	Lynch
Capuano	Goodlatte	Mack
Cardoza	Gordon	Mahoney (FL)
Carney	Granger	Maloney (NY)
Carson	Graves	Manzullo
Castle	Green, Al	Marchant
Castor	Green, Gene	Markey
Chabot	Grijalva	Marshall
Chandler	Gutierrez	Matheson
Childers	Hall (NY)	Matsui
Clarke	Hall (TX)	McCarthy (CA)
Clay	Hare	McCarthy (NY)
Cleaver	Harman	McCaul (TX)
Clyburn	Hastings (FL)	McCullum (MN)
Coble	Hastings (WA)	McCotter
Cohen	Hayes	McCreery
Cole (OK)	Heller	McDermott
Conaway	Hensarling	McGovern
Conyers	Herger	McHenry
Cooper	Higgins	McHugh
Costa	Hill	McIntyre
Costello	Hinche	McKeon
Courtney	Hinojosa	McMorris
Cramer	Hirono	Rodgers
Crenshaw	Hobson	McNerney

Meek (FL)	Renzi	Spratt
Mica	Reyes	Stark
Michaud	Reynolds	Stearns
Miller (FL)	Richardson	Stupak
Miller (MI)	Rodriguez	Sullivan
Miller (NC)	Rogers (AL)	Sutton
Miller, Gary	Rogers (KY)	Tancredo
Miller, George	Rogers (MI)	Tanner
Mitchell	Rohrabacher	Tauscher
Mollohan	Ros-Lehtinen	Taylor
Moore (KS)	Roskam	Terry
Moore (WI)	Ross	Thompson (CA)
Moran (KS)	Rothman	Thompson (MS)
Moran (VA)	Roybal-Allard	Thornberry
Murphy (CT)	Royce	Tiahrt
Murphy, Patrick	Ruppersberger	Tiberi
Murphy, Tim	Rush	Tierney
Murtha	Ryan (OH)	Tsongas
Musgrave	Ryan (WI)	Turner
Myrick	Salazar	Udall (CO)
Nadler	Sali	Udall (NM)
Napolitano	Sánchez, Linda	Upton
Neal (MA)	T.	Van Hollen
Neugebauer	Sanchez, Loretta	Velázquez
Nunes	Sarbanes	Visclosky
Oberstar	Saxton	Walberg
Obey	Scalise	Walden (OR)
Oliver	Schakowsky	Walsh (NY)
Ortiz	Schiff	Walz (MN)
Pallone	Schmidt	Wamp
Pascrell	Schwartz	Wasserman
Pastor	Scott (GA)	Schultz
Payne	Scott (VA)	Watson
Pearce	Serrano	Watt
Pençe	Sessions	Waxman
Perlmutter	Sestak	Weiner
Peterson (PA)	Shadegg	Welch (VT)
Petri	Shays	Weldon (FL)
Pickering	Shea-Porter	Weller
Platts	Sherman	Westmoreland
Poe	Shimkus	Wexler
Porter	Shuler	Whitfield (KY)
Price (GA)	Shuster	Wilson (NM)
Price (NC)	Simpson	Wilson (OH)
Pryce (OH)	Sires	Wilson (SC)
Putnam	Smith (NE)	Wittman (VA)
Radanovich	Smith (NJ)	Wolf
Rahall	Smith (TX)	Woolsey
Ramstad	Snyder	Wu
Rangel	Solis	Yarmuth
Regula	Souder	Young (AK)
Rehberg	Space	Young (FL)
Reichert	Speier	

NAYS—1

Paul

ANSWERED “PRESENT”—4

Etheridge	Herseth Sandlin
Foxx	Pomeroy

NOT VOTING—24

Boucher	Gohmert	Peterson (MN)
Cannon	Hodes	Pitts
Carnahan	Hulshof	Sensenbrenner
Carter	Lee	Skelton
Cazayoux	Levin	Slaughter
Cubin	McNulty	Smith (WA)
Ellison	Meeks (NY)	Towns
Engel	Melancon	Waters

□ 1506

Ms. MOORE of Wisconsin and Messrs. SHIMKUS and PLATTS changed their vote from “nay” to “yea.”

Ms. FOXX and Mr. ETHERIDGE changed their vote from “yea” to “present.”

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

The result of the vote was announced as above recorded.

The title was amended so as to read: “Concurrent resolution recognizing the disproportionate impact of the global food crisis on children in the developing world.”

A motion to reconsider was laid on the table.

Stated for:

Ms. SLAUGHTER. Mr. Speaker, on rollcall No. 570, I was unable to vote because I was

chairing a Rules Committee meeting. Had I been present, I would have voted “yea.”

#### MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER. The Chair would ask all Members present to rise for the purpose of a moment of silence.

The Chair asks that the House now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and Afghanistan, their families, and all who serve in our Armed Forces.

#### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Without objection, 5-minute voting will continue.

There was no objection.

#### SENSE OF HOUSE REGARDING THE IMPORTANCE OF THE RED CROSS TO THE MILITARY

The SPEAKER. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 937, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. SALAZAR). The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the resolution, H. Res. 937, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 22, as follows:

[Roll No. 571]

YEAS—411

Abercrombie	Boren	Cleaver
Ackerman	Boswell	Clyburn
Aderholt	Boustany	Coble
Akin	Boyd (FL)	Cohen
Alexander	Boyd (KS)	Cole (OK)
Allen	Brady (PA)	Conaway
Altmire	Brady (TX)	Conyers
Andrews	Braley (IA)	Cooper
Arcuri	Broun (GA)	Costa
Baca	Brown (SC)	Costello
Bachmann	Brown, Corrine	Courtney
Bachus	Brown-Waite,	Cramer
Baird	Ginny	Crenshaw
Baldwin	Buchanan	Crowley
Barrett (SC)	Burgess	Cubin
Barrow	Burton (IN)	Cuellar
Bartlett (MD)	Butterfield	Culberson
Barton (TX)	Buyer	Cummings
Bean	Calvert	Davis (AL)
Becerra	Camp (MI)	Davis (CA)
Berkley	Campbell (CA)	Davis (IL)
Berman	Cantor	Davis (KY)
Berry	Capito	Davis, David
Biggart	Capps	Davis, Lincoln
Bilbray	Capuano	Davis, Tom
Bilirakis	Cardoza	Deal (GA)
Bishop (GA)	Carney	DeFazio
Bishop (NY)	Carson	DeGette
Bishop (UT)	Carter	Delahunt
Blackburn	Castle	DeLauro
Blumenauer	Castor	Dent
Blunt	Chabot	Diaz-Balart, L.
Boehner	Chandler	Diaz-Balart, M.
Bonner	Childers	Dicks
Bono Mack	Clarke	Dingell
Boozman	Clay	Doggett

Donnelly  
Doolittle  
Doyle  
Drake  
Dreier  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ehlers  
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  
Gilchrest  
Gillibrand  
Gingrey  
Gohmert  
Gonzalez  
Goode  
Goodlatte  
Gordon  
Granger  
Graves  
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  
Hoekstra  
Holden  
Holt  
Honda  
Hooley  
Hoyer  
Hunter  
Inglis (SC)  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones (NC)  
Jordan  
Kagen  
Kanjorski  
Kaptur  
Keller  
Kennedy  
Kildee  
Kilpatrick  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirk  
Klein (FL)

Kline (MN)  
Knollenberg  
Kucinich  
Kuhl (NY)  
LaHood  
Lamborn  
Lampson  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lewis (CA)  
Lewis (GA)  
Lewis (KY)  
Linder  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lucas  
Lungren, Daniel  
E.  
Lynch  
Mack  
Mahoney (FL)  
Maloney (NY)  
Manzullo  
Marchant  
Markey  
Marshall  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul (TX)  
McCollum (MN)  
McCotter  
McCrery  
McDermott  
McGovern  
McHenry  
McHugh  
McIntyre  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Moran (VA)  
Murphy (CT)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Musgrave  
Myrick  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Oberstar  
Obey  
Olver  
Ortiz  
Pallone  
Pascrell  
Pastor  
Paul  
Payne  
Pearce  
Pence  
Perlmutter  
Petri  
Pickering  
Platts  
Poe  
Pomeroy  
Porter  
Price (GA)  
Price (NC)  
Pryce (OH)  
Putnam  
Radanovich  
Rahall  
Ramstad

Rangel  
Regula  
Rehberg  
Reichert  
Renzi  
Reyes  
Reynolds  
Richardson  
Rodriguez  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Roskam  
Ross  
Rothman  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sali  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Saxton  
Scalise  
Schakowsky  
Schiff  
Schmidt  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sessions  
Sestak  
Shadegg  
Shays  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Snyder  
Solis  
Souder  
Space  
Speier  
Spratt  
Stark  
Stearns  
Stupak  
Sullivan  
Sutton  
Tancredo  
Tanner  
Tauscher  
Taylor  
Terry  
Thompson (CA)  
Thompson (MS)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Tsongas  
Turner  
Udall (CO)  
Udall (NM)  
Upton  
Van Hollen  
Velázquez  
Vislosky  
Walberg  
Walsh (OR)  
Walsh (NY)  
Walsh (MN)  
Wamp  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch (VT)  
Weldon (FL)  
Weller

Westmoreland  
Wexler  
Whitfield (KY)  
Wilson (OH)

Wilson (SC)  
Wittman (VA)  
Wolf  
Woolsey

Peterson (PA)  
Pitts  
Sensenbrenner  
Smith (WA)  
Towns  
Wilson (NM)  
Peterson (MN)

NOT VOTING—22

□ 1517

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to. The result of the vote was announced as above recorded. A motion to reconsider was laid on the table.

CONDEMNING MIDEAST TV PROGRAMMING THAT INCITES VIOLENCE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1069, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the resolution, H. Res. 1069, as amended.

This will be a 5-minute vote. The vote was taken by electronic device, and there were—yeas 409, nays 1, not voting 23, as follows:

[Roll No. 572]  
YEAS—409

Abercrombie  
Ackerman  
Aderholt  
Akin  
Alexander  
Allen  
Altmire  
Andrews  
Arcuri  
Baca  
Bachmann  
Bachus  
Baird  
Baldwin  
Barnett (SC)  
Barrow  
Bartlett (MD)  
Barton (TX)  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Biggert  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blumenauer  
Blunt  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boren  
Boswell  
Boustany  
Boyd (FL)  
Boyda (KS)

Brady (PA)  
Brady (TX)  
Braley (IA)  
Broun (GA)  
Brown (SC)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Butterfield  
Buyer  
Calvert  
Camp (MI)  
Campbell (CA)  
Cantor  
Capito  
Capps  
Capuano  
Carney  
Carson  
Carter  
Castle  
Castor  
Chabot  
Chandler  
Childers  
Clarke  
Clay  
Cleaver  
Clyburn  
Coble  
Cohen  
Cole (OK)  
Conaway  
Conyers  
Cooper  
Costa  
Costello

Everett  
Fallin  
Farr  
Fattah  
Feeney  
Ferguson  
Filner  
Flake  
Forbes  
Fortenberry  
Fossella  
Foster  
Foxx  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Giffords  
Gilchrest  
Gillibrand  
Gingrey  
Gohmert  
Gonzalez  
Goode  
Goodlatte  
Gordon  
Granger  
Graves  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hall (NY)  
Hall (TX)  
Hare  
Harman  
Hastings (FL)  
Hastings (WA)  
Hayes  
Heller  
Hensarling  
Herger  
Herseth Sandlin  
Higgins  
Hill  
Hinchey  
Hinojosa  
Hirono  
Hobson  
Hoekstra  
Holden  
Holt  
Honda  
Hooley  
Hoyer  
Hunter  
Inglis (SC)  
Inslee  
Issa  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones (NC)  
Jordan  
Kagen  
Kanjorski  
Kaptur  
Keller  
Kennedy  
Kildee  
Kilpatrick  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirk  
Klein (FL)

NAYS—1

Paul

NOT VOTING—23

Boucher	Israel	Peterson (MN)
Cannon	Kennedy	Pitts
Carnahan	Latta	Sensenbrenner
Cazayoux	Lee	Sestak
Ellison	Levin	Smith (WA)
Engel	McNulty	Towns
Hodes	Meeks (NY)	Young (AK)
Hulshof	Melancon	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1526

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

The result of the vote was announced as above recorded.

The title was amended so as to read: "Resolution condemning the broadcasting of incitement to violence against Americans and the United States in media based in the Middle East, calling for the designation of al-Aqsa TV as a Specially Designated Global Terrorist entity, and for other purposes".

A motion to reconsider was laid on the table.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3667, MISSISQUOI AND TROUT RIVERS WILD AND SCENIC RIVER STUDY ACT OF 2008

Ms. CASTOR, from the Committee on Rules, submitted a privileged report (Rept. No. 110-834) on the resolution (H. Res. 1419) providing for consideration of the bill (H.R. 3667) 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, which was referred to the House Calendar and ordered to be printed.

#### PROVIDING HOUSE EMPLOYEES WITH OPTION OF RECEIVING ELECTRONIC PAY STUBS

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1207) directing the Chief Administrative Officer of the House of Representatives to provide individuals whose pay is disbursed by the Chief Administrative Officer by electronic funds transfer with the option of receiving receipts of pay and withholdings electronically, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1207

Resolved,

#### SECTION 1. PROVIDING INDIVIDUALS PAID BY CHIEF ADMINISTRATIVE OFFICER OF THE HOUSE OF REPRESENTATIVES WITH THE OPTION OF RECEIVING RECEIPTS OF PAY ELECTRONICALLY.

(a) IN GENERAL.—The Chief Administrative Officer of the House of Representatives shall

take such steps as may be necessary to provide each individual whose pay is disbursed by the Chief Administrative Officer by electronic funds transfer with the option of receiving the receipt of the pay and the accompanying withholdings electronically, the option of viewing electronically the individual's employee statement required under section 6051 of the Internal Revenue Code of 1986, and the option of revising electronically (to the extent permitted under applicable law and regulations) the individual's number of deductions and withholdings under that statement and information relating to the deposit of the individual's funds with the financial institution to which the electronic funds transfer is made.

(b) ELECTRONIC FUNDS TRANSFER DEFINED.—In subsection (a), the term "electronic funds transfer" has the meaning given such term by section 3332 of title 31, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask that all Members have 5 legislative days in which to revise and extend their remarks in the RECORD on this bill.

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

There was no objection.

Mr. BRADY of Pennsylvania. I yield myself as much time as I may consume.

Mr. Speaker, this resolution is a commonsense step in modernization of our pay system. It would offer Members and staff the option, not the requirement, of receiving their pay stubs electronically. It would also make W-2 forms available electronically and allow individuals to change the deductions and withholdings, and to electronically redesignate the depository institutions for their electronic deposits.

Not only will this simplify pay records for Members and staff, it will reduce paper waste to support the Speaker's Green the Capitol Initiative.

This resolution has strong bipartisan support. Once it has been adopted in the House, and the committee will work with the CAO to ensure a smooth transition.

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

Mr. EHLERS. Mr. Speaker, I rise in strong support of H. Res. 1207, which would enable House staff to receive their pay stubs electronically and encourages the CAO to make further technological improvements that would enable employees to make changes in withholding, deductions or deposits electronically.

Increasingly, individuals are using technology to keep track of their financial information, and putting key data such as compensation information online will assist many in their efforts to keep track of their finances.

With the impact of junk mail, paper bills and other items delivered via

postal mail, reducing the amount of wasted paper, even by a single item each month, would be good for the environment and likely will be a welcome change for many employees.

□ 1530

In this spirit of developing online tools for House staff, I also introduced an amendment to this bill that would direct the CAO to allow employees to make changes in withholdings, deductions, or deposits electronically. Not only would this service be of great use to employees, but it would also lessen the burden on payroll counselors who currently make these types of routine adjustments manually, which would in turn free them up to handle more complex questions that are not suited to a self-service model.

I am pleased that the committee voted unanimously to accept the amendment. I thank the chairman for his leadership in bringing this bill to the floor. I urge my colleagues to vote in favor of H. Res. 1207.

I reserve the balance of my time.

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

Mr. EHLERS. Mr. Speaker, I am pleased to yield such time as she may consume to the gentlelady from North Carolina (Ms. FOXX).

Ms. FOXX. I would like to thank Chairman BRADY, Ranking Member EHLERS for bringing this bill to the floor and for their kind comments. What they have said is what we are attempting to do, which is to bring an important innovative and needed resolution to the House for consideration. I would also like to thank Alec Hoppes of the Committee on House Administration for working with my staff to bring this bill forward. A separate thank you to Mr. EHLERS for offering his amendment which makes the bill an even better bill by including additional services to be made available to House employees.

While many private companies, corporations, and State governments like Florida, Idaho, Kentucky, South Dakota, and Nebraska give the option of accessing employee pay stubs electronically, e-stubs, the U.S. House of Representatives does not. Safer than receiving pay stubs by snail mail, electronically accessing pay stubs saves money and an immeasurable amount of paper.

H. Res. 1207 would simply direct the Chief Administrative Officer of the House of Representatives to take the steps necessary to provide House Members, their staff, committee staff, legislative counsel, Sergeant at Arms employees, and all other employees whose pay is disbursed by the Chief Administrative Officer of the House the option of accessing their pay stub electronically.

Moving forward with technological advances means going paperless with pay stubs as so many employers have already done. I urge my colleagues in



supporting this nonpartisan sensible resolution and join with me in choosing to access our pay stubs electronically, and I ask my colleagues to vote for the bill.

Mr. BRADY of Pennsylvania. I would also like to thank the gentlelady from North Carolina for a very sensible bill.

I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I have no further comments on the bill, but I do have further comments to make.

In particular, all of us have spent 5 weeks or thereabouts home with our constituents and were impressed at how seriously our constituents and the Nation is taking the energy crisis that we face. There is a huge concern about this, particularly with the cost of gasoline.

In one example, a young woman in my district lives on a farm. It's hard today to make a living on a farm, and so she has a job off the farm as well. Their only vehicle is a pickup with, of course, very poor gas mileage. And she's faced with a position where the cost of driving to work is almost greater than the pay that she receives. This is one small example, and I believe that it is absolutely urgent for the House of Representatives to address this issue.

There are several bills out there regarding the energy crisis. There's been a lot of discussion about it. I think the only way I can summarize it after looking at the various bills is to say, what we really need is all of the above. Some members are focused totally on drilling, some are totally focused on alternative forms of energy, some on conservation. But what we really need is a comprehensive bill which addresses all of the above, because we are in a situation where we cannot depend on oil for very many more years.

Back in 1954 scientists predicted that by 1970, American oil production would peak, and they were right on the mark. In 1970, American oil production peaked. It's been going down ever since.

That same research projected that in about 2005, or 2010, world oil production would peak, and it looks like we've entered that period, and that's one reason why prices are going up.

We clearly have to develop the resources we have in this country. We clearly have to develop alternative forms of energy, particularly related to solar. An incredible amount of solar energy hits the Earth every day from the sun, to the point that in one year we get more energy from the sunlight hitting our planet than is contained in all of the resources of energy and the fossil fuels that are in the Earth.

So clearly there are ways to address this. We must address this. I just want to speak out and say it's absolutely essential for us to develop new approaches to energy. We certainly ought to put the money into developing alternative forms of energy. We have to put the money into developing drilling techniques that are safe, environ-

mentally safe, and are not going to pollute the waters if they are offshore. We really have to take this seriously.

And I think it's reached the point where we can't just throw spitballs or snowballs at each other, but must simply say that we have to do all of the above approaches to energy production, and develop legislation that does that. I am concerned that the legislation being proposed by the leadership of the House will not do all of the above. It will only do part of it.

So I urge all of the Members to work together to really solve this problem and show the people of this country that we can deal with an important problem like this. And it's my pleasure to raise this issue, and we will continue discussions on that in the House.

As we know, the minority party discussed it every day in the House during the recent recess, out of a sense of disappointment that we had taken the August recess without first dealing with the energy bills that were available for us to consider. We should carry that on and make sure that we do address this issue, especially before we adjourn for the next recess.

I thank the group here for listening, and I hope this will result in some action on the part of the House of Representatives.

I don't believe I have any further speakers, and if the gentleman from Pennsylvania doesn't, I will, at this point, yield back the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, again, I thank the gentlelady for her very responsive bill, and I thank the gentleman from Michigan for his remarks even though it had nothing at all to do with this bill whatsoever.

And, Mr. Speaker, I urge all Members to support this resolution.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and agree to the resolution, H. Res. 1207, 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. EHLERS. 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.

#### HOUSE RESERVISTS PAY ADJUSTMENT ACT OF 2008

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6608) to provide

for the replacement of lost income for employees of the House of Representatives who are members of a reserve component of the Armed Forces who are on active duty for a period of more than 30 days, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6608

*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 "House Reservists Pay Adjustment Act of 2008".

#### SEC. 2. REPLACEMENT OF LOST INCOME FOR HOUSE EMPLOYEES ON ACTIVE DUTY UNDER INVOLUNTARY MOBILIZATION ORDER.

##### (a) PAYMENT.—

(1) IN GENERAL.—For each active duty month of an eligible employee of the House of Representatives who is also a member of a Reserve component of the Armed Forces, the Chief Administrative Officer of the House of Representatives shall pay to the employee the amount by which—

(A) the amount of regular compensation the employee would have received from the House of Representatives if the month had not been an active duty month, exceeds (if at all)

(B) the total monthly military compensation paid to the employee for the month by the Secretary of Defense.

(2) ELIGIBILITY.—An employee of the House of Representatives is eligible for purposes of paragraph (1) with respect to an active duty month if the employee was an employee of the House of Representatives during each day of the 90-day period which ends on the day on which the employee reports for active duty under an involuntary mobilization order.

##### (b) DETERMINATION OF COMPENSATION EMPLOYEE WOULD HAVE RECEIVED.—

(1) IN GENERAL.—For purposes of subsection (a)(1), the amount of regular compensation an employee would have received from the House of Representatives for a month shall be equal to the amount of compensation the employee received from the House of Representatives for the base month (excluding any bonus or incentive payment made during the month), increased (in a compound manner) by any cost-of-living adjustments applicable to the compensation of employees of the Office of the Chief Administrative Officer for months occurring after the base month.

(2) BASE MONTH DEFINED.—For purposes of paragraph (1), the term "base month" means, with respect to an employee, the most recent month for which the employee received compensation from the House of Representatives which precedes the active duty month.

##### (c) SPECIAL RULES REGARDING AMOUNT OF PAYMENT.—

(1) REDUCTION FOR AMOUNTS PAID FROM OTHER SOURCES AS REPLACEMENT OF LOST INCOME.—The Chief Administrative Officer shall reduce the amount of any payment made to any individual under subsection (a) with respect to an active duty month by the amount of any payment received by the individual under section 910 of title 37, United States Code, or any other source that is provided to replace income lost by the individual during the month.

(2) MINIMUM AMOUNT REQUIRED FOR PAYMENT.—The Chief Administrative Officer shall not make a payment otherwise required under this section if the amount of the payment (as determined under subsection (a)), taking into account the reduction made under paragraph (1) is not greater than \$50.

(d) DEFINITIONS.—In this section—

(1) the term “active duty month” means, with respect to an employee of the House of Representatives who is also a member of a Reserve component of the Armed Forces, any month during which the employee is not able to perform duties for the office of the employee’s employing authority because the employee is on active duty under an involuntary mobilization order for a period of more than 30 days;

(2) the terms “Armed Forces”, “active duty for a period of more than 30 days”, and “Reserve component” have the meaning given such terms in section 101 of title 37, United States Code; and

(3) the term “total monthly military compensation” has the meaning given such term in section 910(e)(2) of title 37, United States Code.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the applicable accounts of the House of Representatives such sums as may be necessary for payments under this section.

(f) EFFECTIVE DATE.—This section shall apply with respect to active duty months beginning on or after the date of the enactment of this Act.

### SEC. 3. ENSURING CONSISTENCY WITH CODE OF OFFICIAL CONDUCT.

Clause 8 of rule XXIII of the Rules of the House of Representatives is amended by adding at the end the following new paragraph: “(d) Nothing in this clause may be construed to prohibit the disbursement or receipt of any payment authorized under section 2 of the House Reservists Pay Adjustment Act of 2008.”

### SEC. 4. CLARIFICATION OF ELIGIBILITY OF SURVIVORS FOR HOUSE GRATUITY.

The last undesignated paragraph under the center heading “House of Representatives” and the center subheading “Contingent Expenses of the House” in the first section of the Legislative Branch Appropriation Act, 1955 (2 U.S.C. 125), is amended by adding at the end the following: “Nothing in this paragraph may be construed to prohibit the Chief Administrative Officer from paying a gratuity to the widow, widower, or heirs-at-law of an employee of the House who dies during an active duty month (as defined in section 2(d) of the House Reservists Pay Adjustment Act of 2008).”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

#### GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask that all Members have 5 legislative days in which to revise and extend their remarks in the RECORD on this bill.

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

There was no objection.

Mr. BRADY of Pennsylvania. I yield myself as much time as I may consume.

Mr. Speaker, H.R. 6608 provides supplemental income to House employees who are Armed Forces reservists and who are involuntarily called to active duty. The House will supplement the active military duty pay by making up the difference between the employee’s military salary and the employee’s

House salary prior to their call to active service.

To be eligible for the supplemental income, employees must be employed by the House for at least 90 days prior to military activation. The cost of the pay supplements will come from appropriate House accounts and not charged to the employing office. In addition, the employee’s salary will be subject to the cost of living adjustments in the same as other House employees.

Mr. Speaker, I introduced this bill to address family hardships caused by some reservists and National Guard members being deployed for the second or third time. These servicemen and women earn military wages while on active duty and must leave their families and jobs, often for an undetermined and unpredictable amount of time.

The private sector is supporting our soldiers and sailors by continuing to pay the difference between their usual salary and their active duty pay. This bill will offer the same for House employees.

This is a good bill with strong bipartisan support that honors the devoted public service of our House employees. Our active duty reservists should not endure undue financial hardship for heeding our Nation’s call to service.

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

Mr. EHLERS. Mr. Speaker, I rise to support H.R. 6608, the House Reservists Pay Adjustment Act. I thank Chairman BRADY for his leadership on this issue, and I’m proud to join with him as a cosponsor on this important bill.

The men and women of the United States Armed Forces make many sacrifices to protect our freedom. They are asked to spend time away from their families, to put themselves in harm’s way, and, in the case of some House staff, to accept a salary that is less than what they would normally earn in civilian life during the period that they are on active duty. The gap in pay experienced by these servicemen and women often causes undue hardship on themselves and their families and increases the already heavy burden placed upon them as they leave for battle.

I am pleased to be able to find any reasonable method of assisting House staff, who are also members of the military, with the personal sacrifices they are asked to make to defend their country. This bill would compensate active servicemen and women for the difference in their combat pay and their official House salaries. These individuals have found not one but two careers that serve the public, and they should not experience a financial penalty for doing so.

I congratulate Chairman BRADY for introducing this bill, and I urge my colleagues to join me in supporting H.R. 6608.

I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I will inquire of the gentleman if he has any other speakers.

Mr. EHLERS. I have another speaker. Myself.

Mr. BRADY of Pennsylvania. Mr. Speaker, I continue to reserve.

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

Continuing with the discussion of energy, Mr. Speaker, let me just say I have a deep interest in the topic and have had for many years. Most of my colleagues here remember and recognize that I am a physicist, and physicists deal with energy all the time.

One of the biggest problems that we address is that energy is intangible. The public simply doesn’t recognize what it is, how its obtained, what the limitations are, and so forth; and I think we should do a better job of educating them about these problems.

Another aspect is that energy is critical to every aspect of life.

As an example, we talk about the agricultural revolution. But very few people recognize that the agricultural revolution, even though attempted a number of times many, many years ago, did not actually succeed until people learned to domesticate their animals so they could do the plowing and thresh the wheat and so forth.

The second major revolution in history is the industrial revolution, once again directly tied to the use of energy. It’s the first use of nonhuman and non-animal energy with hydropower to drive the mills, later coal to drive the steam engines and so forth. And so the major revolutions in history took place in connection with the use of energy and the development of new forms of energy.

We are now at a critical point in our life as a Nation and as a planet. If we do not recognize the changes required in our energy use, we are going to regress. Instead of advancing, we will lose the advantages we have from our copious amounts of energy and end up in a state where we have less energy than we had before. This will have disastrous economic effects, unless we change our direction.

If you look back over history, virtually every recession has been tied to a dramatic increase in the cost of energy, which is something that we also have occurring now.

So this is a serious problem, something that should be addressed immediately, and should not wait for next year. There are a number of excellent proposals out there from both parties. I would hope that we would winnow these out and come up with proposals that truly accomplish what we have to do, and that is to preserve our standard of living by developing new sources of energy, certainly developing those that we already have and know about which we are not really using properly.

□ 1545

It’s essential that we do this, but this isn’t going to happen by itself. We need help from the Congress to lay down the guidelines for the people in the energy industry, to researchers in the national

labs and other labs to really tackle this problem and come up with new ideas.

I don't care if it's wind energy, which happens to be a part of solar energy; whether it's wave energy, which is also derived from solar energy; or whether it's photovoltaic cells. Naturally it helps that very soon photovoltaic cell research will be so good that we will have photovoltaic shingles on every house because we can make them at a cost that eventually will be less than that of the asphalt shingles. If we do that, every house becomes a power-generating system, and much of the electrical needs of each homeowner can be met just by the use of solar shingles on the roof of their home.

This would be a tremendous boon to our country. Relatively free energy; you just buy the shingles which you have to buy anyway, and you get essentially free energy out of it.

So there are many options that we should be pursuing, and we should be encouraging and helping as a Congress, so that we can help the public that is becoming desperate about what to do about the cost of energy and the price of energy.

So I sincerely hope our Congress will tackle this issue and deal with it, and meet the needs of the public and of the planet at the same time.

With that, if you have no further speakers, I'm pleased to yield such time as she may consume to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Thank you, Congressman EHLERS. I just want to add my comments to the ones that you've made.

I think that while I'm very much in support of this bill and we want to do whatever we can to help our employees bridge the gap between their military pay and the pay that they would receive here, I think one of the best things we can do for all the citizens of this country is to bring down the high price of gasoline, and that would serve everybody very well.

We can do that. We know we can do that. All we have to do is announce that we are going to expand the supply of American-made energy, and we will immediately bring down the price. That will help all of our citizens, which is what every Member of this Congress should be doing.

We will get to the alternatives. We can be completely energy independent in this country, but we can't do it overnight. In order to get to energy independence with alternatives, which Republicans support, we must supply more gas and oil in the short term, and I support those efforts.

I ask the Speaker, again, to bring forth the American Energy Act so that we can have an up-or-down vote on it and let the American people know are you a pro-American energy person or an anti-American energy person. That's the issue that we're facing.

Mr. BRADY of Pennsylvania. Mr. Speaker, I find myself a little miffed that they would have to politicize this

soldier bill, but I understand we have two soldiers on that side of that bill.

With that, Mr. Speaker, I urge all Members to support this bill.

I yield back the balance of my time. Mr. EHLERS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 6608.

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. BRADY of Pennsylvania. 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.

#### DANIEL WEBSTER CONGRESSIONAL CLERKSHIP ACT OF 2008

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6475) to establish the Daniel Webster Congressional Clerkship Program.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6475

*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 "Daniel Webster Congressional Clerkship Act of 2008".

##### SEC. 2. FINDINGS.

Congress finds the following:

(1) Each year, many of the most talented law school graduates in the country begin their legal careers as judicial law clerks.

(2) The judicial clerkship program has given the judiciary access to a pool of exceptional young lawyers at a relatively low cost.

(3) These same lawyers then go on to become leaders of their profession, where they serve a critical role in helping to educate the public about the judiciary and the judicial process.

(4) The White House, the administrative agencies of the Executive Branch, the Administrative Office of the United States Courts, the Federal Judicial Center, and the United States Sentencing Commission, all operate analogous programs for talented young professionals at the outset of their careers.

(5) The Congress is without a similar program.

(6) At a time when our Nation faces considerable challenges, the Congress and the public would benefit immeasurably from a program, modeled after the judicial clerkship program, that engages the brightest young lawyers in the Nation in the legislative process.

(7) Accordingly, the Congress herein creates the Daniel Webster Congressional Clerkship Program, named after one of the most admired and distinguished lawyer-legislators ever to serve in the Congress, to improve the business of the Congress and increase the understanding of its work by the public.

##### SEC. 3. DANIEL WEBSTER CONGRESSIONAL CLERKSHIP PROGRAM.

(a) SELECTION COMMITTEES.—As used in this Act, the term "Selection Committees" means—

(1) the Committee on Rules and Administration of the Senate; and

(2) the Committee on House Administration of the House of Representatives.

(b) ESTABLISHMENT OF PROGRAM.—There is hereby established the Daniel Webster Congressional Clerkship Program for the appointment of individuals who are graduates of accredited law schools to serve as Congressional Clerks in the Senate or House of Representatives.

(c) SELECTION OF CLERKS.—Subject to the availability of appropriations, the Selection Committees shall select Congressional Clerks in the following manner:

(1) The Committee on Rules and Administration of the Senate shall select not less than 6 Congressional Clerks each year to serve as employees of the Senate for a 1-year period.

(2) The Committee on House Administration of the House of Representatives shall select not less than 6 Congressional Clerks each year to serve as employees of the House of Representatives for a 1-year period.

(d) SELECTION CRITERIA.—In carrying out subsection (c), the Selection Committees shall select Congressional Clerks consistent with the following criteria:

(1) Each Congressional Clerk selected shall be a graduate of an accredited law school as of the starting date of his or her clerkship.

(2) Each Congressional Clerk selected shall possess—

(A) an excellent academic record;

(B) a strong record of achievement in extracurricular activities;

(C) a demonstrated commitment to public service; and

(D) outstanding analytic, writing, and oral communication skills.

(e) PROCESS.—After a Congressional Clerk is selected under this section, such Congressional Clerk shall then interview for a position in an office as follows:

(1) For a Congressional Clerk selected under subsection (c)(1), the Congressional Clerk shall interview for a position with any office of any Committee of the Senate, including any Joint Committee or Select and Special Committee, or any office of any individual Member of the Senate.

(2) For a Congressional Clerk selected under subsection (c)(2), the Congressional Clerk shall interview for a position with any office of any Committee of the House of Representatives, including any Joint Committee or Select and Special Committee, or any office of any individual Member of the House of Representatives.

(f) PLACEMENT REQUIREMENTS.—The Selection Committees shall ensure that Congressional Clerks selected under this section are apportioned equally between majority party and minority party offices.

(g) COMPENSATION OF CONGRESSIONAL CLERKS.—Each Congressional Clerk selected under this section shall receive the same compensation as would, and comparable benefits to, an individual who holds the position of a judicial clerkship for the United States District Court for the District of Columbia within 3 months of graduating from law school.

(h) REQUIRED ADHERENCE TO RULES.—Each Congressional Clerk selected under this section shall be subject to all laws, regulations, and rules in the same manner and to the same extent as any other employee of the Senate or House of Representatives.

(i) EXCLUSION FROM LIMIT ON NUMBER OF POSITIONS.—A Congressional Clerk shall be

excluded in determining the number of employees of the office that employs the Clerk for purposes of—

(1) in the case of the office of a Member of the House of Representatives, section 104 of the House of Representatives Administrative Reform Technical Corrections Act (2 U.S.C. 92); or

(2) in the case of any other office, any applicable provision of law or any rule or regulation which imposes a limit on the number of employees of the office.

(j) RULES.—The Selection Committees shall develop and promulgate rules regarding the administration of the Congressional Clerkship program established under this section.

(k) MEMBER DEFINED.—In this section, the term “Member of the House of Representatives” includes a Delegate or Resident Commissioner to the Congress.

#### SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal year 2009 and each succeeding fiscal year from the applicable accounts of the House of Representatives and the contingent fund of the Senate such sums as necessary to carry out the provisions of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

#### GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask that all Members have 5 legislative days in which to revise and extend their remarks in the RECORD on this bill.

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

There was no objection.

Mr. BRADY of Pennsylvania. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 6475, which would establish the Daniel Webster Congressional Clerkship Program. This program would bring the most talented law school graduates from across the country to Washington, D.C., and offer them the opportunity to be employed as congressional clerks in the House of Representatives or the Senate.

This program is modeled after the judicial clerkships offered in the Federal courts. H.R. 6475 would offer no fewer than six 1-year clerkships in each Chamber. The clerks would be apportioned equally between majority and minority offices within each Chamber. H.R. 6475 would give recent law grads invaluable insight into the functions and operations of the Federal legislature, and I urge my colleagues to support this program.

I would also like to thank Ms. LOFGREN and Mr. LUNGREN for introducing the bill in the 109th Congress, and Ms. LOFGREN for bringing it up and Mr. LUNGREN for being a prime cosponsor.

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

Mr. EHLERS. Mr. Speaker, I rise in support of H.R. 6475, which would establish the Daniel Webster Congress-

sional Clerkship Program within the House of Representatives.

Instituting this program will create a talented pool of young attorneys within the House at a fraction of the cost of obtaining similar talent through the hiring process. Many of these exceptional individuals will become leaders of their chosen profession. By offering them a judicial clerkship, we may even inspire some to embark upon a congressional career in lieu of life in a law firm or corporation.

For these young men and women, the ability to obtain a judicial clerkship in the very body where laws are created will be an invaluable experience. For the House, it will be a chance to tap into the best and brightest legal minds just as they begin their careers.

While we cannot offer the same compensation package that many top law firms offer, we can offer an opportunity to experience the legislative process in a way that is only possible within the Halls of Congress. Whether they continue their careers in the private or public sector, a greater knowledge and appreciation of the legislative process would be enormously useful to the participants in this program as they become part of the fabric of our Nation's judicial system.

I thank my colleagues on the House Administration Committee, and especially thank Congressman LUNGREN and Congresswoman LOFGREN for introducing this bill.

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

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent for Ms. ZOE LOFGREN to control the remaining time on this bill.

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

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield myself such time as I may consume.

I would like to thank not only Congressman DANIEL E. LUNGREN for cosponsoring this bill with me, but also note the important support of Dean Larry Kramer, the dean of the Stanford Law School, whose original idea this was, and we two California Members took it up. I think that our country will be enriched by the enactment of this measure.

It has been mentioned, and we all know, the top law graduates of the top law schools in the country are recruited to serve as clerks in the judicial branch, and as a consequence of that experience, those top legal minds then go on to fabulous careers, understanding the law from the point of view of the judiciary. Well, there's nothing wrong with that, but we also want to have top legal minds that relish and appreciate the law from the point of view of the legislative branch, and that is really the grit and the intent of this measure.

As has been mentioned I'm sure, the program created by the bill will have

clerks chosen from a pool of exceptional law school graduates who have demonstrated commitment to public service. No fewer than six clerks will be chosen for each Chamber. The clerks will be divided equally among the parties, and they will receive the same pay and equivalent benefits as first-year law clerks in the U.S. District Court for the District of Columbia.

As the dean of Stanford Law School, Larry Kramer, said, “This bill will serve an important role by educating young lawyers and future leaders of the profession about the legislative process. It will be enormously beneficial for both the profession and the public if some of the Nation's brightest young lawyers begin their careers in the legislature and so develop and can convey to the public an appreciation of Congress and the legislative process equal to that lawyers have shown for courts and the judicial process.”

I would like to mention that we were not able to include the Congressional Research Service in the legislation at this time. However, if there is a bipartisan effort to achieve that in the future, I would welcome that collaboration and understand we may yet have the opportunity to do that.

So in furtherance of this bill, I would hope that our colleagues would support it. I would again like to thank my colleague, the former Attorney General from California, DAN LUNGREN, for his cosponsorship.

I reserve the balance of my time.

Mr. EHLERS. I yield such time as he may consume to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I want to thank the gentleman from Michigan, I want to thank our chairman of the committee, I want to thank Ms. ZOE LOFGREN, who's Chair of one of the subcommittees I serve on in Judiciary, for all the effort that they've put into this. This is a good idea.

Some people who likely will review our comments here would ask the question: Aren't there enough lawyers in Congress? Actually, there are less lawyers now than there were 10 or 20 years ago, but I think that is an interesting question.

Ms. ZOE LOFGREN of California. Would the gentleman yield?

Mr. DANIEL E. LUNGREN of California. I'd be happy to yield.

Ms. ZOE LOFGREN of California. I would just note that there's always room for good lawyers, and I thank the gentleman for yielding.

Mr. DANIEL E. LUNGREN of California. I understand that as well, but some would wonder why we need the influence of more law graduates here, and that's misunderstanding what we're attempting to do here.

Right now both the judicial and the executive branches have clerkship programs which are accessible to those who are graduates of our top law schools. This is particularly pronounced in the area of judicial clerkships. It is considered quite prestigious

and an honor for someone to serve a judicial clerkship.

As the gentlelady from California mentioned, it was the dean of the law school of Stanford University, Larry Kramer, who first raised this issue with me and with her. It was interesting to hear from the law school dean because his message was not what I expected, and he has been quoted here on the floor.

Let me give you a more extended quote of what he said, which is: Clerking for a trial or appellate judge provides young lawyers with an invaluable insider's understanding of the judicial decision-making process. Not surprisingly, judicial clerkships leave young lawyers with a highly court-centered view of the law and the legal system, and precisely because these are the top law school graduates, former law clerks go on disproportionately to assume leadership positions in the bar and in the profession—and again quoting Dean Kramer—explaining in part why the legal profession in this country is heavily tilted toward the courts.

Now, we can argue about whether they are tilted to the right or to the left or they're tilted properly, but the fact of the matter is it is a court-centered view of the law which I think interferes with the delicate balance established by our Founding Fathers in the Constitution, which saw there were worthy and valuable distinctions among the three branches of government.

□ 1600

And we can bemoan the fact that this is the case; we can talk about judges on the bench and we can talk about people not taking their constitutional obligations seriously when they take their oath of office; but if we really want to get down to it, it seems to me this is one of the undue influences that's out there. And so the idea was, as Dean Kramer said, that it would be enormously beneficial for both the profession and the public if some of these young lawyers began their careers in the legislature and, as he said, developed an equal sense of the national legislature. We're not saying that is to disregard or in any way scale down their appreciation for the judicial branch, but rather to raise up their appreciation of the understanding of how this place works—and by this place, I mean the institution of the House of Representatives and the institution of the United States Senate. It would bring them an understanding of the workings of Congress that they would then bring to bear as they move on in their careers, both within the legislature and other branches. And I don't see how that would not be beneficial to this country, healthy for the body politic, and probably end up with better legislation overall.

So I would hope that Members would understand what we're attempting to do here. We're attempting to establish,

on an equal footing, a clerkship for top graduates of law schools around the country that they currently have an opportunity to participate in in the executive and the judicial branch. It would be beneficial to us, it seems to me, it would be beneficial to them, but more importantly, it would be beneficial to the public.

And for those who are concerned that this might cut into their MRA, by the terms of the legislation, it would not in any way affect the collective or individual MRAs that Members receive at the present time. As was mentioned before, it would be done on a bipartisan basis so that we would all have the opportunity to benefit from this. And similarly, these clerks would have the opportunity to benefit from exposure to both sides of the aisle.

So I would hope that we would get a unanimous vote in favor of this. This is something that I think will improve the quality of the discussion and the quality of the work that we do around here. But more importantly, I would hope that it would have a lasting impact on the understanding within the bar itself of the proper workings and functionalities of the legislative branch, and in fact the quality of work that is provided in the legislative branches. And so I thank the gentleman from Michigan for the time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I agree with the comments made by my colleague from California (Mr. DANIEL E. LUNGREN). And indeed, this is not a measure that does harm or damage to the judiciary or to the executive branch, but it really is to elevate article I. Sometimes we see our colleagues with little buttons that say "article I" on them, and we want to make sure that the important role of the legislative branch is understood by these top legal graduates who will go on to careers in the judiciary, in public service, in law schools and the like.

I want to make clear not only that this has bipartisan support, but that it will be administered in a totally bipartisan way. The name, "The Daniel Webster Congressional Clerkship Program," really selects somebody who was an honored ancestor of the legislative process, not a contemporary, but someone we can look back on with esteem.

The Clerks will be selected by a selection committee that will consist of the committee of Rules and Administration of the Senate, and the Committee on House Administration of the House. And as was mentioned by my colleague and myself, six clerks will be evenly divided between the two parties.

Just by way of example, and without mentioning names, sometimes the courts do not necessarily understand how we do business here. And I'll give three examples recently mentioned to me by judicial officers.

Colloquies on the floor of the House. We know when we stand up to do a colloquy it is to set something in the RECORD for a purpose. It is by agree-

ment, but it has a meaning that is meant to stand as the legislation moves forward. Courts don't always understand the meaning of a colloquy. And I think if we had some of these excellent law students here who helped to write a colloquy and were on the floor as it was being delivered, they would understand and be able to impart to the judicial branch the importance of a colloquy.

Example number two, committee reports. There are things that committees agree on completely but are not actually part of a bill. And they don't need to be part of a bill because they can be implied by the legislation. A committee report doesn't have the force of law, but it should be enormously persuasive to a court looking for the meaning of legislation if the parties—sometimes fractious parties—can agree to language in a committee report, that means something. And I think if we had some of these excellent law students here helping in the committee process to understand how that comes about and the import that it has, it will help them to tell a judge—or if they are a judge later—what that means and how to interpret the law.

And legislative findings, the role of legislative findings; you know, obviously they're precursors to the language itself.

These are just three small examples of how the Congress and its will is not always upheld by the courts, not through any chicanery, not through any deviousness, but just a lack of full appreciation for how the legislative process works.

And so I think this bipartisan measure is a step forward in seeing that that trend in American law interpretation does change, both in the courts, and also in the teaching of law in the Nation's top law schools.

So while this may seem not an earth-shattering measure in some ways, it will have import long after the Members here are retired and reading about the Congress in the paper. What we do here with this clerkship bill will improve the law in America. And therefore, I hope, as Mr. LUNGREN does, that we will have a unanimous vote.

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

Mr. EHLERS. Mr. Speaker, I wish to commend the gentlewoman from California and the gentleman from California on this bill. I think it's an excellent idea. And I have good grounds for saying that because, as I mentioned earlier, I'm a scientist, and the scientific societies of America, for a number of years, have been supporting fellowship programs in which scientists will come and spend one year in the House of Representatives, and thereby learn something about how laws are made. And it has had a profound effect on the scientific community in this country and it has also had a profound effect on the Congress. Some of my best employees have come from that program. If they have worked in the

Congress for a year, either in my office or another office, and I have an opening, they fit in beautifully because so many of the issues I deal with are scientific. So I'm sure this clerkship proposal will be an outstanding program.

And I, frankly, think six clerkships is too little, especially for both Chambers. And I hope that some day we're talking in terms of perhaps 20 or 30 for the two Chambers together because I'm sure it is going to be successful.

With that, I yield what time he may consume to the gentleman from California.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

And again, I appreciate the comments of the gentlelady from California. However, I would be remiss if I didn't respond a little bit to what she said about colloquies and committee reports.

We at least ought to enter into the RECORD the Scalia view of things, which is, law is what is in the law, not what's in the committee report or the colloquy.

One of the important things he tries to point out is that in some ways it would be unfair to members of the public to pass a law with intentional ambiguity that can only be interpreted by a committee report since the average citizen probably doesn't have access to that. And his commonsense notion is that Members should strive to make laws understandable by the language that they have in them. And it is often misunderstood as to his interpretive analysis of law and the Constitution when he talks about original understanding.

What he is basically saying is that when you have a law or constitution that is presented to the people, they can only be held to the usual and customary understanding of the words as they are in the law, otherwise you basically are fooling the people.

Now, if there is a necessary ambiguity, obviously a colloquy or a committee report aids in the interpretation of understanding what it was in terms of the meaning of the words at that time. But I understand the gentlelady may have a slightly different view of the Constitution than Justice Scalia, as some do, but I thought it important that we try and understand that we, as legislators, ought to strive to put the precise words we want into the law because too many times on this floor I've heard people say, don't quibble about those words, we'll let the courts decide what it is. And having been a trial lawyer—not necessarily a plaintiff's lawyer, although I have done that in my time as well—the difference between one word, two words, or three words, or a clause or a sentence in a statute can make all the difference in the world. And I would just hope that we would be attentive to our responsibilities and disciplined in our actions such that we try and choose the words precisely that carry the meaning that will give the

average citizen an understanding of what we're doing here.

Ms. ZOE LOFGREN of California. Will the gentleman yield?

Mr. DANIEL E. LUNGREN of California. I would be happy to yield to the gentlelady.

Ms. ZOE LOFGREN of California. As the gentleman knows, I have substantial disagreements with Justice Scalia and his interpretation of the Constitution.

Mr. DANIEL E. LUNGREN of California. Somehow I thought that might be the case.

Ms. ZOE LOFGREN of California. You thought that might be the case. But the point I was making on colloquies and committee reports is this: Justice Scalia says—and I think properly—that the role of the judiciary is to interpret the Constitution and the law, not to make it up themselves. And so to the extent that there is unintended ambiguity in a law that is written by the Congress where the committee report or colloquy can give the court some insight into what the intentions were on the part of the legislative body, then that is a helpful thing. And understanding how that develops would be enormously useful.

There are times, as the gentleman knows, where ambiguity is the oil that makes the legislative process work. I remember Wilbur Mills suggesting there could not be an agreement on what Medicare would cover, that it would cover a "spell or illness." And maybe that was necessary in 1965, but it was not the kind of ambiguity that could have been resolved through a colloquy.

And I thank the gentleman.

Mr. DANIEL E. LUNGREN of California. Reclaiming my time, I would just say I remember an instance about 25 years ago on the floor here dealing with a matter, the Bankruptcy Act. And the late, great chairman of judiciary, Peter Rodino, got up and gave his interpretation of it which was contrary to the interpretation we had. So every time he would get up to give his colloquy I would get up to give ours to make sure that when the judges looked at it they would see there were two contrary positions so they could decide, as they should, under the words we actually used in the statute. And I thank the gentlelady.

Ms. ZOE LOFGREN of California. Mr. Speaker, I was expecting one person here to be a speaker, that person has not shown up. So maybe I will just make a few additional comments in the hopes that their elevator can get to the second floor. And that would be that, in addition to the Dean of the Stanford law school we were advised that the progress of this bill is being watched by law professors and deans throughout the United States who have really resolved that this is going to be a very positive thing for the development of American law.

I would just note also, as Mr. LUNGREN has pointed out, we do these

things sometimes very quickly. I think the addition of six top law students in each body—as the ranking member of the full committee has suggested, as time goes on maybe we will find that it works so well it should be expanded—I certainly do think, however, it is appropriate to start at this level, do an assessment. And I think our committee, the Administration Committee, will be in an ideal position to do an assessment.

But no doubt, if we have some of the smartest young lawyers in the United States here in this institution, they will not only bring the knowledge of this institution out to the world after they become top lawyers, but they will also help us become even more excellent legislators. So I think that this is a benefit that really there is no downside to it. So it has really been a pleasure to work with the bipartisan co-sponsors of this bill.

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

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

First of all, let me say a few more words about energy, and perhaps your speaker will be here by that time.

But I first want to say, I think your clerkship program is an excellent idea. And I think it would have been wonderful if your clerks could have heard this discussion that you just had with the gentleman from California.

□ 1615

It's just exactly the sort of experience that they should have, and it will certainly benefit them. But I have always been impressed with the court clerks that I have encountered over the years, some of whom are good friends of mine whose entire career changed and was shaped by their experience in clerking for someone, whether it was at the State court of appeals level or the Federal judgeship level. So this without a doubt is going to be a very important bill.

I also would like to make a few concluding remarks about the energy issues, as I outlined a little while ago. This time I want to mention two sources that are wonderful energy resources, and that we should use more often and more wisely. They are energy resources, that have been in this Earth for many, many years, ever since its creation. First is nuclear; second is geothermal. Both are ample sources of energy if used properly. Both are essentially free in the sense you're not paying anyone for the energy; you're just paying for the equipment and process to extract the energy. And when nuclear energy fell on bad times in the United States almost 30 years ago and basically no one was going to build another reactor in the United States, I said this is going to last one generation because it's a decision based on emotion, not on reality or on the facts. And that's precisely what is happening now. After one generation, we are recognizing that we made a mistake at that

point, whereas France has put 80 percent of their electrical power in the hands of the nuclear reactor business and India has done 90 percent. They have been using nuclear power successfully at reasonable cost with no dangers, no accidents, and this indicates that we can do the same. I think that would be immensely useful.

I am particularly perturbed with the current trend to use more and more natural gas to generate electricity. You can imagine what this is going to do to the price of energy for homeowners who heat their homes with natural gas, who are going to have to pay more as natural gas becomes in shorter supply because the power plants are using such copious amounts of it. In addition to that, I note that natural gas, frankly, is too valuable to burn. It's an invaluable feedstock for the petrochemical industry, and the more we use it for other purposes, the more we increase the price of natural gas for manufacturing purposes, we reach a point now where almost all the new fertilizer factories in the world are being built in other countries, not in America, because the price of natural gas here is getting so high that it's too expensive to make fertilizer out of natural gas in our Nation, so it is manufactured in other countries.

We have made a number of mistakes in our energy policy. I would hope this Congress, before the end of this session, would resolve this, set us on a new track, so that we would once again return to an era of cheaper energy, and that our Nation may prosper and our people may be able to keep warm.

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

Ms. ZOE LOFGREN of California. Mr. Speaker, I have said really all I have to say on the Daniel Webster Congressional Clerkship Program of 2008. As mentioned, this will be a tremendous improvement to the development of American law, and I have given the support that has been expressed for the measure here today on the floor. I am hopeful that we will have a unanimous vote for this important measure.

I thank the chairman of the committee, Mr. BRADY, for his tremendous support on this and in every way, as well as the ranking member, Mr. LUNGREN. And I don't know if Mr. BRADY has anything further to add.

If not, I would simply say please vote "yes" on H.R. 6475.

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

The SPEAKER pro tempore (Mr. SERRANO). The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 6475.

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. EHLERS. 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.

#### RURAL VETERANS ACCESS TO CARE ACT

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1527) to amend title 38, United States Code, to allow highly rural veterans enrolled in the health system of the Department of Veterans Affairs to receive covered health services through providers other than those of the Department, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1527

*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 "Rural Veterans Access to Care Act".*

#### SEC. 2. PILOT PROGRAM OF ENHANCED CONTRACT CARE AUTHORITY FOR HEALTH CARE NEEDS OF VETERANS IN HIGHLY RURAL AREAS.

*(a) IN GENERAL.—Section 1703 of title 38, United States Code, is amended by adding at the end the following new subsection:*

*"(e)(1) The Secretary shall conduct a pilot program which permits highly rural veterans—*

*"(A) who are enrolled in the system of patient enrollment established under section 1705(a) of this title, and*

*"(B) who reside within Veterans Integrated Service Network 1, 15, 18, and 19, to elect to receive covered health services for which such veterans are eligible through a non-Department health-care provider.*

*"(2) The election under paragraph (1) shall be made by submitting an application to the Secretary in accordance with such regulations as the Secretary prescribes. The Secretary shall authorize such services to be furnished to the veteran pursuant to contracting with such a provider to furnish such services to such veteran.*

*"(3) For purposes of this subsection, a highly rural veteran is one who—*

*"(A) resides in a location that is—*

*"(i) more than 60 miles driving distance from the nearest Department health-care facility providing primary care services, if the veteran is seeking such services;*

*"(ii) more than 120 miles driving distance from the nearest Department health-care facility providing acute hospital care, if the veteran is seeking such care; or*

*"(iii) more than 240 miles driving distance from the nearest Department health-care facility providing tertiary care, if the veteran is seeking such care; or*

*"(B) in the case of a veteran who resides in a location less than the distance indicated in clause (i), (ii), or (iii) of subparagraph (A), as applicable, experiences such hardship or other difficulties in travel to the nearest appropriate Department health-care facility that such travel is not in the best interest of the veteran, as determined by the Secretary pursuant to regulations prescribed for purposes of this subsection.*

*"(4) For purposes of this subsection, a covered health service is any hospital care, medical service, rehabilitative service, or preventative health service authorized to be provided by the Sec-*

*retary under this chapter or any other provision of law.*

*"(5) For purposes of this subsection, a health-care provider is any qualified entity or individual furnishing a covered health service.*

*"(6) In meeting the requirements of this subsection, the Secretary shall develop the functional capability to provide for the exchange of medical information between the Department and non-Department health-care providers.*

*"(7) This subsection shall apply to covered health services provided during the 3-year period beginning on the 120th day after the date of the enactment of this subsection.*

*"(8) Not later than the 30th day after the close of each year of the period described in paragraph (7), the Secretary shall submit a report to the Committees of Veterans' Affairs of the House of Representatives and the Senate a report which includes—*

*"(A) the Secretary's assessment of the program under this subsection, including its cost, volume, quality, patient satisfaction, benefit to veterans, and any other findings and conclusions of the Secretary with respect to such program, and*

*"(B) any recommendations that the Secretary may have for—*

*"(i) continuing the program,*

*"(ii) extending the program to other or all service regions of the Department, and*

*"(iii) making the program permanent."*

*(b) EFFECTIVE DATE.—The Secretary of Veterans Affairs shall implement the amendment made by subsection (a) not later than the 120th day 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 Kansas (Mr. MORAN) 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.

Mr. Speaker, I am glad my colleagues and I were able to work together to craft this important piece of legislation regarding our rural veterans. I want to thank the Subcommittee on Health chairman, Mr. MICHAUD of Maine, and Ranking Member Mr. MILLER of Florida for the bipartisan leadership they demonstrated in working on this important bill. And, of course, the leadership on this bill has been for many years Mr. MORAN of Kansas.

As we all know, many rural veterans face significant challenges accessing veterans' health care services due to their geographical distance from VA facilities and limited transportation services. Some of these veterans must face commutes of several hours just to utilize some simple health care services.

The Department of Veterans Affairs has acted to better provide health care service to rural veterans, and I appreciate the action they have taken in the past. However, more can and should be done to ensure that our rural veterans have adequate access to care for the services to which they are entitled.

This bill, H.R. 1527, would supplement existing VA efforts by requiring the VA to conduct a 3-year demonstration project to allow rural veterans in four Veterans Integrated Service Networks to elect to receive covered services through non-VA providers. It would allow some rural veterans to receive health care locally, eliminating

the frustration and hassle of a lengthy commute to the nearest VA medical center.

So I urge my colleagues to support H.R. 1527.

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

Mr. MORAN of Kansas. Mr. Speaker, I rise in obvious support of H.R. 1527, as amended, the Rural Veterans Access to Care Act. This is a piece of legislation that I have worked on for a number of years, and I am pleased that under the leadership of Mr. FILNER and Mr. BUYER this bill is now on the House floor, and I am excited about the opportunities that it presents to better care for veterans who live in rural America.

About 39 percent of our veterans enrolled in VA health care live in those rural areas. Many face challenges of accessing VA care because of the distances between where they live and where the facilities are located.

We are making some progress in regard to rural veterans. In the last several years, we have approved an amendment that I have offered for a number of years increasing the veterans' mileage reimbursement rate from 11 cents per mile to 28.5 cents per mile. The fiscal year 2009 Military Construction and Veterans Affairs Appropriations bill that we passed earlier this year, back in July, would increase that from 28.5 cents to 40 cents per mile. So that's one step we have taken to help our rural veterans better access health care.

Recently the VA established an Office of Rural Health and a Rural Health Advisory Committee to develop solutions to the challenges of providing health care to veterans living in rural America, and the VA continues to expand community-based outpatient clinics and will activate an additional 44 new clinics in the next 15 months, bringing the number of those clinics to more than 1,000. The VA has also increased the number of readjustment counseling service centers, the Vet Centers, nationwide with plans to open an additional 39 Vet Centers by the fall of 2009. In my home State of Kansas, we have opened an outpatient clinic this year in Hutchinson and opened a Vet Center in Manhattan, Kansas; so progress is being made.

However, despite all those efforts, the reality is that many veterans live in remote areas of the country beyond the VA's ability to construct medical facilities to care for them. The congressional district that I represent in Kansas is an example of an instance where veterans experience great difficulty in traveling to VA facilities. My congressional district is more than the size of the State of Illinois. It has more hospitals than any other congressional district in the country but not one VA hospital. Some Kansas veterans are forced to travel up to 5 hours to a VA hospital for the care they need; and, unfortunately, more often than it should be, they simply forego that care altogether.

H.R. 1527, as amended, would require the VA to conduct a 3-year demonstration project to allow highly rural veterans living in four VISNs, Veterans Integrated Service Networks, to receive the covered services through non-VA providers.

This pilot will ask the VA to explore in several regions a practical approach when the VA care is not otherwise available close by. It would give those who live the farthest from VA facilities the choice to receive their care closer to home at the local hospital or the local physician's office.

There are criteria by which a veteran must qualify to receive this kind of assistance. A veteran must live at least 60 miles from a VA clinic, 120 miles from a VA hospital, or 240 miles from a VA specialized care facility when they're seeking that kind of health care. To ensure the continuity of care, the legislation requires the VA to develop the functional capabilities to exchange veterans' medical information between the VA and non-VA providers in this pilot, and the VA will be required to report to Congress annually on the cost, upon the quality of care, and upon patient satisfaction.

Forty-four percent of our military recruits are from rural areas, as are many Guards and Reserves that our Nation has increasingly called into service. This means that rural veterans are more likely to increase in number. Allowing the most underserved of these veterans to take advantage of the existing rural health care infrastructure is a commonsense approach. This is good for the veteran. It's good for the community. It's good for the health care provider. In many of the hospitals and clinics that I represent, in the communities that I represent, an additional patient is a very important thing. Hospitals in many instances are like schools. One more student matters to the viability of our school system just as one more patient matters to the viability of the private health care providers. We have approved this concept in our appropriation bill earlier this year. In July the VA military construction spending bill approved an additional \$200 million to increase access to fee-based care for veterans in areas where the VA does not offer services. And with the high price of gasoline and its impact upon our rural veterans, it's even more important that this legislation pass.

We must fully consider this practical reform for highly rural veterans living outside the VA's ability to care for them, and I urge my colleagues to support H.R. 1527.

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

Mr. FILNER. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. SALAZAR).

Mr. SALAZAR. Thank you, Mr. Chairman, and thank you, Mr. MORAN, the gentleman from Kansas.

Today, Mr. Speaker, I rise to support H.R. 1527, the Rural Veterans Access to

Care Act. I want to thank Congressman MORAN for introducing this bill, and I want to thank him for being a champion for rural veterans. I have never once in my career here in Congress ever seen him make a veterans issue a partisan issue.

I want to thank you for that.

Mr. Speaker, I am proud to represent a district similar to Mr. MORAN's to over 69,000 veterans. These are hard-working people who inspire future generations to serve our Nation. Many of our veterans live in rural and low-income communities. In big cities veterans are located closer together. In rural districts like mine, we have veterans that are spread out over a wide area. This makes it difficult for them to get the resources they need.

The Rural Veterans Access to Care Act will allow highly rural veterans to see a non-VA health care provider. It establishes a 3-year pilot program. Part of it will be in Colorado as well. The pilot program is a great opportunity to see the potential impact of this program on the quality of veterans and the care for veterans. This bill is important because of unique travel challenges in rural areas. Long distances, dangerous terrain, unpredictable weather can make it very difficult to get to a VA facility.

□ 1630

H.R. 1527 will take the necessary steps to making health care more accessible to our Nation's rural veterans. I encourage my colleagues on both sides of the aisle to support our rural veterans, and support this bill.

Thank you to the gentleman from Kansas (Mr. MORAN) for allowing me to speak on this bill. Thank you, Mr. Chairman, for your bipartisan effort in trying to make sure that we address veterans' issues in a nonpartisan way.

Mr. MORAN of Kansas. Mr. Speaker, I appreciate the comments from the gentleman from Colorado and acknowledge his tremendous efforts on behalf of veterans across the country, but especially those who live in rural America, and extend to him today my appreciation for his comments and his friendship.

I yield 2 minutes to the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. Thank you, Mr. MORAN, for your leadership. I want to add my kudos. Whenever we talk about rural issues, it's the same people that usually stand up: Somebody from Colorado, South Dakota, Idaho, Montana, Wyoming, Kansas, and Nebraska. We have certain issues confronting us that other places do not.

Let me real briefly describe my district to you. My district spans the distance of 147,000 square miles. The distance of my district is Washington, D.C. to Chicago, and I have 104,000 veterans living in that area. It's very difficult for them to access and, kid no one, we ration health care in the veterans' system. This is a perfect bill for showing what can be done if we would



just use a little initiative within the United States Congress.

Mr. FILNER, thank you for bringing this forward. Everyone knows that nothing moves without the chairman's blessing, and we thank you for bringing this forward so we would have the opportunity to explain it a little bit.

Montana is surrounded by some wonderful States, like Idaho and Wyoming and South Dakota, but when we have major medical, there are no facilities within those States, so we have to travel to Denver, Salt Lake City, Minneapolis, and Seattle. The distances are great, and usually the illnesses are so great, it's very difficult for our veterans to travel that distance.

I want to take issue with one of the comments from CBO. They suggest that local health care providers would hesitate to invest in expanded facilities to accommodate veterans. Clearly, the CBO does not understand the plight of rural health care because my rural health care providers are doing everything they can to keep their doors open in the first place because of a diminishing population; not a population of seniors or veterans, but a population of youth. And so the veterans and the seniors are staying in the community and it's going to be harder for my facilities to stay open.

If these veterans are having to ride on buses for many, many miles to get to Fort Harrison, and I want to say I am not suggesting that we don't have tremendous veterans' health care in Montana. We do. We have Fort Harrison in Helena. But it's not adequate when it comes to the distances they are having to travel.

Please support this bill. Thank you, Mr. MORAN.

Mr. FILNER. Mr. Speaker, I would like to yield such time as he may consume to our hardworking Chair of our Disability Assistance and Memorial Affairs Subcommittee, the gentleman from New York (Mr. HALL).

Mr. HALL of New York. I rise today in strong support of H.R. 1527, the Rural Veterans Access to Care Act, and I would first like to take this opportunity to commend Congressman MORAN for all of his work on this legislation. I used to live in Manhattan, New York, and I am glad that veterans from Manhattan, Kansas, and Manhattan, New York, will be served better by this Congress and by the VA.

We can illustrate the fact that issues relating to veterans can, and should be, and I believe in this Congress and in this committee, are a truly bipartisan effort. I can't recall a single critical remark of this bill as it passed through the committee process, because it is truly a needed piece of legislation.

Veterans have consistently been calling on the VA to develop a plan to address the needs of those veterans who live in rural areas at great distances away from the nearest VA hospital. When these brave men and women served our country honorably, they expected the same service in return once they retired. When they signed up, nowhere, at no time, did it say that they

would get the health care they need only if they wanted to drive for hours and hours to get it.

Moreover, with the recent increases in the cost of gasoline, travel for rural veterans is placing an even greater financial burden on them and their families. Hours of driving and a hefty gas bill is not the kind of treatment our veterans deserve for their selfless sacrifice to our Nation.

I am confident that the pilot programs erected in H.R. 1527 will begin to bring relief to our veterans who live at great distances from the nearest VA hospital. It is our duty to reward the veterans of our Nation with this treatment befitting their sacrifice. I believe this bill takes the necessary steps to do just that, and I urge my colleagues to support this bill.

Mr. MORAN of Kansas. I continue to reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I would yield such time as he may consume to our great new Member, who worked on these issues for many years, not only as a Congressman, but as a staff member for Mr. Lane Evans, our former ranking member, the gentleman from Illinois (Mr. HARE).

Mr. HARE. I thank the chairman for his kind words. I rise in strong support of H.R. 1527, the Rural Veterans Access to Care Act, and I want to commend my friend, Representative JERRY MORAN, for his outstanding leadership on this issue.

I represent a district in Illinois that is very rural. I hear often not only from the veterans but also from the critical access hospitals in my district about the frustrations that they feel from the inability to access or provide the care that our veterans so desperately need. We often see our disabled and elderly veterans driving hundreds of miles to the nearest VA facilities in Freeport, Illinois, or Bettendorf, Iowa, some of them having to wait 6 hours just to be seen.

To highlight this point, I recently received a phone call from Illinois State Senator Deanna Demuzio of Carlinville, Illinois, in the southern part of my district. She expressed a tremendous amount of frustration and concern at the fact that one of her constituents, a World War II veteran, was told by the VA that he had to drive 200 miles to get a simple chest x-ray. Like Senator Demuzio, I feel that it just doesn't make sense for anyone to drive 200 miles for an x-ray, one they can get locally.

I have been working with the VA, Chairman FILNER, Ranking Member BUYER, and the appropriators, to authorize the community-based outpatient clinic in Whiteside County in my district to address the hardships that veterans face from the distances they have to travel to access health care. Until that happens, I believe this bill will provide the data we need to best serve our rural veterans while also paying attention to the quality of care our veterans receive, and the VA patient enrollment numbers.

Specifically, H.R. 1527 requires the Secretary to conduct a pilot program

in four Veteran Integrated Service Networks that would allow the "highly rural" veteran to elect to receive covered health services through a non-VA health care provider. Many of the veterans of my district fit under the "highly rural" definition, and I am very proud to be a cosponsor of this legislation.

Again, I want to thank Senator Demuzio for her help and support, and to my friend Congressman JERRY MORAN for introducing this incredibly wonderful piece of legislation. I believe this information we gather from the pilot program will go a long way in helping our veterans access health care.

Mr. Speaker, I urge all my colleagues to support this legislation.

Mr. MORAN of Kansas. I ask the gentleman from California if he has other speakers.

Mr. FILNER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. It is with great pleasure that I rise today in strong support of H.R. 1527, the Rural Veterans Access to Care Act. This bipartisan legislation, which I have cosponsored, is something that the veterans of my district have been seeking for some time.

This bill is in no way an indictment of the services of the VA facilities. Rather, it acknowledges that even health care networks as far-reaching as the VA can meet the needs of our veterans. This bill will provide the rural veterans from the western rural portions of my district the ability to seek health care in their communities rather than having to travel hundreds of miles to El Paso and sometimes even Albuquerque, although, as a pilot program, I am confident that the merits of bringing care closer to the veterans will prove to be revolutionary in the way that this Nation cares for its servicemembers and will be adopted nationwide.

I am pleased with the definition in the bill of "highly rural veterans" as one who resides in a location that is more than 60 miles driving distance from the nearest Department health care facilities providing primary care services, more than 120 miles for acute hospital care, and more than 240 miles for tertiary care.

Many of the veterans who reside in the 20 counties that I represent fall into this category. The Audie Murphy Hospital in San Antonio and the Brooke Army Medical Center in San Antonio serve a large portion of my district's veteran community. About 600 miles to the northwest to the opposite end of my district is the El Paso VA Clinic and the William Beaumont Army Medical Center that serves a portion of the western part of Texas.

They provide quality health care for our veterans. However, neither the

Audie Murphy VA, nor the El Paso VA Clinic, are within my district. As a matter of fact, my district has no VA facilities at all, and it's one of the largest in the Nation. It spans 785 miles to the Mexican border, 650 miles straight from San Antonio to El Paso. Needless to say, extending current services into these areas are essential. This bill will allow that opportunity to make it happen.

I want to thank Chairman BOB FILNER, and I seriously mean this sincerely. I spent 8 years on this committee and we have been trying to get these types of pieces of legislation out. I want to thank him for his leadership and allowing us to be able to make this happen.

So I strongly urge my colleagues to vote in favor of H.R. 1527, to allow rural American veterans to be able to have access to health care in this country. Thank you very much.

Mr. MORAN of Kansas. Mr. Speaker, I am prepared to close and then yield the balance of my time, if the gentleman from California has no other speakers.

Mr. FILNER. I would yield 2 minutes to the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Thank you, Chairman FILNER, and thank you, Congressman MORAN. I live in Houston, Texas. I live across the street from the DeBakey Medical Center. My district is such that you can traverse it in 1 hour. But this is America that we are talking about, not just the cities, not just the rural areas. All veterans in America ought to have access to a facility, and they ought to have immediate access. It is not enough for me to have the DeBakey Center in my district and have other veterans who have to travel 5 hours to receive medical attention.

I am here to ask my colleagues to please, let's support veterans. What we do today will say to them what we think about the work they have done for us. If they can be there for us, willing to sacrifice their lives, we can be there for them to make sure that they have a good quality of life when they return home to the United States of America.

Mr. FILNER. Will the gentleman yield?

Mr. AL GREEN of Texas. Yes, sir.

Mr. FILNER. I just want to thank you not only for speaking out for rural veterans who, as you said, are not in your district, but in your State and in our Nation. But your bill that expanded opportunities for affordable housing for our veterans was also a great step forward, and we greatly admire your work here, although you've only been here a short time. Thank you so much.

I yield back.

Mr. AL GREEN of Texas. I thank you. I am so honored, sir, that you gave me this opportunity to have a word on this most important piece of legislation. It really is something that we must do for our veterans. I thank you, and may God bless you.

Mr. MORAN of Kansas. Is the gentleman from California prepared to close?

Mr. FILNER. Yes.

Mr. MORAN of Kansas. Mr. Speaker, first of all, let me thank the gentleman from Texas (Mr. AL GREEN) for his comments, his ecumenical attitude, and his understanding for the needs for all American veterans, and I am hopeful that that is demonstrated today by all Members of the House as we approve this legislation.

Let me also take this moment to thank all of the employees, the staff, the medical providers within the VA system in Kansas and across the country who work hard on a daily basis to make certain that our veterans are cared for and also for all those who have volunteered their time, their automobiles, their days, and their driving skills, as we have had many veterans who have helped other veterans get to a medical facility, often miles and distance away.

□ 1645

These kinds of volunteer activities have been important and it is a way that some veterans have been able to access health care. But this legislation takes us in a very positive step, one that we have worked on for a long time to achieve, and I am very pleased by the efforts that we see, the culmination of those efforts that we see today.

Finally, let me thank the staff of the Veterans' Committee, both the minority and majority. I appreciate the approach and attitude, the diligence with which we have addressed this legislation. It has had its false starts as recently as a month ago. I am very grateful for the efforts that all made to make certain that this legislation is before us today, and in particular I thank the gentleman from California, Mr. FILNER, who gave me his word back in early August that this legislation would be on the House floor this week, and I very much appreciate Mr. FILNER's efforts.

With that, Mr. Speaker, I support this legislation and appreciate the consequences that arise from its passage.

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

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

Again, I want to thank Mr. MORAN for his leadership over so many years on these issues and I just want to make a couple of points in closing.

Next year when we come back, Mr. MORAN, I hope that we could even refine what you have done here a little further. You have made a very important leap forward in dealing with our rural veterans, and you have used the mileage as the distinguishing characteristic.

In part of my district, for example, in Imperial County, California, our veterans are within probably this 120 miles, and yet it is not just the distance, it is the isolation. There is a mountain between two counties in my

district. It is not easy to cross over that. So the mileage is not just the only factor. We have got to get some measure of isolation, I would think.

In addition, that county is a very poor county. Many of our veterans do not even have cars. They have to rely on what you so appropriately mentioned, and that is the volunteer efforts of some van drivers. But they are not always there, and they are not always on the day that is needed. So, without cars and being particularly isolated, I think we have to refine that definition of the highly rural veteran.

Let me make just one more point. What you have done here, Mr. MORAN, is very specifically designate criteria for which people are eligible to go outside the VA system. I think you have done that very appropriately, and we have been fighting for that for many years.

The Presidential candidate on the Republican side, Mr. MCCAIN, takes that too many steps further. He has advocated a credit card for every veteran to use in any facility. I think that is the wrong approach.

I had the honor over the last month, Mr. Speaker, of going to the national conventions of the Disabled American Veterans, of the American Legion, of the Jewish War Veterans, of the Military Order of the Purple Heart; and I would say unanimously they objected to this so-called credit card for veterans. It supposedly is to increase access, but I think its effect would be to undermine the whole VA health care system.

So while we can I think make sure that access is guaranteed for people in some very specific situations, like the bill that Mr. MORAN has before us, I think we have to keep the integrity of the VA system by not allowing that credit card proposal of Mr. MCCAIN to go forward.

Having said that, Mr. Speaker, 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. 1527, as amended.

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

There was no objection.

Mr. FILNER. I urge my colleagues to unanimously support Mr. MORAN's bill, H.R. 1527, as amended, as a great step forward for our country's heroes.

Mr. BUYER. Mr. Speaker, I rise in support of H.R. 1527, as amended, the Rural Veterans Access to Care Act.

I also want to thank my colleague, JERRY MORAN, for his efforts and work on this very important bill he introduced to improve access to care for veterans living in highly rural areas. Veterans in rural areas are challenged by long commutes to VA facilities, and the limited number of providers in rural areas.

H.R. 1527 as amended would require VA to conduct a three year demonstration project to allow highly rural veterans in four Veterans Integrated Service Networks (VISNs) with large rural populations to receive covered services

through non-VA providers. It would give those who live the furthest from VA facilities the choice to receive care closer to home at a local hospital or physician's office. To qualify, a veteran must live at least 60 miles from a VA clinic, 120 miles from a VA hospital or 240 miles from a VA specialized care facility when seeking that care. To ensure continuity of care, the legislation would require VA to develop the functional capability to exchange veterans' medical information between VA and non-VA providers in the pilot. The VA will be required to annually report to Congress on cost, quality, and patient satisfaction.

I urge my colleagues to support H.R. 1527. Mr. FILNER. 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 California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1527, as amended.

The question was taken.

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

Mr. FILNER. 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.

**VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2008**

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2617) to increase, effective as of December 1, 2008, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2617

*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' Compensation Cost-of-Living Adjustment Act of 2008".

**SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.**

(a) RATE ADJUSTMENT.—Effective on December 1, 2008, the Secretary of Veterans Af-

fairs shall increase, in accordance with subsection (c), the dollar amounts in effect on November 30, 2008, for the payment of disability compensation and dependency and indemnity compensation under the provisions specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) WARTIME DISABILITY COMPENSATION.—Each of the dollar amounts under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts under section 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount under section 1162 of such title.

(4) DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVING SPOUSE.—Each of the dollar amounts under subsections (a) through (d) of section 1311 of such title.

(5) DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN.—Each of the dollar amounts under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—

(1) PERCENTAGE.—Except as provided in paragraph (2), each dollar amount described in subsection (b) shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2008, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(2) ROUNDING.—Each dollar amount increased under paragraph (1), if not a whole dollar amount, shall be rounded to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons under section 10 of Public Law 85-857 (72 Stat. 1263) who have not received compensation under chapter 11 of title 38, United States Code.

(e) PUBLICATION OF ADJUSTED RATES.—The Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b), as increased under that subsection, not later than the date on which the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2009.

**SEC. 3. CODIFICATION OF 2007 COST-OF-LIVING ADJUSTMENT IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.**

(a) VETERANS' DISABILITY COMPENSATION.—Section 1114 of title 38, United States Code, is amended—

(1) in subsection (a), by striking "\$115" and inserting "\$117";

(2) in subsection (b), by striking "\$225" and inserting "\$230";

(3) in subsection (c), by striking "\$348" and inserting "\$356";

(4) in subsection (d), by striking "\$501" and inserting "\$512";

(5) in subsection (e), by striking "\$712" and inserting "\$728";

(6) in subsection (f), by striking "\$901" and inserting "\$921";

(7) in subsection (g), by striking "\$1,135" and inserting "\$1,161";

(8) in subsection (h), by striking "\$1,319" and inserting "\$1,349";

(9) in subsection (i), by striking "\$1,483" and inserting "\$1,517";

(10) in subsection (j), by striking "\$2,471" and inserting "\$2,527";

(11) in subsection (k)—

(A) by striking "\$89" both places it appears and inserting "\$91"; and

(B) by striking "\$3,075" and "\$4,313" and inserting "\$3,145" and "\$4,412", respectively;

(12) in subsection (l), by striking "\$3,075" and inserting "\$3,145";

(13) in subsection (m), by striking "\$3,392" and inserting "\$3,470";

(14) in subsection (n), by striking "\$3,860" and inserting "\$3,948";

(15) in subsections (o) and (p), by striking "\$4,313" each place it appears and inserting "\$4,412";

(16) in subsection (r), by striking "\$1,851" and "\$2,757" and inserting "\$1,893" and "\$2,820", respectively; and

(17) in subsection (s), by striking "\$2,766" and inserting "\$2,829".

(b) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Section 1115(1) of such title is amended—

(1) in subparagraph (A), by striking "\$139" and inserting "\$142";

(2) in subparagraph (B), by striking "\$240" and "\$70" and inserting "\$245" and "\$71", respectively;

(3) in subparagraph (C), by striking "\$94" and "\$70" and inserting "\$96" and "\$71", respectively;

(4) in subparagraph (D), by striking "\$112" and inserting "\$114";

(5) in subparagraph (E), by striking "\$265" and inserting "\$271"; and

(6) in subparagraph (F), by striking "\$222" and inserting "\$227".

(c) CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.—Section 1162 of such title is amended by striking "\$662" and inserting "\$677".

(d) DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.—

(1) NEW LAW DIC.—Section 1311(a) of such title is amended—

(A) in paragraph (1), by striking "\$1,067" and inserting "\$1,091"; and

(B) in paragraph (2), by striking "\$228" and inserting "\$233".

(2) OLD LAW DIC.—The table in paragraph (3) of such section is amended to read as follows:

"Pay grade	Monthly rate	Pay grade	Monthly rate
E-1 .....	\$1,091	W-4 .....	\$1,305
E-2 .....	\$1,091	O-1 .....	\$1,153
E-3 .....	\$1,091	O-2 .....	\$1,191
E-4 .....	\$1,091	O-3 .....	\$1,274
E-5 .....	\$1,091	O-4 .....	\$1,349
E-6 .....	\$1,091	O-5 .....	\$1,485
E-7 .....	\$1,129	O-6 .....	\$1,674
E-8 .....	\$1,191	O-7 .....	\$1,808
E-9 .....	\$1,242	O-8 .....	\$1,985
W-1 .....	\$1,153	O-9 .....	\$2,123
W-2 .....	\$1,198	O-10 .....	\$2,328

“Pay grade	Monthly rate	Pay grade	Monthly rate
W-3 .....	\$1,234		

<sup>1</sup> If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse’s rate shall be \$1,342.

<sup>2</sup> If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse’s rate shall be \$2,499.”

(3) ADDITIONAL DIC FOR CHILDREN OR DISABILITY.—Section 1311 of such title is amended—

(A) in subsection (b), by striking “\$265” and inserting “\$271”;

(B) in subsection (c), by striking “\$265” and inserting “\$271”;

(C) in subsection (d), by striking “\$126” and inserting “\$128”.

(e) DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.—

(1) DIC WHEN NO SURVIVING SPOUSE.—Section 1313(a) of such title is amended—

(A) in paragraph (1), by striking “\$452” and inserting “\$462”;

(B) in paragraph (2), by striking “\$649” and inserting “\$663”;

(C) in paragraph (3), by striking “\$846” and inserting “\$865”;

(D) in paragraph (4), by striking “\$846” and “\$162” and inserting “\$865” and “\$165”, respectively.

(2) SUPPLEMENTAL DIC FOR CERTAIN CHILDREN.—Section 1314 of such title is amended—

(A) in subsection (a), by striking “\$265” and inserting “\$271”;

(B) in subsection (b), by striking “\$452” and inserting “\$462”;

(C) in subsection (c), by striking “\$225” and inserting “\$230”.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on December 1, 2007.

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

Mr. Speaker, I rise in support of this Veterans Compensation Cost-of-Living Adjustment Act of 2008, and I want to especially thank Congressman CIRO RODRIGUEZ of Texas for his sponsorship of the House bill, which was H.R. 5826.

I am pleased that we are here today working with the Senate to get the bill passed. After passage here today, the bill goes directly to the White House for the President’s signature, and this will ensure that our veterans will not be delayed in getting their cost-of-living adjustment.

Since 1976, Congress has passed a measure to direct the Secretary of Veterans Affairs to increase the rates of basic compensation for disabled veterans and the rates of dependency and indemnity compensation, referred to as DIC, to their survivors and dependents, along with other benefits, in order to keep pace with the rising cost of living.

This disability COLA would become effective on December 1 of this year and will be equal to that provided on an annual basis to Social Security re-

ipients. It will benefit over 3 million disabled veterans from the World War I era through the current conflicts in Iraq and Afghanistan that VA estimates will be receiving this compensation in FY 09. It will also help over 300,000 of their survivors during the same period.

Many of the 3.5 million recipients of these benefits depend upon these tax-free payments not only to provide for their own basic needs, but those of their spouses and their children and often parents as well. Without an annual COLA, these veterans and their families would see the value of their hard-earned benefits slowly erode. We would be derelict in our duty as a Congress if we failed to guarantee that those who sacrificed so much for this country received benefits and services that keep pace with their necessities. The veterans compensation COLA is included in the CBO baseline, which means in English that we have already paid for this COLA.

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

Mr. MORAN of Kansas. Mr. Speaker, I am a supporter of S. 2617, the Veterans Compensation Cost-of-Living Adjustment Act of 2008. On May 21 of this year, the House of Representatives passed H.R. 5826, the Veterans Compensation Cost-of-Living Act of 2008, introduced by our colleague, the gentleman from Texas, Mr. RODRIGUEZ.

The legislation before us today is the Senate companion to that bill. It would increase, effective December 1, 2008, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

I would like to thank the gentleman from California, the chairman, Mr. FILNER, and the ranking member, the gentleman from Indiana, Mr. BUYER, for bringing this bill to the floor in a timely manner, and acknowledge the efforts by our colleagues, the Chairman of the Subcommittee, Mr. HALL, and the ranking member, Mr. LAMBORN, for their work and leadership on improving benefits for our veterans.

The legislation before us is an important annual authorization which provides our Nation’s veterans with a timely increase in their compensation later this year. It was requested by the Bush administration, and the House passage today will send this bill to the President to be signed into law.

Mr. Speaker, I encourage my colleagues to support this bill.

I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I yield 2 minutes to the sponsor of the House version of the bill, the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, I thank the gentleman for this opportunity to speak regarding S. 2617. Thank you, Chairman FILNER, for your leadership, and also Chairman HALL, the ranking minority member, Mr. BUYER, and Mr. MORAN. Thank you very much.

As a sponsor of H.R. 5826, the House version of this important piece of legislation, I am extremely proud to have had the opportunity to be here today. The House unanimously passed this bill on the 21st of May earlier this year.

We are all keenly aware of the burden our current economy places upon American families and the situation that we find ourselves in now with the economy. These same difficulties are magnified with our veterans and their families who rely on disability compensation provided through the Senate bill, S. 2617, the Veterans Compensation Cost-of-Living Adjustment Act of 2008. It seeks to address these challenges by increasing the compensation rates in line with the Consumer Price Index for the Social Security COLA.

We now have an opportunity to send a bill to the President that will have a direct impact on countless veterans, over 3 million, and also their survivors and families.

Thank you for allowing me the opportunity to speak today during consideration of S. 2617, the companion bill to H.R. 5826. I ask for its support by the House.

Mr. BUYER. Mr. Speaker, I rise today in support of S. 2617, the Veterans’ Compensation Cost-of-Living Adjustment Act of 2008.

Each year, the House and Senate Committees on Veterans’ Affairs bring before Congress legislation to adjust the compensation our veterans receive through the cost-of-living adjustment. Our Nation’s veterans have sacrificed so much for this country, and we fulfill our obligation to them by providing this annual adjustment to their benefits to help them keep up with the cost-of-living. The House already passed H.R. 5826 on May 21, 2008. The bill before us is the Senate version of that same bill.

Mr. Speaker, this legislation will provide our veterans an increase in their wartime disability compensation, additional compensation for benefits, clothing allowance, dependency and indemnity compensation to surviving spouses, and dependency and indemnity compensation to children. This is an important “must-pass” bill, which will ensure our veterans receive the increase to their benefits on time.

I would like to thank Chairman FILNER, as well as Disability and Memorial Affairs Subcommittee Chairman JOHN HALL, and Ranking Member DOUG LAMBORN for their efforts to bring this bill to the House floor in an expeditious manner. Our action on this bill today will be the final action before the bill is presented to the President for signature, and I encourage all my colleagues to support passage of S. 2617, the Veterans' Compensation Cost-of-Living Adjustment Act of 2008.

Mr. HALL of New York. Mr. Speaker, I rise, today in support of S. 2617, the Veterans' Compensation Cost-of-Living Adjustment Act. With today's military and veteran community facing increasing deployments, a struggling economy, rising gas prices, and other hardships that together create tough financial situations, this legislation could not have come at a better time.

For many of our Nation's veterans and their families, these payments are a necessity in order to make ends meet. They provide for veterans with service-connected disabilities and the survivors of certain disabled veterans. Specifically, this COLA increase will boost wartime disability compensation, additional compensation for benefits, and even things such as clothing allowances.

Again, in these increasingly tough times, we cannot allow rising costs to strip our brave veterans of this crucial resource. For those who have done so much by sacrificing mind, body, and family in service of this Nation, this COLA is the least we can do to honor their sacrifices.

I commend Senator AKAKA for his hard work passing this crucially needed legislation through the Senate, and urge my colleagues to pass this in the House with equal success.

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

#### GENERAL LEAVE

Mr. FILNER. Mr. Speaker, 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 S. 2617.

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

There was no objection.

Mr. FILNER. Mr. Speaker, I urge my colleagues to unanimously support it 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 Senate bill, S. 2617.

The question was taken.

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

Mr. FILNER. 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.

#### VETERANS' PROGRAMS EXTENSION AND CONSTRUCTION AUTHORIZATION ACT OF 2008

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 6832) to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 2009, to extend certain authorities of the Secretary of Veterans Affairs, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6832

*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' Programs Extension and Construction Authorization Act of 2008".

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

Sec. 1. Short title; table of contents.

#### TITLE I—AUTHORIZATION OF MEDICAL FACILITY PROJECTS AND MAJOR MEDICAL FACILITY LEASES

Sec. 101. Authorization for fiscal year 2009 major medical facility projects.

Sec. 102. Modification of authorization amounts for certain major medical facility construction projects previously authorized.

Sec. 103. Authorization of fiscal year 2009 major medical facility leases.

Sec. 104. Authorization of construction of major medical facility, Okaloosa County, Florida.

Sec. 105. Authorization of appropriations.

Sec. 106. Report on facilities administration.

Sec. 107. Annual report on outpatient clinics.

#### TITLE II—EXTENSION OF CERTAIN AUTHORITIES

Sec. 201. Repeal of sunset on inclusion of noninstitutional extended care services in definition of medical services.

Sec. 202. Extension of recovery audit authority.

Sec. 203. Permanent authority for provision of hospital care, medical services, and nursing home care to veterans who participated in certain chemical and biological testing conducted by the Department of Defense.

Sec. 204. Extension of expiring collections authorities.

Sec. 205. Extension of nursing home care.

Sec. 206. Extension of authority to carry out income verification.

Sec. 207. Permanent authority to establish research corporations.

Sec. 208. Extension of certain veterans home loan guaranty programs.

Sec. 209. Extension of requirement to submit annual report on the Special Committee on Post-Traumatic-Stress Disorder.

Sec. 210. Extension of requirement to submit annual report on the Committee on Care of Severely Chronically Mentally Ill Veterans.

Sec. 211. Permanent requirement for biannual report on Women's Advisory Committee.

Sec. 212. Permanent authority for Advisory Committee on Minority Veterans.

Sec. 213. Extension of temporary increase in maximum loan guaranty amount for certain housing loans guaranteed by the Secretary of Veterans Affairs.

#### TITLE III—OTHER MATTERS

Sec. 301. Increase in cap of number of veterans participating in independent living program.

Sec. 302. Enhancement of refinancing of home loans by veterans.

Sec. 303. Technical amendments.

#### TITLE I—AUTHORIZATION OF MEDICAL FACILITY PROJECTS AND MAJOR MEDICAL FACILITY LEASES

##### SEC. 101. AUTHORIZATION FOR FISCAL YEAR 2009 MAJOR MEDICAL FACILITY PROJECTS.

The Secretary of Veterans Affairs may carry out the following major medical facility projects in fiscal year 2009 in the amount specified for each project:

(1) Seismic corrections, Building 2, at the Department of Veterans Affairs Palo Alto Health Care System, Palo Alto Division Palo Alto, California, in an amount not to exceed \$54,000,000.

(2) Construction of a polytrauma healthcare and rehabilitation center at the Department of Veterans Affairs Medical Center, San Antonio, Texas, in an amount not to exceed \$66,000,000.

(3) Seismic corrections, Building 1, at the Department of Veterans Affairs Medical Center, San Juan, Puerto Rico, in an amount not to exceed \$225,900,000.

##### SEC. 102. MODIFICATION OF AUTHORIZATION AMOUNTS FOR CERTAIN MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS PREVIOUSLY AUTHORIZED.

(a) MODIFICATION OF MAJOR MEDICAL FACILITY AUTHORIZATIONS.—Section 801(a) of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109-461) is amended—

(1) in paragraph (1)—

(A) by striking "\$300,000,000" and inserting "\$625,000,000"; and

(B) by striking the second sentence; and

(2) in paragraph (3), by striking "\$98,000,000" and inserting "\$769,200,000".

(b) MODIFICATION OF AUTHORIZATION FOR CERTAIN MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS PREVIOUSLY AUTHORIZED IN CONNECTION WITH CAPITAL ASSET REALIGNMENT INITIATIVE.—

(1) CORRECTION OF PATIENT PRIVACY DEFICIENCIES AT THE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, GAINESVILLE, FLORIDA.—Paragraph (5) of section 802 of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109-461) is amended by striking "\$85,200,000" and inserting "\$136,700,000".

(2) CONSTRUCTION OF A NEW MEDICAL CENTER FACILITY AT THE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, LAS VEGAS, NEVADA.—Paragraph (7) of such section is amended by striking "\$406,000,000" and inserting "\$600,400,000".

(3) CONSTRUCTION OF A NEW OUTPATIENT CLINIC, LEE COUNTY, FLORIDA.—Paragraph (8) of such section is amended—

(A) by striking "ambulatory" and all that follows through "purchase," and inserting "outpatient clinic in"; and

(B) by striking "\$65,100,000" and inserting "\$131,800,000".

(4) CONSTRUCTION OF A NEW MEDICAL CENTER FACILITY, ORLANDO, FLORIDA.—Paragraph (11) of such section is amended by striking "\$377,700,000" and inserting "\$656,800,000".

(5) CONSOLIDATION OF CAMPUSES AT THE UNIVERSITY DRIVE AND H. JOHN HEINZ III DIVISIONS, PITTSBURGH, PENNSYLVANIA.—Paragraph (12) of such section is amended by striking "\$189,205,000" and inserting "\$295,600,000".

##### SEC. 103. AUTHORIZATION OF FISCAL YEAR 2009 MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may carry out the following major medical facility leases in fiscal year 2009 at the locations specified, and in an amount for each lease not to exceed the amount shown for such location:

(1) For an outpatient clinic, Brandon, Florida, \$4,326,000.

(2) For an outpatient clinic, Colorado Springs, Colorado, \$3,995,000.

(3) For an outpatient clinic, Eugene, Oregon, \$5,826,000.

(4) For the expansion of an outpatient clinic, Green Bay, Wisconsin, \$5,891,000.

(5) For an outpatient clinic, Greenville, South Carolina, \$3,731,000.

(6) For an outpatient clinic, Mansfield, Ohio, \$2,212,000.

(7) For an outpatient clinic, Mayaguez, Puerto Rico, \$6,276,000.

(8) For an outpatient clinic, Mesa, Arizona, \$5,106,000.

(9) For interim research space, Palo Alto, California, \$8,636,000.

(10) For the expansion of an outpatient clinic, Savannah, Georgia, \$3,168,000.

(11) For an outpatient clinic, Sun City, Arizona, \$2,295,000.

(12) For a primary care annex, Tampa, Florida, \$8,652,000.

**SEC. 104. AUTHORIZATION OF CONSTRUCTION OF MAJOR MEDICAL FACILITY, OKALOOSA COUNTY, FLORIDA.**

(a) **AUTHORIZATION.**—The Secretary of Veterans Affairs shall carry out a major medical facility project to construct a new medical facility of the Department of Veterans Affairs in Okaloosa County, Florida, in an amount not to exceed \$54,475,000.

(b) **FACILITY LOCATION.**—The facility authorized to be constructed pursuant to subsection (a) shall be built in accordance with option 2 of the report to Congress dated June 26, 2007, required to be submitted under section 823 of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109-461; 120 Stat. 3449).

(c) **PLAN FOR SHARING OF INPATIENT AND OUTPATIENT SERVICES.**—Not later than 180 days after the date of the enactment of the Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a plan that sets forth terms and conditions for the sharing of inpatient and outpatient services at the medical facility authorized to be constructed pursuant to subsection (a).

**SEC. 105. AUTHORIZATION OF APPROPRIATIONS.**

(a) **AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2009 MAJOR MEDICAL FACILITY PROJECTS.**—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2009 for the Construction, Major Projects, account—

(1) \$345,900,000 for the projects authorized in section 101;

(2) \$1,694,295,000 for the increased amounts authorized for projects whose authorizations are modified by section 102; and

(3) \$54,475,000 for the project authorized in section 104.

(b) **AUTHORIZATION FOR APPROPRIATIONS FOR FISCAL YEAR 2009 MAJOR MEDICAL FACILITY LEASES.**—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2009 for the Medical Facilities account, \$60,114,000, for the leases authorized in section 103.

**SEC. 106. REPORT ON FACILITIES ADMINISTRATION.**

Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report updating the progress of the Secretary in complying with section 312A of title 38, United States Code.

**SEC. 107. ANNUAL REPORT ON OUTPATIENT CLINICS.**

(a) **ANNUAL REPORT REQUIRED.**—Subchapter I of chapter 81 of title 38, United States Code, is amended by adding at the end the following new section:

**“§ 8119. Annual report on outpatient clinics**

“(a) **ANNUAL REPORT REQUIRED.**—The Secretary shall submit to the committees an annual report on community-based outpatient clinics and other outpatient clinics of the Department. The report shall be submitted each year not later than the date on which the budget for the next fiscal year is submitted to the Congress under section 1105 of title 31.

“(b) **CONTENTS OF REPORT.**—Each report required under subsection (a) shall include the following:

“(1) A list of each community-based outpatient clinic and other outpatient clinic of the Department, and for each such clinic, the type of clinic, location, size, number of health professionals employed by the clinic, workload, whether the clinic is leased or constructed and operated by the Secretary, and the annual cost of operating the clinic.

“(2) A list of community-based outpatient clinics and other outpatient clinics that the Secretary opened during the fiscal year preceding the fiscal year during which the report is submitted and a list of clinics the Secretary proposes opening during the fiscal year during which the report is submitted and the subsequent fiscal year, together with the cost of activating each such clinic and the information required to be provided under paragraph (1) for each such clinic and proposed clinic.

“(3) A list of proposed community-based outpatient clinics and other outpatient clinics that are, as of the date of the submission of the report, under review by the National Review Panel and a list of possible locations for future clinics identified in the Department's strategic planning process, including any identified locations in rural and underserved areas.

“(4) A prioritized list of sites of care identified by the Secretary that the Secretary could establish without carrying out construction or entering into a lease, including—

“(A) any such sites that could be expanded by hiring additional staff or allocating staff to Federal facilities or facilities operating in collaboration with the Federal Government; and

“(B) any sites established, or able to be established, under sections 8111 and 8153 of this title.”

(b) **DEADLINE FOR FIRST ANNUAL REPORT.**—The Secretary of Veterans Affairs shall submit the first report required under section 8119(a) of title 38, United States Code, as added by subsection (a), by not later than 90 days after the date of the enactment of this Act.

(c) **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:

“8119. Annual report on outpatient clinics.”

**TITLE II—EXTENSION OF CERTAIN AUTHORITIES**

**SEC. 201. REPEAL OF SUNSET ON INCLUSION OF NONINSTITUTIONAL EXTENDED CARE SERVICES IN DEFINITION OF MEDICAL SERVICES.**

Section 1701 of title 38, United States Code, is amended—

(1) by striking paragraph (10); and

(2) in paragraph (6)—

(A) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(B) by inserting after subparagraph (D) the following new subparagraph (E):

“(E) Noninstitutional extended care services, including alternatives to institutional extended care that the Secretary may furnish directly, by contract, or through provi-

sion of case management by another provider or payer.”

**SEC. 202. EXTENSION OF RECOVERY AUDIT AUTHORITY.**

Section 1703(d)(4) of title 38, United States Code, is amended by striking “September 30, 2008” and inserting “September 30, 2013”.

**SEC. 203. PERMANENT AUTHORITY FOR PROVISION OF HOSPITAL CARE, MEDICAL SERVICES, AND NURSING HOME CARE TO VETERANS WHO PARTICIPATED IN CERTAIN CHEMICAL AND BIOLOGICAL TESTING CONDUCTED BY THE DEPARTMENT OF DEFENSE.**

(a) **PERMANENT AUTHORITY.**—Subsection (e)(3) of section 1710 of title 38, United States Code, is amended—

(1) in subparagraph (B), by inserting “and” after the semicolon;

(2) in subparagraph (C), by striking “; and” and inserting a period; and

(3) by striking subparagraph (D).

(b) **CONFORMING AMENDMENT.**—Subsection (e)(1)(E) of such section is amended by striking “paragraphs (2) and (3)” and inserting “paragraph (2)”.

**SEC. 204. EXTENSION OF EXPIRING COLLECTIONS AUTHORITIES.**

(a) **HEALTH CARE COPAYMENTS.**—Section 1710(f)(2)(B) of title 38, United States Code, is amended by striking “September 30, 2008” and inserting “September 30, 2010”.

(b) **MEDICAL CARE COST RECOVERY.**—Section 1729(a)(2)(E) of title 38, United States Code, is amended by striking “October 1, 2008” and inserting “October 1, 2010”.

**SEC. 205. EXTENSION OF NURSING HOME CARE.**

Section 1710A(d) of title 38, United States Code, is amended by striking “December 31, 2008” and inserting “December 31, 2013”.

**SEC. 206. EXTENSION OF AUTHORITY TO CARRY OUT INCOME VERIFICATION.**

Section 5317(g) of title 38, United States Code, is amended by striking “September 30, 2008” and inserting “September 30, 2010”.

**SEC. 207. PERMANENT AUTHORITY TO ESTABLISH RESEARCH CORPORATIONS.**

(a) **REPEAL.**—Title 38, United States Code, is amended by striking section 7368.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 73 of such title is amended by striking the item relating to section 7368.

**SEC. 208. EXTENSION OF CERTAIN VETERANS HOME LOAN GUARANTY PROGRAMS.**

(a) **EXTENSION OF DEMONSTRATION PROJECT ON ADJUSTABLE RATE MORTGAGES.**—Section 3707(a) of title 38, United States Code, is amended by striking “2008” and inserting “2012”.

(b) **EXTENSION OF DEMONSTRATION PROJECT ON HYBRID ADJUSTABLE RATE MORTGAGES.**—Section 3707A(a) of such title is amended by striking “2008” and inserting “2012”.

**SEC. 209. EXTENSION OF REQUIREMENT TO SUBMIT ANNUAL REPORT ON THE SPECIAL COMMITTEE ON POST-TRAUMATIC-STRESS DISORDER.**

Section 110(e)(2) of the Veterans' Health Care Act of 1984 (38 U.S.C. 1712A note; Public Law 98-528) is amended by striking “through 2008” and inserting “through 2012”.

**SEC. 210. EXTENSION OF REQUIREMENT TO SUBMIT ANNUAL REPORT ON THE COMMITTEE ON CARE OF SEVERELY CHRONICALLY MENTALLY ILL VETERANS.**

Section 7321(d)(2) of title 38, United States Code, is amended by striking “through 2008” and inserting “through 2012”.

**SEC. 211. PERMANENT REQUIREMENT FOR BIENNIAL REPORT ON WOMEN'S ADVISORY COMMITTEE.**

Section 542(c)(1) of title 38, United States Code, is amended by striking “through 2008”.

**SEC. 212. PERMANENT AUTHORITY FOR ADVISORY COMMITTEE ON MINORITY VETERANS.**

Section 544 of title 38, United States Code, is amended by striking subsection (e).

**SEC. 213. EXTENSION OF TEMPORARY INCREASE IN MAXIMUM LOAN GUARANTY AMOUNT FOR CERTAIN HOUSING LOANS GUARANTEED BY THE SECRETARY OF VETERANS AFFAIRS.**

Section 2201 of the Housing and Economic Recovery Act of 2008 (Public Law 110-289) is amended by striking "December 31, 2008" and inserting "December 31, 2011".

**TITLE III—OTHER MATTERS**

**SEC. 301. INCREASE IN CAP OF NUMBER OF VETERANS PARTICIPATING IN INDEPENDENT LIVING PROGRAM.**

Section 3120(e) of title 38, United States Code, is amended by striking "2,500 veterans" and inserting "2,600 veterans".

**SEC. 302. ENHANCEMENT OF REFINANCING OF HOME LOANS BY VETERANS.**

(a) INCLUSION OF REFINANCING LOANS AMONG LOANS SUBJECT TO GUARANTY MAXIMUM.—Section 3703(a)(1)(A)(i)(IV) of title 38, United States Code, is amended by inserting "(5)," after "(3)".

(b) INCREASE IN MAXIMUM PERCENTAGE OF LOAN TO-VALUE OF REFINANCING LOANS SUBJECT TO GUARANTY.—Section 3710(b)(8) of such title is amended by striking "90 percent" and inserting "100 percent".

**SEC. 303. TECHNICAL AMENDMENTS.**

(a) TITLE 38.—Title 38, United States Code, is amended—

(1) in section 1712A—

(A) by striking subsection (g);

(B) by redesignating subsections (d) through (i) as subsections (c) through (f), respectively; and

(C) in subsection (f), as so redesignated, by striking "(including a Resource Center designated under subsection (h)(3)(A) of this section)";

(2) in section 2065(b)(3)(C), by striking "( )";

(3) in the table of sections at the beginning of chapter 36, by striking the item relating to section 3684A and inserting the following new item:

"3684A. Procedures relating to computer matching program.";

(4) in section 4110(c)(1), by striking "15" and inserting "16";

(5) in the table of sections at the beginning of chapter 51, by striking the item relating to section 5121 and inserting the following new item:

"5121. Payment of certain accrued benefits upon death of a beneficiary.";

(6) in section 7458(b)(2), by striking "pro rated" and inserting "pro-rated";

(7) in section 8117(a)(1), by striking "such such" and inserting "such"; and

(8) in each of sections 1708(d), 7314(f), 7320(j)(2), 7325(i)(2), and 7328(i)(2), by striking "medical care account" and inserting "medical services account".

(b) VETERANS BENEFITS, HEALTH CARE, AND INFORMATION TECHNOLOGY ACT OF 2006.—Section 807(e) of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109-461) is amended by striking "Medical Care" each place it appears and inserting "Medical Facilities".

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.

□ 1700

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

Mr. Speaker, this is a very important bill that we simply must pass this year because it extends authorities for a whole number of veterans programs.

And I want to thank my ranking member, Mr. BUYER of Indiana, for his cooperation and support to get this bill on the floor today because, as I said, we have got to get this done before the end of this congressional session.

H.R. 6832 includes the text of several other pieces of legislation; for example, the text of H.R. 5856, the Department of Veterans Medical Facility Authorization and Lease Act of 2008, that we passed on this floor by a vote of 416-0 back in May. As the new fiscal year begins on October 1, it is essential that the VA have the legal authorities it needs to move forward in providing world-class facilities and better access for our veterans.

In addition to providing these authorizations, we extend a number of expiring authorities, including the authority to collect from insurance companies and third parties for the cost of certain health care. These provisions were slated to expire at the end of this month. It also extends the VA authority to receive data from the IRS and the Social Security Administration to verify income levels for veterans in certain programs.

We extend here also the authority of the VA to conduct recovery audits of fee basis and other medical service contracts when a veteran receives care at a non-VA facility, such as the bill we just passed with Mr. MORAN.

We make permanent here the VA authority to treat veterans who participated in tests conducted by the Department of Defense at the Deseret Test Center from 1962 to 1973, which included the program known as Project Shipboard Hazard and Defense, or Project SHAD. This authority expired last year. We have to do more for those who have been subject to those tests, and we will look at legislation, especially by Mr. THOMPSON of California, in the near future.

We extend the reporting requirements for the Special Committee on PTSD, Posttraumatic Stress Disorder, and the Committee on Care of Severely Chronically Mentally Ill Veterans. These committees are vitally important as we seek to provide the best care for our veterans in dealing with these mental health issues.

We repeal the sunset on inclusion of noninstitutional extended care services as part of the health care provided to our veterans, and extend the authority of the VA to provide nursing home care for certain veterans, which was also slated to expire at the end of this year.

We increase the number of veterans among our most severely disabled veterans who would be able to participate in the VA's Independent Living Program. Long-term care services are a vital component of our health care for veterans, and will only increase in importance in the years ahead.

H.R. 6832 also makes permanent the authority of the Advisory Committee on Minority Veterans and reporting requirements for the Women's Advisory Committee.

Mr. Speaker, I have often stressed the importance of the housing provisions in the original GI bill that was enacted in 1944. This act, of which over 8 million veterans took advantage of, probably created the prosperous and stable middle-class in our Nation. We recently passed an update of the GI bill that we called the 21st Century GI Bill, which brought education benefits up to the standards that this century requires, but we did not reform and improve the VA home loan program in that GI bill that would have in fact remained true to the spirit of the original GI bill. The housing crisis that is affecting all of our society in all areas of our country would be helped by broadening authority of the VA in this area.

Both my ranking member, Mr. BUYER, and I have introduced legislation to reform the home loan program, and H.R. 6832 brings both of our pieces of legislation together. We were able to provide temporary authority for the VA to make loans at levels that matched other Federal housing programs in an earlier bill this year, but that authority expires at the end of the year and VA will be forced once again to essentially limit its guarantee to a maximum loan amount of \$417,000. What we do here is to extend that authority until 2011 to guarantee loan amounts up to \$729,750 in certain parts of the country. We also extend the authority of the VA to make so-called hybrid adjustable rate and adjustable rate mortgages in their program, which also expires this year.

Finally, H.R. 6832 will make it easier for veterans to refinance their home loans with the VA. We authorize the VA to provide the same maximum loan guarantee for veterans, refinancing non-VA loans, as it currently provides for loans guaranteed by the VA. It will enable veterans to refinance the loan at up to 100 percent of the value of the underlying property. Currently, the VA is only able to finance up to 90 percent.

I know that I speak for Mr. BUYER in that we wish we could do more right at this moment to help our veterans weather this housing crisis, but this bill provides real help, and will make a real difference in the lives of thousands of veterans facing the housing crisis and our economic slowdown. It is extremely important that we pass H.R. 6832, and meet our responsibilities to our Nation's veterans.

I thank the minority side for its great cooperation on this.

I reserve the balance of my time.

Mr. MORAN of Kansas. Mr. Speaker, I support H.R. 6832, the Department of Veterans Affairs Construction and Extensions Act of 2008. I again thank Chairman FILNER and Ranking Member BUYER for bringing this bill forward today. And I also want to thank the leaders of the Subcommittee on Health, the gentleman from Maine (Mr. MICHAUD) and the ranking member, the gentleman from Florida (Mr. MILLER) for their bipartisan efforts in crafting this important legislation.

The construction authorization provisions in title I of this bill are identical to previously passed legislation here in the House, the construction authorization bill H.R. 5856, and they would authorize major VA medical facility projects and leases for the fiscal year 2009. This legislation is similar to what we have done in the past on an annual basis. The Veterans' Affairs Committee report for that bill H.R. 5856 with further explanation of the legislation background and intent of these construction authorizations.

Collectively, the provisions authorize approximately \$2.2 billion over the next 5 years to improve access to health care for our Nation's veterans. The extension portion of this bill, the extension authorities in title III include a number of important authorizations. Ranking Member BUYER introduced a bill to extend the expiring authorities, H.R. 6802, on August 1 of this year, and this bill incorporates those extensions and others.

Among those that are significant and important are: Repeal of sunset on inclusion of non-institutional extended care services; permanent authority for provision of hospital care, medical services, and nursing home care to veterans who participated in certain chemical and biological testing; extension of nursing home care; and, extension of certain home loan guaranty programs.

The bill, in title III, would also increase the number of veterans participating in the independent living program and enhance refinancing of home loans by veterans.

Mr. Speaker, with House action on this construction authorization and the extension of authorities, as well as the veterans' COLA we just passed a few moments ago in the form of Senate bill 2617, the House will have taken what many consider the must-pass bills for the 2008 session for the 110th Congress. Our hope is that our Senate colleagues will take up H.R. 6832 promptly, so that we may complete the actions on these legislative items that are of great importance to veterans.

Mr. Speaker, I urge my colleagues to support H.R. 6832.

I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I yield such time as she may consume to one of the most passionate advocates for veterans in our country, Ms. BROWN of Florida.

Ms. CORRINE BROWN of Florida. Mr. Speaker, first, let me thank the chairman for his leadership on this issue and for his tireless work on the committee and on behalf of the Nation's veterans.

I rise in support of H.R. 6832, the Veterans' Programs Extension and Construction Authorization Act of 2008. I am pleased at the construction that has occurred in the State of Florida. My State has the largest elderly veterans population in the country. Everyone enjoys the warm weather, and veterans are no different. It is high

time that we build the facilities that will take care of the heroes and sheroes.

In addition, this bill increases the authorization for the construction of a new VA medical center in Orlando. We have waited over 25 years for this facility, and we have construction delays. We cannot allow construction delays because of the lack of money due to increased energy costs or inflation. It would be criminal to do this.

In addition, this bill increases the authorization by \$51 million to fund patient privacy at the Gainesville Medical Center. We need to make sure our veterans are treated with respect.

Earlier this year, this Congress passed the Military Construction and Veterans Affairs Appropriation under the leadership of Chairman CHET EDWARDS. I appreciate him including funds for these projects in the bill, along with the continuing development of the medical centers in Florida.

I urge the passing of the bill and continued support for our Nation's veterans. May God continue to bless America.

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

Mr. FILNER. Mr. Speaker, I yield such time as he may consume to Mr. RODRIGUEZ of Texas.

Mr. RODRIGUEZ. Mr. Speaker, I rise in support of this specific legislation.

Let me just indicate that the language that is on there regarding Project 112 efforts, those are studies that were supposedly conducted during the 1960s and 1970s on our own soldiers. There was a variety of studies that were conducted where, basically, we used nerve gas and other things with our own soldiers to see how they would react, and we have prioritized in terms of trying to provide the services and health care needs of these soldiers and to ID them. This allows extension of that language that is needed for us to continue to do the right thing when it comes to our veterans now that suffered under those studies.

Let me also say that this is a comprehensive piece of legislation that begins to fund a variety of different programs throughout the country, and including, Mr. Speaker, in your beloved area of Puerto Rico, which you know a large number of soldiers that served our country reside in and will have an opportunity to get extended health care needs there through the clinics.

In addition, I am proud to announce that we have four major polytrauma centers in this country, and the fifth one is located in San Antonio. This allows the opportunity for funding of that particular polytrauma center that will allow services to be extended to those soldiers coming both from Afghanistan and Iraq that are seriously injured.

So, once again, I want to take this opportunity to thank the leadership for their efforts, and I thank Mr. FILNER for the dedicated work he has providing these resources to our veterans throughout the country.

Mr. MORAN of Kansas. Mr. Speaker, I support this legislation.

I yield back the balance of my time.

Mr. FILNER. Mr. Speaker, I would add to what the gentleman from Texas said. You know better than anybody the problems with the facilities in San Juan, Puerto Rico. This does a seismic correction for one of the major buildings on the order of \$225 million, and establishes an outpatient clinic in Mayaguez, Puerto Rico. So we are taking some steps, we have a long way to go, for our citizens there in Puerto Rico.

Mr. STEARNS. Mr. Speaker, providing for our nation's veterans—the brave men and women who risk their lives to ensure our freedom—has always been a top priority for me in my service to the people of the sixth district of Florida. I am pleased that we are here today to pass legislation that will authorize much-needed funding for improvements to new and existing VA facilities throughout our country.

Included in this legislation is funding for a new Bed Tower at the Department of Veterans Affairs Medical Center in Gainesville, Florida. For years I have been working on securing funding for an addition to the Malcom Randall VA Hospital in my district, which will help to correct some of the patient privacy deficiencies this hospital has been experiencing over the years.

This facility will address the acute needs of our local veterans by providing them with state-of-the-art, private patient rooms, and the convenience of high quality VA medical care. The funding authorized by this legislation will go toward a five-story, 245,000 square foot facility consisting of four floors of new patient beds and one floor of supporting medical services. This new Bed Tower will have 228 new beds, and will also house a 10-bed ER, Chest Pain Unit, and ENT, Ophthalmology, Urology, and Hematology Clinics.

The Malcom Randall VA Hospital is one of the busiest and efficient VA facilities in the country, and the veterans in my district will benefit greatly from this new Bed Tower. I thank my colleague, Mr. FILNER, for introducing this important legislation, and I look forward to the completion of this new Bed Tower in Gainesville.

Mr. BUYER. Mr. Speaker, I rise today in support of H.R. 6832, the Department of Veterans Affairs Construction and Extensions Act of 2008.

This legislation, which I am cosponsoring along with Chairman FILNER is a bipartisan measure consisting of the construction bill the House of Representatives passed on May 21, 2008, as well as language from the bill I introduced on August 1, 2008, H.R. 6802, the Veterans Authorities Extension Act of 2008, and additional authorizations.

The provisions included from the Committee reported and House passed construction bill, H.R. 5856, would authorize major VA medical facility projects and leases for fiscal year 2009. Included in this legislation is an authorization of \$66 million for construction of a fifth Polytrauma Rehabilitation Center in San Antonio, Texas. VA's four existing Polytrauma Centers are located in Richmond, Virginia; Tampa, Florida; Minneapolis, Minnesota; and Palo Alto, California.

Mr. Speaker, this past February, I had the pleasure of visiting the Audie Murphy VA Medical Center in San Antonio for a briefing on



this new project, which will provide state-of-the-art care to our severely injured heroes. The VA Polytrauma Centers are designed to provide comprehensive inpatient rehabilitation services for individuals with complex, severe and disabling traumas. By creating a fifth Polytrauma Center in San Antonio, our commitment to veterans and servicemembers is reinforced by expanding access to the southwestern United States.

H.R. 6832 also will provide the extension of a number of important authorizations. These include: Repeal of the sunset on inclusion of non-institutional extended care services; Extension of recovery audit authority; Permanent authority for provision of hospital care, medical services, and nursing home care to veterans who participated in certain chemical and biological testing; Extension of expiring collections authorities; Extension of nursing home care; Extension of authority to carry out income verification; Extension of certain home loan guaranty programs; Extension of requirement to submit an annual report on the Special Committee on PTSD; Permanent requirement for the biannual report on the Women's Advisory Committee; and Permanent authority for VA's Advisory Committee on Minority Veterans (which was previously passed this last July in H.R. 674).

The bill will also increase the number of veterans participating in the VA's Independent Living Program, and will enhance the refinancing of home loans by veterans.

I would like to thank Chairman FILNER, as well as Health Subcommittee Chairman MICHAEL MICHAUD of Maine and Ranking Member JEFF MILLER of Florida, for their efforts to bring this legislation through the Committee and on to the House floor for consideration. I would also like to commend the Committee staff for their hard work and bipartisan efforts throughout this Congress.

Mr. Speaker, I urge my colleagues to support H.R. 6832, the Department of Veterans Affairs Construction and Extensions Act of 2008.

GENERAL LEAVE

Mr. FILNER. 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. 6832.

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

There was no objection.

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. 6832.

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. FILNER. 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.

BARRING ACCESS OF LONG-HAUL MEXICAN TRUCKS

Mr. DEFAZIO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6630) 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, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6630

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

**SECTION 1. LIMITATION ON LONG-HAUL CROSS BORDER MOTOR CARRIER OPERATIONS.**

(a) TERMINATION OF PILOT PROGRAM.—Not later than September 6, 2008, the Secretary of Transportation shall terminate the one-year cross border demonstration project the Secretary started on September 6, 2007, as described in the Federal Register notices dated May 1, 2007 (72 Fed. Reg. 23883), June 8, 2007 (72 Fed. Reg. 31877), and August 17, 2007 (72 Fed. Reg. 46263).

(b) CONGRESSIONAL AUTHORIZATION REQUIRED.—Unless expressly authorized by Congress, the Secretary may not grant authority to a motor carrier domiciled in Mexico to operate beyond United States municipalities and commercial zones on the United States-Mexico border after September 6, 2008.

**SEC. 2. REPORTS TO CONGRESS.**

Not later than 60 days after the date of enactment of this Act—

(1) the Inspector General of the Department of Transportation shall transmit to Congress the final report required by section 6901(c) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110-28);

(2) the independent review panel established by the Secretary of Transportation to monitor the demonstration project referred to in section 1(a) shall transmit to Congress a report—

(A) evaluating the effects that the demonstration project has had on motor carrier safety, including an analysis of any accidents involving motor carriers participating in the demonstration project; and

(B) containing recommendations for modifications to the process of granting authority to a motor carrier domiciled in Mexico to operate beyond United States municipalities and commercial zones on the United States-Mexico border and for monitoring the future operations of such carriers in the United States, in order to enhance safety;

(3) the Secretary shall transmit to Congress a report detailing the implementation of and the participation of motor carriers in the demonstration project referred to in section 1(a), including—

(A) the number and names of United States and Mexico domiciled motor carriers that participated in the demonstration project and the number of vehicles each motor carrier utilized in the demonstration project;

(B) the number of border crossings by motor carriers participating in the demonstration project, including the number of crossings which resulted in a motor carrier traveling beyond United States municipalities and commercial zones on the United States-Mexico border;

(C) an itemization of safety and operational violations identified among motor carriers participating in the demonstration

project in pre-authorization safety audits, compliance reviews, and roadside inspections, including a review of the most frequent types of violations;

(D) an analysis of the cost to the Federal Government and State partners of implementing the demonstration project, including administrative costs, safety monitoring and enforcement costs, and the cost of installing global positioning system units on participating vehicles; and

(E) measures taken by the Secretary to terminate the authority of motor carriers participating in the demonstration project to operate beyond United States municipalities and commercial zones on the United States-Mexico border after September 6, 2008, and ensure that such motor carriers cease long-haul operations.

□ 1715

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO).

GENERAL LEAVE

Mr. DEFAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 6630.

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

There was no objection.

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

Last Saturday, September 6, marked a dark day in the transportation history and the safety of the traveling public in the United States of America. It was the 1-year anniversary of the so-called cross-border demonstration project of the Department of Transportation under the Bush administration.

When this pilot program began, 1 year and 5 days ago, they assured us it would be a 1-year pilot. They further assured us that they would fully evaluate the program before opening our border to all Mexican trucks. Unfortunately, Secretary Peters, under the tutelage of the Bush administration, announced last month that they intend to continue the program for two more years.

You know, given the fact that they have ignored Congress' will on this issue repeatedly, I wasn't surprised. But I am outraged. I am outraged that the Bush administration, for political purposes, would jeopardize the safety of the traveling public in the United States of America.

Since the beginning of this idea in the Bush administration, there has been strong and bipartisan congressional objection to the program. There are a number of concerns regarding Mexico's less stringent or nonexistent regulations on hours of service, vehicle safety, driver training and licensing, their nonexistent commercial driver's license database, or the meaningless database that they contend is a registration of commercial driver's licenses, and the fact that there is not

one single certified drug testing laboratory in Mexico.

And I am further concerned that our government, under the leadership of the Bush administration, has said that, don't worry; they'll take care of all of these problems at the border. The Federal Motor Carrier Safety Administration will inspect every truck every time, or so they purport.

There are questions about whether or not they're delivering on that pledge. There are also certainly questions of diverting our already inadequate force of Federal Motor Carrier Safety Administration officials, officers to the border to just inspect the trucks of a few Mexican companies that want to drive long distance in the United States.

The House has already voiced opposition on the implementation of this pilot program in three separate pieces of legislation: H.R. 1773, the Safe American Roads Act of 2007, which the House passed in May 2007 by an overwhelming vote of 411-3, and we'll hear a little bit later from the author of that legislation.

Provisions were also included in the 2007 Iraq war supplemental spending bill to impose strict measures to ensure the pilot program adheres to safety and security guidelines.

And then finally, last December, Congress included a provision in the 2008 Consolidated Appropriations Act to prohibit DOT from using funds to, unfortunately, using the Senate's language instead of ours, establish a cross-border motor carrier program. The Bush administration argues that it was already established and they are just continuing it. The legislation that the House had passed would not have allowed them to parse those words and to continue to violate what is the very clear intent to Congress, despite the bungling of the wording by the Senate.

Because of DOT's blatant disregard of congressional intent, I introduced this bill, H.R. 6630, in July, to ensure the Mexican truck pilot is terminated, and that the results are fully evaluated before the program is either expanded or continued, and to reassert the authority of Congress in this matter. So this is something that should be virtually noncontroversial in this House, this House having spoken previously on this issue, this House being, on a bipartisan basis, fully concerned with the safety of the traveling American public, unlike the administration.

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

Mr. DUNCAN. Mr. Speaker, at this time I would like to yield for such time as he may consume to the distinguished ranking member of the full committee, the gentleman from Florida (Mr. MICA).

Mr. MICA. I appreciate the ranking member of our highway subcommittee, Mr. DUNCAN, yielding to me. And appreciate the hard work Mr. DEFAZIO, who chairs this subcommittee, has put into this legislation, and also Mr. OBERSTAR and others.

I apologize in actually getting in front of my ranking member of the subcommittee, but have a number of Senators and Representatives waiting on me.

I just want to weigh in and say that I support this legislation. I do want to also set, for the record, the conditions under which this administration is acting.

First of all, I voted against NAFTA back in 1993. It was touted as going to be the best thing since sliced bread for the country. While it has increased some exports and some opportunities on both sides of the border, I believe, overall, it sent many jobs south, and unfortunately, it hasn't been all that it was made out to be.

Additionally, one of the reasons I voted against NAFTA was, as far as the North American Free Trade Agreement, trading with Canada was a pretty level playing field. Trading with Mexico isn't the same deal. And within the original language was a provision that allowed Mexican trucks to transverse our borders and come into the United States, which I was opposed to then, and am opposed to now. Now, that has been contested over the years, both in the Clinton administration, also during the Bush administration.

Within, also, the language of NAFTA, folks should realize that they set up a panel, a NAFTA panel, to be the arbiter and the judge of how the U.S. must act. We really relegated our sovereignty to a panel, again, within NAFTA, which, every time the United States has acted in a contrary fashion to the provisions of the treaty, has ruled against the United States.

So here the Bush administration takes a minimal project, moves it forward. And it is a minimal. There is a limit on the number of trucks that can cross, et cetera.

But Congress has the authority now to stop that program, and I think this is the time to stop that program. There are those in Congress who have to make a decision whether they want these trucks now to continue. We don't have to comply with some agreement. Actually, we passed the treaty, and Congress has the responsibility now to act properly and stop, really, what they started, which was not in the interest of the United States in having, again, fleets of Mexican trucks come across our borders.

So this legislation stops a whole host of bad decisions that have been made in the past. And I strongly support this, in spite of any threats from anybody to act in stopping this legislation. We need to pass this legislation. We need to act responsibly and act now.

Mr. DEFAZIO. I yield 2 minutes to the gentleman from Kansas (Mrs. BOYDA).

Mrs. BOYDA of Kansas. I thank you so much, Mr. Chairman. I really appreciate all the work that we have been doing on this bill.

How many times have we done this now? We have been here time and time

and time again, trying to say that this program of bringing trucks in from Mexico into the United States, when, as you so well pointed out, all the provisions that the American people expect with regard to drugs, with regard to training and maintenance, all of the things that the American people have come to expect out of our American trucking interests are now being put on the line.

And so what is this, the third time that we have tried to put this, bring this program, this crazy program that, in fact, is making just almost a mockery of this Congress, trying to bring this to its final conclusion.

It was a year ago, after we had made, we passed H.R. 1773 by 411-3, after the Senate had passed their bill as well, that we thought maybe at that time that this program was going to come to an end. And yet, on Labor Day, this time a year ago, on Labor Day the President said, no, we're going to go through with this bill, even though it is clearly against the will of the American people.

Now, Labor Day. Let's think about what happens on Labor Day. First of all, how many families do we have crossing on our highways trying to take families from one event to the next, out there? It's an issue of safety to keep our families safe on our highways. It was an absolute slap in the face of the American people, and it was also a slap in the face of our American trucking industry, who has worked hard to live up to the standards that we have in this Congress imposed on them with safety, training, maintenance and all the environmental controls that they have struggled to get, to be in compliance with.

And so a year ago, the President absolutely refuted the will of the American people and said, we're going to go ahead and do this anyway.

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

Mr. DEFAZIO. I yield the gentlewoman an additional minute.

Mrs. BOYDA of Kansas. One of the heaviest traveling weekends for our families, they went ahead and did it anyway.

Now, let me just say that I spent many, many years working in the pharmaceutical industry. And my concern with this is there have been 500 trucks on our highways over the year. And, by the grace of God, we don't know of any fatal or serious accidents that have taken place.

But, Mr. Speaker, I think you will agree with me that the last thing we want to do is approve a drug that hasn't killed 500 people in a year, and certainly we don't want to take this and say that this program is now ready to be opened up into the broader sector.

We need to stop this now. The American people have spoken. It is about our jobs, it is about safety, it is just flat out about common sense. And I hope finally, Mr. Speaker, that after

all of our work on this that we are finally bringing this crazy chapter of having trucks from Mexico be on our highways with our families and our American trucks. I hope we are finally bringing this to a close.

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

Mr. Speaker, I am pleased to be an original cosponsor of H.R. 6630 with Chairman DEFAZIO, Chairman OBERSTAR, and Ranking Member MICA; and I simply want to commend them for the work they have done on this legislation, along with the gentlewoman from Kansas.

On September 6, 2007, the Department of Transportation began a 1-year cross-border demonstration project to open the Mexican border to truck traffic. According to the Department, they instituted this program in order to comply with the North American Free Trade Agreement.

The Department announced on August 4 of this year its intent to extend the program for an additional 2 years.

Like many other Members, I believe there are legitimate concerns about continuing this demonstration project, and many of those have been outlined by Chairman DEFAZIO here a few moments ago.

The bill under consideration today terminates the demonstration project 1 year after it began, just as the Department originally intended, until certain information is provided to the Congress.

□ 1730

Additionally, the bill prohibits the granting of new authority for Mexican trucks to operate beyond the commercial zone on the border without the express authorization of Congress, as I just mentioned.

Last year, we took up consideration and voted overwhelmingly to pass a similar bill, H.R. 1773, the Safe American Roads Act of 2007. Like the bill under consideration today, H.R. 1773 barred Mexican trucks from operating beyond the border zone without Congressional action. That bill passed the Transportation Committee unanimously and then passed in the House—as Chairman DEFAZIO has mentioned, passed the House by a vote of 411-3.

The House has expressed its feeling on this issue in a very strong and bipartisan way. Before the border is completely open to Mexican trucks, we must ensure the safety of motorists on our highways. No matter how much we want to have good relations and trade with our friends in Mexico—and we do—our first obligation is to the American people.

I want to make clear, though, that this bill does not prohibit forever some type of border crossing in relationship with Mexican trucking companies. H.R. 6630 simply requires the Independent Review Panel established by the Secretary of Transportation and the Department of Transportation itself to report to the Congress on the effects

that the demonstration project had on motor carrier safety. It also provides a requirement to submit other required information, such as enforcement costs and various safety violations and other things like that, of the companies that have participated in the demonstration project thus far. Once Congress receives this information, Congress could then act to allow Mexican domiciled motor carriers access to the U.S.

This bill does not permanently prevent this type of program but ensures that the border will not be fully open without proper protections in place.

H.R. 6630 will help ensure the safety of our Nation's highways, and especially—and this is so important to me and most Members on both sides—it will help protect our American trucking companies, our small businesses, and our truck drivers. Republicans and Democrats have come together in the interest of the Nation and produced a bipartisan bill that impacts the entire Nation.

I support this bill, and I encourage my colleagues to do the same.

I reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I would yield 2 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Thank you, Mr. Chairman. I would also thank you for forging this legislation in a bipartisan way which you will hopefully have unanimous support with this Congress. This program we're trying to roll back I think is one of the most dangerous programs this administration has ever tried to put into effect.

I represent the entire California-Mexico border. It is my district. I know what happens with these trucks at the border. We haven't dealt with issues of licensing of drivers, we haven't dealt with insurance or safety of the trucks, not even mentioning the jobs that are lost to American truckers.

Let me just tell you two things very quickly about what goes on at the border.

The Federal Motor Carrier Transportation Administration issues what it calls a tamperproof sticker, a green sticker to say that this truck is safe. I have been in Tijuana and I have seen these windshields which have the tamperproof sticker put on different trucks. So they haven't tampered with the sticker, but they put it on a different truck.

I have seen papers that supposedly guarantee insurance of a truck. A company that owns 10 trucks will buy an insurance policy for one truck and pass that paper around to all of the other ones. They're very difficult to distinguish. They pass the muster at the border and they're free, under this program that we're trying to stop, to move around in our Nation without really having any choice.

We could go on for hours on this. We have looked at all of these different aspects that the administration just refuses to look at.

So, Mr. DEFAZIO, thank you for bringing this to us. We have got to stop

this program. We've got to stop it now and save both jobs and lives of American truckers.

Mr. DUNCAN. Mr. Speaker, I yield such time as she may consume to the gentlelady from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Thank you very much.

Mr. Speaker, I rise today in support of H.R. 6630. This bill prohibits the Secretary of Transportation from authorizing any Mexican truck from operating beyond the United States-Mexican border unless specifically authorized by Congress.

Many of my constituents and I are greatly concerned over the safety and wisdom of the cross-border trucking pilot program. Currently, this program allows trucks registered in Mexico to operate beyond the border commercial zones in California, Arizona, New Mexico, and Texas.

When this program began, the Department of Transportation promised Congress that they would inspect, "every truck every time." However, an Inspector General report revealed earlier this year that the Department of Transportation is not adequately performing critical quality control measures. Crucially, the department has been unable to provide any assurance that Mexican trucks and drivers are being checked at the border as advertised.

Quality control checks are not the only problem. Increased drug smuggling and human trafficking is a grave concern as well. And different national regulations mean Mexican trucks are less safe. In January of this year, Mr. Speaker, two tractor trailer trucks with Mexican license plates crashed on the Mexico-Texas border. Four people died.

If the Department of Transportation and any future administration wish to restart the cross-border trucking pilot program, this bill would require them to first seek congressional authorization. Simply put, the security of our Nation's borders must be of the utmost concern.

Speaking of trucks, Mr. Speaker, I, like all Members of Congress, am hearing from truckers in my district about the very high cost of fuel. They ask why won't the Democrat majority, and in particular why won't Speaker PELOSI allow drilling to lower the cost of their fuel. We need to have an all-in energy program.

Mr. Speaker, back on the bill, I urge all of my colleagues to support H.R. 6630 and the termination of the cross-border trucking pilot program.

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

I would like to point out that I believe that this is a long-standing desire on the part of both the President—whose name shall not be mentioned at least on the Republican side of the aisle—George W. Bush and other members of his administration. In fact, as early as December 26, 1996, the headline

of the Journal of Commerce, Texas, "Governor Berates Clinton Over Delay in Border Opening." And then June 17, 1996, Texas Governor George W. Bush, now the President of the United States, issues a call for the start of NAFTA trucking.

George W. Bush has long been an advocate of fully opening the border. In fact, before 9/11 he wanted to move to a borderless state between the U.S. and Mexico. Security concerns overrode him there. But he's trying to do it with trucks.

And hand-in-glove with the President is Secretary of Transportation, Mary Peters. Her track record on this is disingenuous at best, deceitful, or perhaps she perjured herself. She said in her Senate confirmation hearing, "There are no immediate plans to pursue a pilot program."

But since she made that statement, we find that while she was head of the Federal Highway Administration from 2001 to 2005, plans were well underway by the Bush administration to open the border. It was first raised in the fall of 2004 between former Secretary Mineta and Mexican Secretary Cerisola in November of 2004.

And in early 2005, DOT actually was crafting a proposal. In a document entitled, "Implementing NAFTA's Commercial Motor Carrier access Provisions—A Pilot Approach," outlined early plans for pilot programming. And it said, "The essence of a pilot would be to create a crack in the current impasse and allow the pressure of time, and most importantly, the Mexican carriers not participating in the pilot, to enlarge the crack, to a point that a complete liberalization of the border becomes a fait accompli."

They used French despite their disdain for the French position of not invading Iraq.

However, you know, as I said, Ms. Peters contradicted that.

So what we have here is an administration that is dead set to defy the will of the United States Congress as expressed in a bipartisan way to protect the safety of the American traveling public and to prevent the continuation and/or expansion of this program.

We should, Mr. Speaker, pass this bill with hopefully a unanimous vote or near unanimous vote to send yet one last message to this Bush administration and the law defiers and the dissemblers downtown and tell them to bring this program to a halt as they promised. It would have halted on September 6, 2007.

With that, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield 2 minutes at this time to the gentlelady from North Carolina (Ms. FOXX).

Ms. FOXX. I thank my colleague from Tennessee for yielding.

I agree that this is a problematic program, and I agree also with my colleague from Florida, Congresswoman GINNY BROWN-WAITE, that what I am hearing at home is from truckers in my

district, as well as average citizens, who are complaining about the high price of gasoline. And of course the truckers are complaining about the high price of diesel. And they want to know why is this Congress not doing something about the high price of gasoline.

As we have said often on this floor, Republicans are ready to vote on an all-of-the-above strategy to bring down the price of gasoline. And we know Americans are going to be facing very high prices for fuel oil pretty soon. So we want to do something about the high price of gasoline by bringing up the American Energy Act and having an up-or-down vote on what to do about bringing down the price of gasoline by providing more supply.

As I have said many times on this floor, the Republicans are pro-American energy. We want to see more American energy supplied to the American consumers. We want more oil, we want alternatives, but we can't get energy independent without drilling for more oil and having a segue into the alternatives. We believe that Democrats are anti-American energy, and anti-American energy is going to keep the price of gasoline very high. It's also going to make the price of fuel oil this winter very high, which is going to hurt all of our citizens.

So we want to help our truckers, we want to help our seniors, we want to help other agencies who are struggling with this as well as our average citizens. Bring down the price of gasoline and bring down the price of fuel oil by bringing the American Energy Act for a vote and allow us to have an up-or-down vote. Do we drill in ANWR? Do we drill in the Outer Continental Shelf? Or do we allow the Democrats to continue to play games with this Congress?

Mr. DEFAZIO. Mr. Speaker, can you tell me about the remaining time?

The SPEAKER pro tempore. The gentleman from Tennessee has 7 minutes. The gentleman from Oregon has 6½ minutes.

Mr. DEFAZIO. Mr. Speaker, I had hoped to restrict this debate to the failings of the Republican Bush administration in protecting the safety of the American traveling public and the jobs of American truckers. Unfortunately, the gentlelady before us apparently has amnesia because she forgets that the Republicans controlled the House, the Senate, and the White House for 6 years. And during those 6 years, Vice President CHENEY wrote an energy policy in secret with the big oil companies.

□ 1745

George Bush walked hand-in-hand with the King of Saudi Arabia, and they designed a policy. That policy that was actually designed to make us more dependent on foreign oil rather than less, and many of us who opposed it then in the minority said this is not a solution to America's energy prob-

lems. You are going to make us more dependent on foreign oil, and we are, exactly as was designed by Vice President CHENEY, endorsed by President Bush and passed by the Republican House and the Republican Senate. That's the energy policy we're living under, that.

Now, today, they're born again as defenders of the American consumers, and they pocket hundreds of millions—sorry, hundreds of thousands, millions of dollars in contributions from Big Oil. They want to rush forward yet again with a shortsighted policy while giving lip service to a long-term solution to our energy needs.

We will have a comprehensive bill on the floor later this week, and we will see where the Republicans really stand on this issues. Do they stand with the American people, with American consumers? Will they look forward to the future and finally freeing us from the trial and enslavement to the OPEC nations? We will see later this week.

With that, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. I thank my friend for yielding, and I think the underlying bill has some merit.

I'm curious, my friend from Oregon getting so exercised and excited about this debate. I appreciate his passion. I would, however, correct his amnesia because bill after bill after bill that resulted in legislation passed through this House that would increase American-made energy for Americans did so over the previous 6 years before this Democrat majority came into office and was stymied in the Senate by 41 Democrats. That's all it takes in the Senate, as you know, Mr. Speaker. That's all it takes.

So what we heard over the last 5 weeks—I know it's what my friend from Oregon heard at home—is that the American people are tired of all this. They want action. They want American-made energy for Americans. They want to decrease our dependence on foreign oil, and they want action.

And so over the last 2 days we've been debating bill after bill, and they've been some wonderful bills. We've named a number of post offices. We've done a lot of interesting work, but what we haven't done is address the number one issue of the American people, and that is the high cost of gasoline and energy.

So we look forward with great anticipation to the bill that will be rolled out later this week. Granted it hasn't been an open process. Granted it hasn't been a fair process. But we hope that an open rule will allow that bill to come to the floor so that we can have an opportunity to have Members of this House of Representatives, as the rules would allow, have input, to represent their constituents, again, on the most important issue of the day.

We hope that the bill doesn't include remarkable tax increases on domestic

oil producers so this Democrat majority takes us further in the direction of dependence on foreign oil. We hope that isn't the case.

We hope that the bill doesn't include ridiculous components that make it so that it would be impossible to utilize 80 percent of the resources that we have offshore.

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

Mr. DUNCAN. I yield the gentleman an additional minute.

Mr. PRICE of Georgia. We hope that the Democrat majority has listened over the last 5 weeks when they've been home on their vacation. We hope that they've listened to their constituents and recognize that folks at home want us to explore offshore, not just off four eastern States, Mr. Speaker, but off the areas where there is significant resources that we know is there. That means off the western coast of Florida. That means off the west coast. That means utilizing deep sea exploration in Alaska and also onshore exploration.

We hope that the bill contains limitations on the ability to sue and hold up leases. Every single lease that has been let by this administration in the last 2 years is now in court, over a thousand of them, because of the lax laws on liability.

Mr. Speaker, we look forward to a commonsense bill. We look forward to an all-of-the-above bill. We look forward to a bill that will answer the number one concern of the American people, that they want American-made energy for Americans now.

Mr. DEFAZIO. I have the right to close, and I will be the last speaker.

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

Once again, I will say this is a bill primarily concerned about the safety and fairness to American trucking companies and American truckers. I agree with my colleagues that the high cost of energy, high cost of diesel fuel has hit especially small trucking companies and truckers harder than almost anyone, and certainly Republicans have been trying desperately for several months to do everything possible to increase energy production in this country, which is the only way to bring down these exorbitant costs we've been experiencing over the last 2 years.

The cost of gasoline when Speaker PELOSI was sworn in was a little over \$2 gallon. Now, it's gone to more than \$4 a gallon but has started coming down now just because of the threat of increased production. And we certainly need to do more in regard to that to be fair and helpful to our truckers and our trucking companies.

Now, let me say once again: this is a very moderate, sensible, balanced, and reasonable bill. It does not prohibit some sort of program for Mexican trucking companies that are safe and don't have all these violations. It would allow them to come in after additional information is given to the Congress about the results from this 1-

year demonstration project. That's not much to ask for from the administration, and we need that information about safety violations.

We need to find out whether these Mexican truck drivers have drug addictions or they have numerous safety violations, find out whether some of these trucking companies are coming in, these trucks are coming in here in a very unsafe and uninsured condition.

So I think this is a bill that all of our colleagues on both sides of the aisle can support. As I said earlier, practically the same bill was passed a few months ago by a vote of 411-3, and I ask all of my colleagues to support this legislation which has bipartisan support.

I yield back the balance of my time.

Mr. DEFAZIO. I thank the gentleman for returning to the subject at hand, which is the safety of the traveling public and American jobs which the Bush administration would disregard by continuing their pilot program, violating their promise to only continue the program as a pilot for 1 year, 1 year having expired last Saturday, further violating and ignoring the intent of the Congress which has on numerous occasions expressed concerns regarding this program and its effect on the traveling public.

So I would hope that, on a bipartisan basis, we can send a message to the Bush White House by passing this bill unanimously, or nearly unanimously, and say that the Congress cares about the safety of the traveling public. The Congress cares about the fact there's no meaningful commercial driver's license database in Mexico. We don't really know who these people are.

The Congress cares about the fact that there is no meaningful hours of service program in Mexico and that many of these drivers may be crossing the border fatigued to the point of endangering public safety.

The Congress cares about the fact that there is no certified drug testing laboratory in Mexico, no meaningful program of testing for drugs of truck drivers in Mexico.

The Congress cares about the potential for insurance fraud and other things as mentioned by our colleague from California (Mr. FILNER).

And the Congress is determined that this administration, the administration of George W. Bush, this Republican administration, should stop violating the law and violating the law and jeopardizing the American public for their own ideological ends in their hope that they can pry this program open wide enough that a future Congress or a future administration won't be able to slam it shut again.

Mr. STARK. Mr. Speaker, I rise today to support H.R. 6630, a bill to Bar Access of Long-Haul Mexican Trucks. I do so to reject this Administration's dismissal of clear Congressional intent and on behalf of hundreds of my constituents who contacted me to express their opposition to this program.

Congress has a duty to protect our highways from drivers without adequate safety

equipment. This bill enables a full examination into the potential effects of allowing Mexican trucks to enter the United States. Then, Congress can consider whether to allow such entry.

Congress has come together—on a bipartisan basis—time again to stop the pilot program. Unfortunately, we have been consistently disregarded by an Administration more concerned with pushing through cross-border trade agreements than the safety of our highways.

In 2007, the Supplemental Appropriations bill explicitly contained language limiting the implementation of the pilot program. Despite this, the Department of Transportation (DOT) launched the pilot.

In response, the 2008 Transportation Appropriations bill prevented the DOT from using Federal money to fund the pilot program. DOT challenged this language and continued with the program.

At the end of July 2008, the House Committee on Transportation and Infrastructure unanimously voted to end the DOT pilot program. Immediately afterward, the DOT defiantly declared it was extending the pilot program—not terminating it.

The most vocal message from the House came with the passage of the Safe American Roads Act in May 2007. The bill posed time limits on the pilot program and reporting requirements on the DOT.

SARA was a powerful, bipartisan effort. 411 members voted for the measure and only three voted against it. However, this overwhelming effort has been undermined by the Administration in its determination to open our borders to unsafe and environmentally damaging transportation practices. The Administration has performed legal and linguistic contortion upon contortion to find loopholes and semantic arguments designed to bypass the very clear intent of Congress; and Congress must not stand for it.

I encourage all of my colleagues to join us in supporting this legislation to protect America's highways and push back against such blatant Executive disregard for the intent of Congress.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 6630. This is a bill with a simple purpose: to require a cross-border trucking pilot program initiated by the Department of Transportation ("DOT") on September 6, 2007, to terminate immediately, and to force the Administration to stay true to its word that this program remain a short-term, limited experiment.

In February of last year, the Secretary of Transportation first announced her intent to launch a pilot program to allow up to 100 Mexico-domiciled motor carriers to operate beyond the commercial zones at the U.S.-Mexico border. The Secretary assured Congress and the American people that this pilot program would last one year. The Secretary made this pledge at news conferences and multiple Congressional hearings. DOT further cemented this commitment by publishing the details of a one-year pilot program in three separate Federal Register notices.

The Committee on Transportation and Infrastructure ordered H.R. 6630 reported in July in anticipation of the one-year mark, which occurred a few days ago. We considered this bill, which statutorily requires the Secretary to shut the program down after one year, because we had no reason to believe that the

Administration would terminate the pilot program and revoke the authority of participating carriers—unless compelled to do so by Congress.

We were right. On August 4, 2008, on the first day of the Congressional recess, DOT announced that it would extend the program for an additional two years, through 2010.

Since last February, I have expressed my strong concerns over whether safety on U.S. roads would be adversely impacted and whether DOT was ready to enforce all Federal motor carrier laws and regulations. I have also expressed my amazement with the careless way that the Administration has violated the will of Congress and the spirit of the law over the last 18 months.

Today, I repeat these sentiments and say enough is enough. It is time for DOT to be held accountable for its actions and made to keep its own promises.

The House has already voiced strong, bipartisan opposition to the implementation of this pilot program in three separate pieces of legislation, each of which DOT has strongly opposed:

The House passed H.R. 1773, the Safe American Roads Act of 2007, on May 15 by a vote of 411–3.

On May 25, 2007, the House passed the U.S. Troop Readiness, Veterans Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110–28), which was signed by the President, and which included a number of safety prerequisites regarding the proposed pilot program. DOT glossed over these requirements and moved ahead without fully taking them into account.

On July 24, 2007, the House passed the FY 2008 Transportation, Housing and Urban Development, and Related Agencies Appropriations bill (H.R. 3074) with a provision to bar DOT from using any funds to implement its proposed pilot program. A similar provision was included in the Consolidated Appropriations Act of 2008 (P.L. 110–161), approved by the House on December 17, 2007. DOT found a technical “out” to avoid compliance with this provision.

DOT pushed past Congressional concerns in establishing this program. The Department has pushed on despite strong opposition to extend the program, and they will continue to push on. Carriers participating in the pilot program have been granted provisional operating authority for 18 months, after which DOT could allow the authority to become permanent.

Without further Congressional action, this “experiment” will turn into what opponents of this program have feared all along—a sea change in surface transportation policy.

To date, participation in the pilot program has been underwhelming. According to Federal Motor Carrier Safety Association (“FMCSA”) data, 27 Mexican carriers operating 107 trucks and 10 U.S. carriers operating 55 trucks are participating in the pilot program. Pilot program participants from Mexico crossed into the United States 9,776 times. Only 1,337 of these crossings, or 14 percent, resulted in carriers traveling beyond the border zones.

To accommodate a small fraction of trips taken by these 37 carriers, the Federal Government has spent more than \$500 million since 1995 to prepare for opening of the U.S.–Mexico border to motor carrier traffic.

This is more than the entire FMCSA budget for all Federal motor carrier safety programs in all 50 States for FY 2008.

While spending thousands of hours of staff resources to implement the Administration’s cross-border operations, FMCSA has yet to finalize 14 Congressionally mandated rulemakings—some of which have been pending since 1999—on critical motor carrier safety issues such as medical certification of drivers, commercial drivers license testing standards, hours of service, and revocation of operating authority from a carrier with a pattern of safety violations. Several reports are also overdue—including a report on whistleblower protections required in 1998.

There is nothing in the North American Free Trade Agreement, or any other trade agreement, that abrogates the authority of Congress to exercise its power under the Constitution to change domestic law. It is time for Congress to reclaim its ability to have some bearing on the obligations contained in the surface transportation provisions of NAFTA.

I thank the Chairman of the Subcommittee on Highways and Transit, Mr. DeFAZIO, for introducing the bill, and Ranking Member MICA and Subcommittee Ranking Member DUNCAN for joining with us in this effort.

I urge my colleagues to join me in supporting H.R. 6630.

Mr. DeFAZIO. 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 Oregon (Mr. DeFAZIO) that the House suspend the rules and pass the bill, H.R. 6630, as amended.

The question was taken.

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

Mr. DeFAZIO. 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.

#### PREVENT ALL CIGARETTE TRAFFICKING ACT OF 2008

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4081) to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4081

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

#### SECTION 1. SHORT TITLE; FINDINGS; PURPOSES.

(a) SHORT TITLE.—This Act may be cited as the “Prevent All Cigarette Trafficking Act of 2008” or “PACT Act”.

(b) FINDINGS.—Congress finds that—

(1) the sale of illegal cigarettes and smokeless tobacco products significantly reduces Federal, State, and local government revenues, with Internet sales alone accounting for billions of dollars of lost Federal, State, and local tobacco tax revenue each year;

(2) Hezbollah, Hamas, al Qaeda, and other terrorist organizations have profited from

trafficking in illegal cigarettes or counterfeit cigarette tax stamps;

(3) terrorist involvement in illicit cigarette trafficking will continue to grow because of the large profits such organizations can earn;

(4) the sale of illegal cigarettes and smokeless tobacco over the Internet, and through mail, fax, or phone orders, make it cheaper and easier for children to obtain tobacco products;

(5) the majority of Internet and other remote sales of cigarettes and smokeless tobacco are being made without adequate precautions to protect against sales to children, without the payment of applicable taxes, and without complying with the nominal registration and reporting requirements in existing Federal law;

(6) unfair competition from illegal sales of cigarettes and smokeless tobacco is taking billions of dollars of sales away from law-abiding retailers throughout the United States;

(7) with rising State and local tobacco tax rates, the incentives for the illegal sale of cigarettes and smokeless tobacco have increased;

(8) the number of active tobacco investigations being conducted by the Bureau of Alcohol, Tobacco, Firearms, and Explosives rose to 452 in 2005;

(9) the number of Internet vendors in the United States and in foreign countries that sell cigarettes and smokeless tobacco to buyers in the United States increased from only about 40 in 2000 to more than 500 in 2005; and

(10) the intrastate sale of illegal cigarettes and smokeless tobacco over the Internet has a substantial effect on interstate commerce.

(c) PURPOSES.—It is the purpose of this Act to—

(1) require Internet and other remote sellers of cigarettes and smokeless tobacco to comply with the same laws that apply to law-abiding tobacco retailers;

(2) create strong disincentives to illegal smuggling of tobacco products;

(3) provide government enforcement officials with more effective enforcement tools to combat tobacco smuggling;

(4) make it more difficult for cigarette and smokeless tobacco traffickers to engage in and profit from their illegal activities;

(5) increase collections of Federal, State, and local excise taxes on cigarettes and smokeless tobacco; and

(6) prevent and reduce youth access to inexpensive cigarettes and smokeless tobacco through illegal Internet or contraband sales.

#### SEC. 2. COLLECTION OF STATE CIGARETTE AND SMOKELESS TOBACCO TAXES.

(a) DEFINITIONS.—The Act of October 19, 1949 (15 U.S.C. 375 et seq.; commonly referred to as the “Jenkins Act”) (referred to in this Act as the “Jenkins Act”), is amended by striking the first section and inserting the following:

##### “SECTION 1. DEFINITIONS.

“As used in this Act, the following definitions apply:

“(1) ATTORNEY GENERAL.—The term ‘attorney general’, with respect to a State, means the attorney general or other chief law enforcement officer of the State, or the designee of that officer.

“(2) CIGARETTE.—

“(A) IN GENERAL.—For purposes of this Act, the term ‘cigarette’ shall—

“(i) have the same meaning given that term in section 2341 of title 18, United States Code; and

“(ii) include ‘roll-your-own tobacco’ (as that term is defined in section 5702 of the Internal Revenue Code of 1986).

“(B) EXCEPTION.—For purposes of this Act, the term ‘cigarette’ does not include a

'cigar', as that term is defined in section 5702 of the Internal Revenue Code of 1986.

"(3) COMMON CARRIER.—The term 'common carrier' means any person (other than a local messenger service or the United States Postal Service) that holds itself out to the general public as a provider for hire of the transportation by water, land, or air of merchandise, whether or not the person actually operates the vessel, vehicle, or aircraft by which the transportation is provided, between a port or place and a port or place in the United States.

"(4) CONSUMER.—The term 'consumer' means any person that purchases cigarettes or smokeless tobacco, but does not include any person lawfully operating as a manufacturer, distributor, wholesaler, or retailer of cigarettes or smokeless tobacco.

"(5) DELIVERY SALE.—The term 'delivery sale' means any sale of cigarettes or smokeless tobacco to a consumer if—

"(A) the consumer submits the order for such sale by means of a telephone or other method of voice transmission, the mails, or the Internet or other online service, or the seller is otherwise not in the physical presence of the buyer when the request for purchase or order is made; or

"(B) the cigarettes or smokeless tobacco are delivered to the buyer by common carrier, private delivery service, or other method of remote delivery, or the seller is not in the physical presence of the buyer when the buyer obtains possession of the cigarettes or smokeless tobacco.

"(6) DELIVERY SELLER.—The term 'delivery seller' means a person who makes a delivery sale.

"(7) INDIAN COUNTRY.—The term 'Indian country' means—

"(A) Indian country as defined in section 1151 of title 18, United States Code, except that within the State of Alaska that term applies only to the Metlakatla Indian Community, Annette Island Reserve; and

"(B) any other land held by the United States in trust or restricted status for one or more Indian tribes.

"(8) INDIAN TRIBE.—The term 'Indian tribe', 'tribe', or 'tribal' refers to an Indian tribe as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) or as listed pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a-1).

"(9) INTERSTATE COMMERCE.—The term 'interstate commerce' means commerce between a State and any place outside the State, commerce between a State and any Indian country in the State, or commerce between points in the same State but through any place outside the State or through any Indian country.

"(10) PERSON.—The term 'person' means an individual, corporation, company, association, firm, partnership, society, State government, local government, Indian tribal government, governmental organization of such government, or joint stock company.

"(11) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

"(12) SMOKELESS TOBACCO.—The term 'smokeless tobacco' means any finely cut, ground, powdered, or leaf tobacco, or other product containing tobacco, that is intended to be placed in the oral or nasal cavity or otherwise consumed without being combusted.

"(13) TOBACCO TAX ADMINISTRATOR.—The term 'tobacco tax administrator' means the State, local, or tribal official duly authorized to collect the tobacco tax or administer the tax law of a State, locality, or tribe, respectively.

"(14) TRIBAL ENTERPRISE.—The term 'tribal enterprise' means any business enterprise, incorporated or unincorporated under federal or tribal law, of an Indian tribe or group of Indian tribe.

"(15) USE.—The term 'use', in addition to its ordinary meaning, means the consumption, storage, handling, or disposal of cigarettes or smokeless tobacco."

(b) REPORTS TO STATE TOBACCO TAX ADMINISTRATORS.—Section 2 of the Jenkins Act (15 U.S.C. 376) is amended—

(1) by striking "cigarettes" each place it appears and inserting "cigarettes or smokeless tobacco";

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by inserting "CONTENTS.—" after "(a)"

(ii) by striking "or transfers" and inserting "transfers, or ships";

(iii) by inserting "locality, or Indian country of an Indian tribe" after "a State";

(iv) by striking "to other than a distributor licensed by or located in such State,"; and

(v) by striking "or transfer and shipment" and inserting "transfer, or shipment";

(B) in paragraph (1)—

(i) by striking "with the tobacco tax administrator of the State" and inserting "with the Attorney General of the United States and with the tobacco tax administrators of the State and place"; and

(ii) by striking "and" and inserting the following: "as well as telephone numbers for each place of business, a principal electronic mail address, any website addresses, and the name, address, and telephone number of an agent in the State authorized to accept service on behalf of such person";

(C) in paragraph (2), by striking "and the quantity thereof," and inserting "the quantity thereof, and the name, address, and phone number of the person delivering the shipment to the recipient on behalf of the delivery seller, with all invoice or memoranda information relating to specific customers to be organized by city or town and by zip code; and"; and

(D) by adding at the end the following:

"(3) with respect to each memorandum or invoice filed with a State under paragraph (2), also file copies of such memorandum or invoice with the tobacco tax administrators and chief law enforcement officers of the local governments and Indian tribes operating within the borders of the State that apply their own local or tribal taxes on cigarettes or smokeless tobacco.";

(3) in subsection (b)—

(A) by inserting "PRESUMPTIVE EVIDENCE.—" after "(b)";

(B) by striking "(1) that" and inserting "that"; and

(C) by striking "and (2)" and all that follows and inserting a period; and

(4) by adding at the end the following:

"(c) USE OF INFORMATION.—A tobacco tax administrator or chief law enforcement officer who receives a memorandum or invoice under paragraph (2) or (3) of subsection (a) shall use such memorandum or invoice solely for the purposes of the enforcement of this Act and the collection of any taxes owed on related sales of cigarettes and smokeless tobacco, and shall keep confidential any personal information in such memorandum or invoice not otherwise required for such purposes."

(c) REQUIREMENTS FOR DELIVERY SALES.—The Jenkins Act is amended by inserting after section 2 the following:

**"SEC. 2A. DELIVERY SALES.**

"(a) IN GENERAL.—With respect to delivery sales into a specific State and place, each delivery seller shall comply with—

"(1) the shipping requirements set forth in subsection (b);

"(2) the recordkeeping requirements set forth in subsection (c);

"(3) all State, local, tribal, and other laws generally applicable to sales of cigarettes or smokeless tobacco as if such delivery sales occurred entirely within the specific State and place, including laws imposing—

"(A) excise taxes;

"(B) licensing and tax-stamping requirements;

"(C) restrictions on sales to minors; and

"(D) other payment obligations or legal requirements relating to the sale, distribution, or delivery of cigarettes or smokeless tobacco; and

"(4) the tax collection requirements set forth in subsection (d).

"(b) SHIPPING AND PACKAGING.—

"(1) REQUIRED STATEMENT.—For any shipping package containing cigarettes or smokeless tobacco, the delivery seller shall include on the bill of lading, if any, and on the outside of the shipping package, on the same surface as the delivery address, a clear and conspicuous statement providing as follows: "CIGARETTES/SMOKELESS TOBACCO: FEDERAL LAW REQUIRES THE PAYMENT OF ALL APPLICABLE EXCISE TAXES, AND COMPLIANCE WITH APPLICABLE LICENSING AND TAX-STAMPING OBLIGATIONS".

"(2) FAILURE TO LABEL.—Any shipping package described in paragraph (1) that is not labeled in accordance with that paragraph shall be treated as nondeliverable matter by a common carrier or other delivery service, if the common carrier or other delivery service knows or should know the package contains cigarettes or smokeless tobacco. If a common carrier or other delivery service believes a package is being submitted for delivery in violation of paragraph (1), it may require the person submitting the package for delivery to establish that it is not being sent in violation of paragraph (1) before accepting the package for delivery. Nothing in this paragraph shall require the common carrier or other delivery service to open any package to determine its contents.

"(3) WEIGHT RESTRICTION.—A delivery seller shall not sell, offer for sale, deliver, or cause to be delivered in any single sale or single delivery any cigarettes or smokeless tobacco weighing more than 10 pounds.

"(4) AGE VERIFICATION.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, a delivery seller who mails or ships tobacco products—

"(i) shall not sell, deliver, or cause to be delivered any tobacco products to a person under the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery;

"(ii) shall use a method of mailing or shipping that requires—

"(I) the purchaser placing the delivery sale order, or an adult who is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery, to sign to accept delivery of the shipping container at the delivery address; and

"(II) the person who signs to accept delivery of the shipping container to provide proof, in the form of a valid, government-issued identification bearing a photograph of the individual, that the person is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery; and

"(iii) shall not accept a delivery sale order from a person without—

"(I) obtaining the full name, birth date, and residential address of that person; and

“(II) verifying the information provided in subclause (I), through the use of a commercially available database or aggregate of databases, consisting primarily of data from government sources, that are regularly used by government and businesses for the purpose of age and identity verification and authentication, to ensure that the purchaser is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery.

“(B) LIMITATION.—No database being used for age and identity verification under subparagraph (A)(iii) shall be in the possession or under the control of the delivery seller, or be subject to any changes or supplementation by the delivery seller.

“(c) RECORDS.—

“(1) IN GENERAL.—Each delivery seller shall keep a record of any delivery sale, including all of the information described in section 2(a)(2), organized by the State, and within such State, by the city or town and by zip code, into which such delivery sale is so made.

“(2) RECORD RETENTION.—Records of a delivery sale shall be kept as described in paragraph (1) in the year in which the delivery sale is made and for the next 4 years.

“(3) ACCESS FOR OFFICIALS.—Records kept under paragraph (1) shall be made available to tobacco tax administrators of the States, to local governments and Indian tribes that apply their own local or tribal taxes on cigarettes or smokeless tobacco, to the attorneys general of the States, to the chief law enforcement officers of such local governments and Indian tribes, and to the Attorney General of the United States in order to ensure the compliance of persons making delivery sales with the requirements of this Act.

“(d) DELIVERY.—

“(1) IN GENERAL.—Except as provided in paragraph (2), no delivery seller may sell or deliver to any consumer, or tender to any common carrier or other delivery service, any cigarettes or smokeless tobacco pursuant to a delivery sale unless, in advance of the sale, delivery, or tender—

“(A) any cigarette or smokeless tobacco excise tax that is imposed by the State in which the cigarettes or smokeless tobacco are to be delivered has been paid to the State;

“(B) any cigarette or smokeless tobacco excise tax that is imposed by the local government of the place in which the cigarettes or smokeless tobacco are to be delivered has been paid to the local government; and

“(C) any required stamps or other indicia that such excise tax has been paid are properly affixed or applied to the cigarettes or smokeless tobacco.

“(2) EXCEPTION.—Paragraph (1) does not apply to a delivery sale of smokeless tobacco if the law of the State or local government of the place where the smokeless tobacco is to be delivered requires or otherwise provides that delivery sellers collect the excise tax from the consumer and remit the excise tax to the State or local government, and the delivery seller complies with the requirement.

“(e) LIST OF UNREGISTERED OR NONCOMPLIANT DELIVERY SELLERS.—

“(1) IN GENERAL.—

“(A) INITIAL LIST.—Not later than 90 days after this subsection goes into effect under the Prevent All Cigarette Trafficking Act of 2008, the Attorney General of the United States shall compile a list of delivery sellers of cigarettes or smokeless tobacco that have not registered with the Attorney General, pursuant to section 2(a) or that are otherwise not in compliance with this Act, and—

“(i) distribute the list to—

“(I) the attorney general and tax administrator of every State;

“(II) common carriers and other persons that deliver small packages to consumers in interstate commerce, including the United States Postal Service; and

“(III) at the discretion of the Attorney General of the United States, to any other persons; and

“(ii) publicize and make the list available to any other person engaged in the business of interstate deliveries or who delivers cigarettes or smokeless tobacco in or into any State.

“(B) LIST CONTENTS.—To the extent known, the Attorney General of the United States shall include, for each delivery seller on the list described in subparagraph (A)—

“(i) all names the delivery seller uses in the transaction of its business or on packages delivered to customers;

“(ii) all addresses from which the delivery seller does business or ships cigarettes or smokeless tobacco;

“(iii) the website addresses, primary e-mail address, and phone number of the delivery seller; and

“(iv) any other information that the Attorney General determines would facilitate compliance with this subsection by recipients of the list.

“(C) UPDATING.—The Attorney General of the United States shall update and distribute the list at least once every 4 months, and may distribute the list and any updates by regular mail, electronic mail, or any other reasonable means, or by providing recipients with access to the list through a nonpublic website that the Attorney General of the United States regularly updates.

“(D) STATE, LOCAL, OR TRIBAL ADDITIONS.—The Attorney General of the United States shall include in the list under subparagraph (A) any noncomplying delivery sellers identified by any State, local, or tribal government under paragraph (5), and shall distribute the list to the attorney general or chief law enforcement official and the tax administrator of any government submitting any such information and to any common carriers or other persons who deliver small packages to consumers identified by any government pursuant to paragraph (5).

“(E) ACCURACY AND COMPLETENESS OF LIST OF NONCOMPLYING DELIVERY SELLERS.—In preparing and revising the list required by subparagraph (A), the Attorney General shall—

“(i) use reasonable procedures to ensure maximum possible accuracy and completeness of the records and information relied on for the purpose of determining that such delivery seller is noncomplying;

“(ii) not later than 14 days prior to including any delivery seller on the list under paragraph (1), make a reasonable attempt to send notice to the delivery seller by letter, electronic mail, or other means that the delivery seller is being placed on such list or update, with that notice citing the relevant provisions of this Act and the specific reasons for being placed on such list;

“(iii) provide an opportunity to such delivery seller to challenge placement on such list;

“(iv) investigate each such challenge by contacting the relevant Federal, State, tribal, and local law enforcement officials, and provide the specific findings and results of such investigation to such delivery seller not later than 30 days after the challenge is made; and

“(v) upon finding that any placement is inaccurate, incomplete, or cannot be verified, promptly delete such delivery seller from the list as appropriate and notify each appropriate Federal, State, tribal, and local authority of such finding.

“(F) CONFIDENTIALITY.—The list distributed pursuant to subparagraph (A) shall be confidential, and any person receiving the

list shall maintain the confidentiality of the list but may deliver the list, for enforcement purposes, to any government official or to any common carrier or other person that delivers tobacco products or small packages to consumers. Nothing in this section shall prohibit a common carrier, the United States Postal Service, or any other person receiving the list from discussing with the listed delivery sellers the delivery sellers' inclusion on the list and the resulting effects on any services requested by such listed delivery seller.

“(2) PROHIBITION ON DELIVERY.—

“(A) IN GENERAL.—Commencing on the date that is 60 days after the date of the initial distribution or availability of the list under paragraph (1)(A), no person who receives the list under paragraph (1), and no person who delivers cigarettes or smokeless tobacco to consumers, shall knowingly complete, cause to be completed, or complete its portion of a delivery of any package for any person whose name and address are on the list, unless—

“(i) the person making the delivery knows or believes in good faith that the item does not include cigarettes or smokeless tobacco;

“(ii) the delivery is made to a person lawfully engaged in the business of manufacturing, distributing, or selling cigarettes or smokeless tobacco; or

“(iii) the package being delivered weighs more than 100 pounds and the person making the delivery does not know or have reasonable cause to believe that the package contains cigarettes or smokeless tobacco.

“(B) IMPLEMENTATION OF UPDATES.—Commencing on the date that is 30 days after the date of the distribution or availability of any updates or corrections to the list under paragraph (1), all recipients and all common carriers or other persons that deliver cigarettes or smokeless tobacco to consumers shall be subject to subparagraph (A) in regard to such corrections or updates.

“(C) EXEMPTIONS.—Subparagraphs (A) and (B), subsection (b)(2), and any other requirements or restrictions placed directly on common carriers elsewhere in this subsection, shall not apply to a common carrier that is subject to a settlement agreement relating to tobacco product deliveries to consumers. For the purposes of this section, ‘settlement agreement’ shall be defined to include the Assurance of Discontinuance entered into by the Attorney General of New York and DHL Holdings USA, Inc. and DHL Express (USA), Inc. on or about July 1, 2005, the Assurance of Discontinuance entered into by the Attorney General of New York and United Parcel Service, Inc. on or about October 21, 2005, and the Assurance of Compliance entered into by the Attorney General of New York and Federal Express Corporation and Fed Ex Ground package Systems, Inc. on or about February 3, 2006, so long as each is honored nationwide to block illegal deliveries of cigarettes or smokeless tobacco to consumers, and also includes any other active agreement between a common carrier and the states that operates nationwide to ensure that no deliveries of cigarettes and smokeless tobacco shall be made to consumers for illegally operating Internet or mail-order sellers and that any such deliveries to consumers shall not be made to minors or without payment to the states and localities where the consumers are located of all taxes on the tobacco products.

“(3) SHIPMENTS FROM PERSONS ON LIST.—

“(A) IN GENERAL.—In the event that a common carrier or other delivery service delays or interrupts the delivery of a package it has in its possession because it determines or has reason to believe that the person ordering the delivery is on a list distributed under paragraph (1)—



“(i) the person ordering the delivery shall be obligated to pay—

“(I) the common carrier or other delivery service as if the delivery of the package had been timely completed; and

“(II) if the package is not deliverable, any reasonable additional fee or charge levied by the common carrier or other delivery service to cover its extra costs and inconvenience and to serve as a disincentive against such noncomplying delivery orders; and

“(ii) if the package is determined not to be deliverable, the common carrier or other delivery service shall, in its discretion, either provide the package and its contents to a Federal, State, or local law enforcement agency or destroy the package and its contents.

“(B) RECORDS.—A common carrier or other delivery service shall maintain, for a period of 5 years, any records kept in the ordinary course of business relating to any deliveries interrupted pursuant to this paragraph and provide that information, upon request, to the Attorney General of the United States or to the attorney general or chief law enforcement official or tax administrator of any State, local, or tribal government.

“(C) CONFIDENTIALITY.—Any person receiving records under subparagraph (B) shall use such records solely for the purposes of the enforcement of this Act and the collection of any taxes owed on related sales of cigarettes and smokeless tobacco, and the person receiving records under subparagraph (B) shall keep confidential any personal information in such records not otherwise required for such purposes.

“(4) PREEMPTION.—

“(A) IN GENERAL.—No State, local, or tribal government, nor any political authority of 2 or more State, local, or tribal governments, may enact or enforce any law or regulation relating to delivery sales that restricts deliveries of cigarettes or smokeless tobacco to consumers by common carriers or other delivery services on behalf of delivery sellers by—

“(i) requiring that the common carrier or other delivery service verify the age or identity of the consumer accepting the delivery by requiring the person who signs to accept delivery of the shipping container to provide proof, in the form of a valid, government-issued identification bearing a photograph of the individual, that such person is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by either State or local law at the place of delivery;

“(ii) requiring that the common carrier or other delivery service obtain a signature from the consumer accepting the delivery;

“(iii) requiring that the common carrier or other delivery service verify that all applicable taxes have been paid;

“(iv) requiring that packages delivered by the common carrier or other delivery service contain any particular labels, notice, or markings; or

“(v) prohibiting common carriers or other delivery services from making deliveries on the basis of whether the delivery seller is or is not identified on any list of delivery sellers maintained and distributed by any entity other than the Federal Government.

“(B) RELATIONSHIP TO OTHER LAWS.—Except as provided in subparagraph (C), nothing in this paragraph shall be construed to prohibit, expand, restrict, or otherwise amend or modify—

“(i) section 14501(c)(1) or 41713(b)(4) of title 49, United States Code;

“(ii) any other restrictions in Federal law on the ability of State, local, or tribal governments to regulate common carriers; or

“(iii) any provision of State, local, or tribal law regulating common carriers that falls

within the provisions of sections 14501(c)(2) or 41713(b)(4)(B) of title 49 of the United States Code.

“(C) STATE LAWS PROHIBITING DELIVERY SALES.—Nothing in the Prevent All Cigarette Trafficking Act of 2008, the amendments made by that Act, or in any other Federal statute shall be construed to preempt, supersede, or otherwise limit or restrict State laws prohibiting the delivery sale, or the shipment or delivery pursuant to a delivery sale, of cigarettes or other tobacco products to individual consumers or personal residences.

“(5) STATE, LOCAL, AND TRIBAL ADDITIONS.—

“(A) IN GENERAL.—Any State, local, or tribal government shall provide the Attorney General of the United States with—

“(i) all known names, addresses, website addresses, and other primary contact information of any delivery seller that offers for sale or makes sales of cigarettes or smokeless tobacco in or into the State, locality, or tribal land but has failed to register with or make reports to the respective tax administrator, as required by this Act, or that has been found in a legal proceeding to have otherwise failed to comply with this Act; and

“(ii) a list of common carriers and other persons who make deliveries of cigarettes or smokeless tobacco in or into the State, locality, or tribal lands.

“(B) UPDATES.—Any government providing a list to the Attorney General of the United States under subparagraph (A) shall also provide updates and corrections every 4 months until such time as such government notifies the Attorney General of the United States in writing that such government no longer desires to submit such information to supplement the list maintained and distributed by the Attorney General of the United States under paragraph (1).

“(C) REMOVAL AFTER WITHDRAWAL.—Upon receiving written notice that a government no longer desires to submit information under subparagraph (A), the Attorney General of the United States shall remove from the list under paragraph (1) any persons that are on the list solely because of such government's prior submissions of its list of non-complying delivery sellers of cigarettes or smokeless tobacco or its subsequent updates and corrections.

“(6) DEADLINE TO INCORPORATE ADDITIONS.—The Attorney General of the United States shall—

“(A) include any delivery seller identified and submitted by a State, local, or tribal government under paragraph (5) in any list or update that is distributed or made available under paragraph (1) on or after the date that is 30 days after the date on which the information is received by the Attorney General of the United States; and

“(B) distribute any such list or update to any common carrier or other person who makes deliveries of cigarettes or smokeless tobacco that has been identified and submitted by another government, pursuant to paragraph (5).

“(7) NOTICE TO DELIVERY SELLERS.—Not later than 14 days prior to including any delivery seller on the initial list distributed or made available under paragraph (1), or on any subsequent list or update for the first time, the Attorney General of the United States shall make a reasonable attempt to send notice to the delivery seller by letter, electronic mail, or other means that the delivery seller is being placed on such list or update, with that notice citing the relevant provisions of this Act.

“(8) LIMITATIONS.—

“(A) IN GENERAL.—Any common carrier or other person making a delivery subject to this subsection shall not be required or otherwise obligated to—

“(i) determine whether any list distributed or made available under paragraph (1) is complete, accurate, or up-to-date;

“(ii) determine whether a person ordering a delivery is in compliance with this Act; or

“(iii) open or inspect, pursuant to this Act, any package being delivered to determine its contents.

“(B) ALTERNATE NAMES.—Any common carrier or other person making a delivery subject to this subsection shall not be required or otherwise obligated to make any inquiries or otherwise determine whether a person ordering a delivery is a delivery seller on the list under paragraph (1) who is using a different name or address in order to evade the related delivery restrictions, but shall not knowingly deliver any packages to consumers for any such delivery seller who the common carrier or other delivery service knows is a delivery seller who is on the list under paragraph (1) but is using a different name or address to evade the delivery restrictions of paragraph (2).

“(C) PENALTIES.—Any common carrier or person in the business of delivering packages on behalf of other persons shall not be subject to any penalty under section 14101(a) of title 49, United States Code, or any other provision of law for—

“(i) not making any specific delivery, or any deliveries at all, on behalf of any person on the list under paragraph (1);

“(ii) not, as a matter of regular practice and procedure, making any deliveries, or any deliveries in certain States, of any cigarettes or smokeless tobacco for any person or for any person not in the business of manufacturing, distributing, or selling cigarettes or smokeless tobacco; or

“(iii) delaying or not making a delivery for any person because of reasonable efforts to comply with this Act.

“(D) OTHER LIMITS.—Section 2 and subsections (a), (b), (c), and (d) of this section shall not be interpreted to impose any responsibilities, requirements, or liability on common carriers.

“(f) PRESUMPTION.—For purposes of this Act, a delivery sale shall be deemed to have occurred in the State and place where the buyer obtains personal possession of the cigarettes or smokeless tobacco, and a delivery pursuant to a delivery sale is deemed to have been initiated or ordered by the delivery seller.”

(d) PENALTIES.—The Jenkins Act is amended by striking section 3 and inserting the following:

### “SEC. 3. PENALTIES.

“(a) CRIMINAL PENALTIES.—

“(1) IN GENERAL.—Except as provided in paragraph (2), whoever violates any provision of this Act shall be guilty of a felony and shall be imprisoned not more than 3 years, fined under title 18, United States Code, or both.

“(2) EXCEPTIONS.—

“(A) GOVERNMENTS.—Paragraph (1) shall not apply to a State, local, or tribal government.

“(B) DELIVERY VIOLATIONS.—A common carrier or independent delivery service, or employee of a common carrier or independent delivery service, shall be subject to criminal penalties under paragraph (1) for a violation of section 2A(e) only if the violation is committed intentionally—

“(i) as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value; or

“(ii) for the purpose of assisting a delivery seller to violate, or otherwise evading compliance with, section 2A.

“(b) CIVIL PENALTIES.—

“(1) IN GENERAL.—Except as provided in paragraph (3), whoever violates any provision of this Act shall be subject to a civil penalty in an amount not to exceed—

“(A) in the case of a delivery seller, the greater of—

“(i) \$5,000 in the case of the first violation, or \$10,000 for any other violation; or

“(ii) for any violation, 2 percent of the gross sales of cigarettes or smokeless tobacco of such person during the 1-year period ending on the date of the violation.

“(B) in the case of a common carrier or other delivery service, \$2,500 in the case of a first violation, or \$5,000 for any violation within 1 year of a prior violation.

“(2) RELATION TO OTHER PENALTIES.—A civil penalty under paragraph (1) for a violation of this Act shall be imposed in addition to any criminal penalty under subsection (a) and any other damages, equitable relief, or injunctive relief awarded by the court, including the payment of any unpaid taxes to the appropriate Federal, State, local, or tribal governments.

“(3) EXCEPTIONS.—

“(A) DELIVERY VIOLATIONS.—An employee of a common carrier or independent delivery service shall be subject to civil penalties under paragraph (1) for a violation of section 2A(e) only if the violation is committed intentionally—

“(i) as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value; or

“(ii) for the purpose of assisting a delivery seller to violate, or otherwise evading compliance with, section 2A.

“(B) OTHER LIMITATIONS.—No common carrier or independent delivery service shall be subject to civil penalties under paragraph (1) for a violation of section 2A(e) if—

“(i) the common carrier or independent delivery service has implemented and enforces effective policies and practices for complying with that section; or

“(ii) an employee of the common carrier or independent delivery service who physically receives and processes orders, picks up packages, processes packages, or makes deliveries, takes actions that are outside the scope of employment of the employee in the course of the violation, or that violate the implemented and enforced policies of the common carrier or independent delivery service described in clause (i).”

(e) ENFORCEMENT.—The Jenkins Act is amended by striking section 4 and inserting the following:

**“SEC. 4. ENFORCEMENT.**

“(a) IN GENERAL.—The United States district courts shall have jurisdiction to prevent and restrain violations of this Act and to provide other appropriate injunctive or equitable relief, including money damages, for such violations.

“(b) AUTHORITY OF THE ATTORNEY GENERAL.—The Attorney General of the United States shall administer and enforce the provisions of this Act.

“(c) STATE, LOCAL, AND TRIBAL ENFORCEMENT.—

“(1) IN GENERAL.—

“(A) STANDING.—A State, through its attorney general (or a designee thereof), or a local government or Indian tribe that levies a tax subject to section 2A(a)(3), through its chief law enforcement officer (or a designee thereof), may bring an action in a United States district court to prevent and restrain violations of this Act by any person (or by any person controlling such person) or to obtain any other appropriate relief from any person (or from any person controlling such person) for violations of this Act, including civil penalties, money damages, and injunctive or other equitable relief.

“(B) SOVEREIGN IMMUNITY.—Nothing in this Act shall be deemed to abrogate or constitute a waiver of any sovereign immunity of a State or local government or Indian tribe against any unconsented lawsuit under this Act, or otherwise to restrict, expand, or modify any sovereign immunity of a State or local government or Indian tribe.

“(2) PROVISION OF INFORMATION.—A State, through its attorney general, or a local government or Indian tribe that levies a tax subject to section 2A(a)(3), through its chief law enforcement officer (or a designee thereof), may provide evidence of a violation of this Act by any person not subject to State, local, or tribal government enforcement actions for violations of this Act to the Attorney General of the United States or a United States attorney, who shall take appropriate actions to enforce the provisions of this Act.

“(3) USE OF PENALTIES COLLECTED.—

“(A) IN GENERAL.—There is established a separate account in the Treasury known as the ‘PACT Anti-Trafficking Fund’. Notwithstanding any other provision of law and subject to subparagraph (B), an amount equal to 50 percent of any criminal and civil penalties collected by the United States Government in enforcing the provisions of this Act shall be transferred into the PACT Anti-Trafficking Fund and shall be available to the Attorney General of the United States for purposes of enforcing the provisions of this Act and other laws relating to contraband tobacco products.

“(B) ALLOCATION OF FUNDS.—Of the amount available to the Attorney General under subparagraph (A), not less than 50 percent shall be made available only to the agencies and offices within the Department of Justice that were responsible for the enforcement actions in which the penalties concerned were imposed or for any underlying investigations.

“(4) NONEXCLUSIVITY OF REMEDY.—

“(A) IN GENERAL.—The remedies available under this section and section 3 are in addition to any other remedies available under Federal, State, local, tribal, or other law.

“(B) STATE COURT PROCEEDINGS.—Nothing in this Act shall be construed to expand, restrict, or otherwise modify any right of an authorized State official to proceed in State court, or take other enforcement actions, on the basis of an alleged violation of State or other law.

“(C) TRIBAL COURT PROCEEDINGS.—Nothing in this Act shall be construed to expand, restrict, or otherwise modify any right of an authorized Indian tribal government official to proceed in tribal court, or take other enforcement actions, on the basis of an alleged violation of tribal law.

“(D) LOCAL GOVERNMENT ENFORCEMENT.—Nothing in this Act shall be construed to expand, restrict, or otherwise modify any right of an authorized local government official to proceed in State court, or take other enforcement actions, on the basis of an alleged violation of local or other law.

“(d) PERSONS DEALING IN TOBACCO PRODUCTS.—Any person who holds a permit under section 5712 of the Internal Revenue Code of 1986 (regarding permitting of manufacturers and importers of tobacco products and export warehouse proprietors) may bring an action in a United States district court to prevent and restrain violations of this Act by any person (or by any person controlling such person) other than a State, local, or tribal government.

“(e) NOTICE.—

“(1) PERSONS DEALING IN TOBACCO PRODUCTS.—Any person who commences a civil action under subsection (d) shall inform the Attorney General of the United States of the action.

“(2) STATE, LOCAL, AND TRIBAL ACTIONS.—It is the sense of Congress that the attorney general of any State, or chief law enforcement officer of any locality or tribe, that commences a civil action under this section should inform the Attorney General of the United States of the action.

“(f) PUBLIC NOTICE.—

“(1) IN GENERAL.—The Attorney General of the United States shall make available to the public, by posting such information on the Internet and by other appropriate means, information regarding all enforcement actions undertaken by the Attorney General or United States attorneys, or reported to the Attorney General, under this section, including information regarding the resolution of such actions and how the Attorney General and the United States attorney have responded to referrals of evidence of violations pursuant to subsection (c)(2).

“(2) REPORTS TO CONGRESS.—The Attorney General shall submit to Congress each year a report containing the information described in paragraph (1).”

**SEC. 3. TREATMENT OF CIGARETTES AND SMOKELESS TOBACCO AS NONMAILABLE MATTER.**

(a) IN GENERAL.—Chapter 83 of title 18, United States Code, is amended by inserting after section 1716D the following:

**“§ 1716E. Tobacco products as nonmailable**

“(a) PROHIBITION.—All cigarettes (as that term is defined in section 1 of the Act of October 19, 1949, commonly referred to as the Jenkins Act) and smokeless tobacco (as that term is defined in section 1 of the Act of October 19, 1949, commonly referred to as the Jenkins Act) are nonmailable and shall not be deposited in or carried through the mails.

“(b) ORDERS.—

“(1) If the Postal Service has reasonable cause to believe that any person is engaged in the sending of mail matter which is nonmailable under this section, the Postal Service may issue an order which—

“(A) directs any postmaster, to whom any mailing originating with such person or his representative is tendered for transmission through the mails (other than a mailing that consists only of one or more sealed letters), to refuse to accept any such mailing, unless such person or his representative first establishes to the satisfaction of the postmaster that the mailing does not contain any matter which is nonmailable under this section; and

“(B) requires the person or his representative to cease and desist from mailing any mail matter which is nonmailable under this section.

“(2) For the purposes of paragraph (1) reasonable cause includes—

“(A) a statement on a publicly available website, or an advertisement, by any person that such person will mail matter which is nonmailable under this section in return for payment; and

“(B) the placement of the person on the list created under section 2A(e) of the Jenkins Act.

“(3) Whoever fails to comply with an order issued under this subsection shall be liable to the United States for a civil penalty—

“(A) not to exceed \$10,000 for each mailing of fewer than 10 pieces;

“(B) not to exceed \$50,000 for each mailing of 10 to 50 pieces; and

“(C) not to exceed \$100,000 for each mailing of more than 50 pieces.

“(4) An order under this subsection may be enforced in the same manner as an order under section 3005 of title 39.

“(c) EXCEPTIONS.—This section shall not apply to the following:

“(1) CIGARS.—Cigars (as that term is defined in section 5702(a) of the Internal Revenue Code of 1986).

“(2) GEOGRAPHIC EXCEPTION.—Mailings within the State of Alaska or within the State of Hawaii.

“(3) BUSINESS PURPOSES.—Tobacco products mailed only for business purposes between legally operating businesses that have all applicable State and Federal government licenses or permits and are engaged in tobacco product manufacturing, distribution, wholesale, export, import, testing, investigation, or research, or for regulatory purposes between any such businesses and State or Federal Government regulatory agencies, if the Postal Service issues a final rule establishing the standards and requirements that apply to all such mailings and which includes the following:

“(A) The Postal Service shall verify that any person submitting an otherwise non-mailable tobacco product into the mails as authorized by this paragraph is a business or government agency permitted to make such mailings pursuant to this section and the related final rule.

“(B) The Postal Service shall ensure that any recipient of an otherwise nonmailable tobacco product sent through the mails pursuant to this paragraph is a business or government agency that may lawfully receive such product.

“(C) The mailings shall be sent through the Postal Service’s systems that provide for the tracking and confirmation of the delivery.

“(D) The identities of the business or government entity submitting the mailing containing otherwise nonmailable tobacco products for delivery and the business or government entity receiving the mailing shall be clearly set forth on the package and such information shall be kept in Postal Service records and made available to the Postal Service, the Attorney General, and to persons eligible to bring enforcement actions pursuant to section 3(d) of the Prevent All Cigarette Trafficking Act of 2008 for a period of at least three years.

“(E) The mailings shall be marked with a Postal Service label or marking that makes it clear to Postal Service employees that it is a permitted mailing of otherwise non-mailable tobacco products that may be delivered only to a permitted government agency or business and may not be delivered to any residence or individual person.

“(F) The mailings shall be delivered only to verified adult employees of the recipient businesses or government agencies who shall be required to sign for the mailing.

“(4) CERTAIN INDIVIDUALS.—Tobacco products mailed by individual adult people for noncommercial, nonbusiness and non-money making purposes, including the return of a damaged or unacceptable tobacco product to its manufacturer, if the Postal Service issues a final rule establishing the standards and requirements that applies to all such mailings and which includes the following:

“(A) The Postal Service shall verify that any person submitting an otherwise non-mailable tobacco product into the mails as authorized by this section is the individual person identified on the return address label of the package and is an adult.

“(B) For mailings to individual persons the Postal Service shall require the person submitting the otherwise nonmailable tobacco product into the mails as authorized by this subsection to affirm that the recipient is an adult.

“(C) The package shall not weigh more than 10 ounces.

“(D) The mailings shall be sent through the Postal Service’s systems that provide for the tracking and confirmation of the delivery.

“(E) No package shall be delivered or placed in the possession of any individual

person who is not a verified adult. For mailings to individual persons, the Postal Service shall deliver the package only to the verified adult recipient at the recipient address or transfer it for delivery to an Air/Army Postal Office (APO) or Fleet Postal Office (FPO) number designated in the recipient address.

“(F) No person shall initiate more than ten such mailings in any thirty-day period.

“(5) DEFINITION OF ADULT.—For the purposes of paragraphs (3) and (4), the term ‘adult’ means an individual person of at least the minimum age required for the legal sale or purchase of tobacco products as determined by the applicable law at the place the individual person is located.

“(d) SEIZURE AND FORFEITURE.—Any cigarettes or smokeless tobacco made non-mailable by this subsection that are deposited in the mails shall be subject to seizure and forfeiture, pursuant to the procedures set forth in chapter 46 of this title. Any tobacco products so seized and forfeited shall either be destroyed or retained by Government officials for the detection or prosecution of crimes or related investigations and then destroyed.

“(e) ADDITIONAL PENALTIES.—In addition to any other fines and penalties imposed by this chapter for violations of this section, any person violating this section shall be subject to an additional civil penalty in the amount of 10 times the retail value of the non-mailable cigarettes or smokeless tobacco, including all Federal, State, and local taxes.

“(f) CRIMINAL PENALTY.—Whoever knowingly deposits for mailing or delivery, or knowingly causes to be delivered by mail, according to the direction thereon, or at any place at which it is directed to be delivered by the person to whom it is addressed, anything that this section declares to be non-mailable matter shall be fined under this title, imprisoned not more than 1 year, or both.

“(g) DEFINITION.—As used in this section, the term ‘State’ has the meaning given that term in section 1716(k).”

(b) USE OF PENALTIES.—There is established a separate account in the Treasury of the United States, to be known as the “PACT Postal Service Fund”. Notwithstanding any other provision of law, an amount equal to 50 percent of any criminal and civil fines or monetary penalties collected by the United States Government in enforcing the provisions of this subsection shall be transferred into the PACT Postal Service Fund and shall be available to the Postmaster General for the purpose of enforcing the provisions of this subsection.

(c) COORDINATION OF EFFORTS.—In the enforcement of this section, the Postal Service shall cooperate and coordinate its efforts with related enforcement activities of any other Federal agency or of any State, local, or tribal government, whenever appropriate.

(d) ACTIONS BY STATE, LOCAL OR TRIBAL GOVERNMENTS RELATING TO CERTAIN TOBACCO PRODUCTS.—

(1) A State, through its attorney general (or a designee thereof), or a local government or Indian tribe that levies an excise tax on tobacco products, through its chief law enforcement officer (or a designee thereof), may in a civil action in a United States district court obtain appropriate relief with respect to a violation of section 1716E of title 18, United States Code. Appropriate relief includes injunctive and equitable relief and damages equal to the amount of unpaid taxes on tobacco products mailed in violation of that section to addressees in that State.

(2) The State (or designee) shall serve prior written notice of any action under paragraph (1) upon the Postal Service and provide the Postal Service with a copy of its complaint, except in any case where such prior notice is

not feasible, in which case the State (or designee) shall serve such notice immediately upon instituting such action. The Postal Service, in accordance with section 409(g)(2) of title 39, United States Code, shall have the right (A) to intervene in the action, (B) upon so intervening, to be heard on all matters arising therein, and (C) to file petitions for appeal.

(3) Nothing contained in this section shall be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any general civil or criminal statute of such State.

(4) Whenever the Postal Service institutes a civil action for violation of section 1716E of title 18, United States Code, no State may, during the pendency of such action instituted by the Postal Service, subsequently institute a separate civil action for any violation of such section against any defendant named in the Postal Service’s complaint.

(5) Nothing in this section shall be deemed to abrogate or constitute a waiver of any sovereign immunity of a State or local government or Indian tribe against any unconsented lawsuit under paragraph (1), or otherwise to restrict, expand, or modify any sovereign immunity of a State or local government or Indian tribe.

(6) A State, through its attorney general, or a local government or Indian tribe that levies an excise tax on tobacco products, through its chief law enforcement officer (or a designee thereof), may provide evidence of a violation of paragraph (1) for commercial, business or money-making purposes by any person not subject to State, local, or tribal government enforcement actions for violations of paragraph (1) to the Attorney General of the United States or a United States attorney, who shall take appropriate actions to enforce the provisions of this subsection.

(7) The remedies available under this subsection are in addition to any other remedies available under Federal, State, local, tribal, or other law. Nothing in this subsection shall be construed to expand, restrict, or otherwise modify any right of an authorized State, local, or tribal government official to proceed in a State, tribal, or other appropriate court, or take other enforcement actions, on the basis of an alleged violation of State, local, tribal, or other law.

(e) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 83 of title 18 is amended by adding after the item relating to section 1716D the following new item:

“1716E. Tobacco products as nonmailable.”.

#### SEC. 4. COMPLIANCE WITH MODEL STATUTE OR QUALIFYING STATUTE.

(a) IN GENERAL.—A Tobacco Product Manufacturer or importer may not sell in, deliver to, or place for delivery sale, or cause to be sold in, delivered to, or placed for delivery sale in a State that is a party to the Master Settlement Agreement, any cigarette manufactured by a Tobacco Product Manufacturer that is not in full compliance with the terms of the Model Statute or Qualifying Statute enacted by such State requiring funds to be placed into a qualified escrow account under specified conditions, or any regulations promulgated pursuant to such statute.

(b) JURISDICTION TO PREVENT AND RESTRAIN VIOLATIONS.—

(1) IN GENERAL.—The United States district courts shall have jurisdiction to prevent and restrain violations of subsection (a) in accordance with this subsection.

(2) INITIATION OF ACTION.—A State, through its attorney general, may bring an action in the United States district courts to prevent and restrain violations of subsection (a) by any person (or by any person controlling such person).

(3) **ATTORNEY FEES.**—In any action under paragraph (2), a State, through its attorney general, shall be entitled to reasonable attorney fees from a person found to have willfully and knowingly violated subsection (a).

(4) **NONEXCLUSIVITY OF REMEDIES.**—The remedy available under paragraph (2) is in addition to any other remedies available under Federal, State, or other law. No provision of this Act or any other Federal law shall be held or construed to prohibit or preempt the Master Settlement Agreement, the Model Statute (as defined in the Master Settlement Agreement), any legislation amending or complementary to the Model Statute in effect as of June 1, 2006, or any legislation substantially similar to such existing, amending, or complementary legislation hereinafter enacted.

(5) **OTHER ENFORCEMENT ACTIONS.**—Nothing in this subsection shall be construed to prohibit an authorized State official from proceeding in State court or taking other enforcement actions on the basis of an alleged violation of State or other law.

(6) **AUTHORITY OF THE ATTORNEY GENERAL.**—The Attorney General of the United States may administer and enforce subsection (a).

(c) **DEFINITIONS.**—In this section the following definitions apply:

(1) **DELIVERY SALE.**—The term “delivery sale” means any sale of cigarettes or smokeless tobacco to a consumer if—

(A) the consumer submits the order for such sale by means of a telephone or other method of voice transmission, the mails, or the Internet or other online service, or the seller is otherwise not in the physical presence of the buyer when the request for purchase or order is made; or

(B) the cigarettes or smokeless tobacco are delivered to the buyer by common carrier, private delivery service, or other method of remote delivery, or the seller is not in the physical presence of the buyer when the buyer obtains possession of the cigarettes or smokeless tobacco.

(2) **IMPORTER.**—The term “importer” means each of the following:

(A) **SHIPPING OR CONSIGNING.**—Any person in the United States to whom nontaxpaid tobacco products manufactured in a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States are shipped or consigned.

(B) **MANUFACTURING WAREHOUSES.**—Any person who removes cigars or cigarettes for sale or consumption in the United States from a customs-bonded manufacturing warehouse.

(C) **UNLAWFUL IMPORTING.**—Any person who smuggles or otherwise unlawfully brings tobacco products into the United States.

(3) **MASTER SETTLEMENT AGREEMENT.**—The term “Master Settlement Agreement” means the agreement executed November 23, 1998, between the attorneys general of 46 States, the District of Columbia, the Commonwealth of Puerto Rico, and 4 territories of the United States and certain tobacco manufacturers.

(4) **MODEL STATUTE; QUALIFYING STATUTE.**—The terms “Model Statute” and “Qualifying Statute” means a statute as defined in section IX(d)(2)(e) of the Master Settlement Agreement.

(5) **TOBACCO PRODUCT MANUFACTURER.**—The term “Tobacco Product Manufacturer” has the meaning given that term in section II(uu) of the Master Settlement Agreement.

**SEC. 5. INSPECTION BY BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES OF RECORDS OF CERTAIN CIGARETTE AND SMOKELESS TOBACCO SELLERS; CIVIL PENALTY.**

Section 2343(c) of title 18, United States Code, is amended to read as follows:

“(c)(1) Any officer of the Bureau of Alcohol, Tobacco, Firearms, and Explosives may, during normal business hours, enter the premises of any person described in subsection (a) or (b) for the purposes of inspecting—

“(A) any records or information required to be maintained by such person under the provisions of law referred to in this chapter; or

“(B) any cigarettes or smokeless tobacco kept or stored by such person at such premises.

“(2) The district courts of the United States shall have the authority in a civil action under this subsection to compel inspections authorized by paragraph (1).”

“(3) Whoever violates paragraph (1), or an order issued under paragraph (2), shall be subject to a civil penalty in an amount not to exceed \$10,000 for each violation.”.

**SEC. 6. EXCLUSIONS REGARDING INDIAN TRIBES AND TRIBAL MATTERS.**

(a) **IN GENERAL.**—Nothing in this Act or the amendments made by this Act is intended nor shall be construed to affect, amend, or modify—

(1) any agreements, compacts, or other intergovernmental arrangements between any State or local government and any government of an Indian tribe (as that term is defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) relating to the collection of taxes on cigarettes or smokeless tobacco sold in Indian country;

(2) any State laws that authorize or otherwise pertain to any such intergovernmental arrangements or create special rules or procedures for the collection of State, local, or tribal taxes on cigarettes or smokeless tobacco sold in Indian country;

(3) any limitations under Federal or State law, including Federal common law and treaties, on State, local, and tribal tax and regulatory authority with respect to the sale, use, or distribution of cigarettes and smokeless tobacco by or to Indian tribes, tribal members, tribal enterprises, or in Indian country;

(4) any Federal law, including Federal common law and treaties, regarding State jurisdiction, or lack thereof, over any tribe, tribal members, tribal enterprises, tribal reservations, or other lands held by the United States in trust for one or more Indian tribes; and

(5) any State or local government authority to bring enforcement actions against persons located in Indian country.

(b) **COORDINATION OF LAW ENFORCEMENT.**—Nothing in this Act or the amendments made by this Act shall be construed to inhibit or otherwise affect any coordinated law enforcement effort by 1 or more States or other jurisdictions, including Indian tribes, through interstate compact or otherwise, that—

(1) provides for the administration of tobacco product laws or laws pertaining to interstate sales or other sales of tobacco products;

(2) provides for the seizure of tobacco products or other property related to a violation of such laws; or

(3) establishes cooperative programs for the administration of such laws.

(c) **TREATMENT OF STATE AND LOCAL GOVERNMENTS.**—Nothing in this Act or the amendments made by this Act is intended, and shall not be construed to, authorize, deputize, or commission States or local governments as instrumentalities of the United States.

(d) **ENFORCEMENT WITHIN INDIAN COUNTRY.**—Nothing in this Act or the amendments made by this Act is intended to prohibit, limit, or restrict enforcement by the

Attorney General of the United States of the provisions herein within Indian country.

(e) **AMBIGUITY.**—Any ambiguity between the language of this section or its application and any other provision of this Act shall be resolved in favor of this section.

**SEC. 7. SENSE OF CONGRESS CONCERNING THE PRECEDENTIAL EFFECT OF THIS ACT.**

It is the sense of Congress that unique harms are associated with online cigarette sales, including problems with verifying the ages of consumers in the digital market and the long-term health problems associated with the use of certain tobacco products. This Act was introduced recognizing the longstanding interest of Congress in urging compliance with States' laws regulating remote sales of certain tobacco products to citizens of those States, including the passage of the Jenkins Act over 50 years ago, which established reporting requirements for out-of-State companies that sell certain tobacco products to citizens of the taxing States, and which gave authority to the Department of Justice and the Bureau of Alcohol, Tobacco and Firearms to enforce the Jenkins Act. In light of the unique harms and circumstances surrounding the online sale of certain tobacco products, this Act is intended to help collect cigarette excise taxes, to stop tobacco sales to underage youth, and to help the States enforce their laws that target the online sales of certain tobacco products only. This Act is in no way meant to create a precedent regarding the collection of State sales or use taxes by, or the validity of efforts to impose other types of taxes on, out-of-State entities that do not have a physical presence within the taxing State.

**SEC. 8. EFFECTIVE DATE.**

(a) **IN GENERAL.**—Except as provided in subsection (b), this Act shall take effect on the date that is 90 days after the date of enactment of this Act.

(b) **BATFE AUTHORITY.**—Section 5 shall take effect on the date of enactment of this Act.

**SEC. 9. SEVERABILITY.**

If any provision of this, or an amendment made by this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of it to any other person or circumstance shall not be affected thereby.

The **SPEAKER pro tempore**. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

**GENERAL LEAVE**

Mr. SCOTT of Virginia. 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 Virginia?

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, the Prevent All Cigarette Trafficking Act, or PACT Act, introduced by the gentleman from New York (Mr. WEINER), strengthens our law enforcement capabilities against the illegal smuggling of tobacco products.

Every year, billions of cigarettes are illegally smuggled across State lines. This fraudulent activity not only harms the public health but deprives State and local governments of sorely needed tax revenues.

In fact, tax evasion is a chief motivator for cigarette smuggling. Buying cigarettes in a State where the cigarette tax is low and selling them in a State where the cigarette tax is high allows the trafficker to sell the cigarettes at a discount and still turn an illicit profit.

States lose \$1 billion in uncollected taxes each year as a result of illegal cigarette smuggling. The illicit profit also helps finance other criminal activity which creates a revenue stream for organized crime.

Because of the scope and interstate nature of this activity, States cannot adequately address it on their own. It has long been recognized as a Federal concern.

With the existing Federal statutes, the Jenkins Act, which requires reporting interstate cigarette sales to tax officials in the buyer's State, and the Contraband Cigarette Trafficking Act, which prohibits knowingly dealing in contraband cigarettes or smokeless tobacco, those two statutes are simply not up to the task in the Internet age.

The Internet, in particular, makes it possible for today's tobacco smugglers to be even more mobile and invisible and to operate with near impunity. Even when the smugglers can be identified and pursued, they can simply shut down operations and quickly reappear under a new name and Web site.

The PACT Act addresses the shortcomings in the current law by targeting the delivery systems for illegal Internet tobacco sales: the postal system and commercial delivery services.

With limited exceptions, sending tobacco products through the United States mail will be criminally prohibited. And vendors using commercial delivery services for retail sales will be required to notify the tax authorities in the receiving State, conspicuously label all tobacco products, verify the purchaser's age, and keep careful records of all sales.

The bill raises cigarette trafficking from a misdemeanor to a felony. And it authorizes the Bureau of Alcohol, Tobacco, Firearms and Explosives to inspect the premises and files of sellers of significant quantities of cigarettes or smokeless tobacco.

□ 1800

H.R. 4081 enjoys support from a diverse spectrum of entities, including the National Association of Convenience Stores, Altria—the parent company of Phillip Morris—the Campaign for Tobacco-Free Kids, the American Wholesale Marketers Association, and the National Association of Attorneys General, among others.

I commend my colleague, Mr. WEINER, for his leadership on this important legislation. I also commend the

chairman of the Judiciary Committee, Mr. CONYERS, and the ranking member, Mr. SMITH, for their leadership in making this a bipartisan effort.

I also want to thank the other committees whose jurisdiction has touched on this bill for working with us to bring it to the floor today.

I urge my colleagues to support this important legislation.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington, DC, September 8, 2008.

Hon. JOHN CONYERS, Jr.,  
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR CHAIRMAN CONYERS: I write to you regarding H.R. 4081, the "Prevent All Cigarette Trafficking Act of 2008".

H.R. 4081 contains provisions that fall within the jurisdiction of the Committee on Transportation and Infrastructure. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, I agree to waive consideration of this bill with the mutual understanding that my decision to forego a sequential referral of the bill does not waive, reduce, or otherwise affect the jurisdiction of the Committee on Transportation and Infrastructure over H.R. 4081.

Further, the Committee on Transportation and Infrastructure reserves the right to seek the appointment of conferees during any House-Senate conference convened on this legislation on provisions of the bill that are within the Committee's jurisdiction. I ask for your commitment to support any request by the Committee on Transportation and Infrastructure for the appointment of conferees on H.R. 4081 or similar legislation.

Please place a copy of this letter and your response acknowledging the Committee on Transportation and Infrastructure's jurisdictional interest in the Congressional Record during consideration of the measure on the House Floor.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, September 9, 2008.

Hon. JAMES L. OBERSTAR,  
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding your Committee's jurisdictional interest in H.R. 4081, the Prevent All Cigarette Trafficking Act of 2008.

I appreciate your willingness to support expediting floor consideration of this important legislation today. I understand and agree that this is without prejudice to your Committee's jurisdictional interests in this or similar legislation in the future. In the event a House-Senate conference on this or similar legislation is convened, I would support your request for an appropriate number of conferees.

I will include a copy of your letter and this response in the Congressional Record in the debate on the bill. Thank you for your cooperation as we work towards enactment of this legislation.

Sincerely,

JOHN CONYERS, Jr.,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON NATURAL RESOURCES,  
Washington, DC, September 9, 2008.

Hon. JOHN CONYERS,  
Chairman, Committee on the Judiciary, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for the opportunity to work with you on H.R. 4081, the Prevent All Cigarette Trafficking Act, concerning provisions on tribal jurisdiction and enforcement which are within the jurisdiction of the Committee on Natural Resources.

Because of the continued cooperation and consideration that you have afforded me and my staff in developing these provisions, I will not seek a sequential referral of H.R. 4081. Of course, this waiver is not intended to prejudice any future jurisdictional claims over these provisions or similar language. I also reserve the right to seek to have conferees named from the Committee on Natural Resources on these provisions, and request your support if such a request is made.

Please place this letter into the Congressional Record during consideration of H.R. 4081 on the House floor.

With warm regards, I am

Sincerely,

NICK J. RAHALL, II,  
Chairman, Committee on Natural Resources.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, September 9, 2008.

Hon. NICK J. RAHALL, II,  
Chairman, Committee on Natural Resources, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding your Committee's jurisdictional interest in H.R. 4081, the Prevent All Cigarette Trafficking Act of 2008.

I appreciate your willingness to support expediting floor consideration of this important legislation today. I understand and agree that this is without prejudice to your Committee's jurisdictional interests in this or similar legislation in the future. In the event a House-Senate conference on this or similar legislation is convened, I would support your request for an appropriate number of conferees.

I will include a copy of your letter and this response in the CONGRESSIONAL RECORD in the debate on the bill. Thank you for your cooperation as we work towards enactment of this legislation.

Sincerely,

JOHN CONYERS, Jr.,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ENERGY AND COMMERCE,  
Washington, DC, September 9, 2008.

Hon. JOHN CONYERS, Jr.,  
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR CHAIRMAN CONYERS: I write regarding H.R. 4081, the "Prevent All Cigarette Trafficking Act of 2008", or the "PACT" Act.

H.R. 4081 amends a law commonly referred to as the Jenkins Act, which primarily concerns the collection by the States of taxes on cigarettes. The bill, however, would amend the Jenkins Act to prohibit "delivery sales" of cigarettes and smokeless tobacco to minors. (As you know, these are sales in which the seller is not in the physical presence of the purchaser but rather communicates with the purchaser through electronic means, through the mails, or through other methods.) The bill would further preempt certain State laws that relate to such sales to minors. The regulation of sales of tobacco products to minors is a matter within the jurisdiction of the Committee on Energy and Commerce.

Another jurisdictional concern is that the bill regulates the labeling of cigarettes and

smokeless tobacco. H.R. 4081 would require specific wording on the shipping packages of such products.

I support H.R. 4081 and do not intend to seek a sequential referral of the bill. My understanding is that you agree with me that my decision to forgo a sequential referral does not in any way prejudice the Committee with respect to any of its jurisdictional prerogatives, including the appointment of conferees, on this bill or similar legislation in the future.

I request that you send a letter to me confirming my understanding regarding the bill, and that you include our letters on this matter in the CONGRESSIONAL RECORD during consideration of the bill on the House floor. I appreciate your cooperation.

Sincerely,

JOHN D. DINGELL,  
*Chairman.*

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, September 9, 2008.

Hon. JOHN D. DINGELL,  
*Chairman, Committee on Energy and Commerce,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding your Committee's jurisdictional interest in H.R. 4081, the Prevent All Cigarette Trafficking Act of 2008.

I appreciate your willingness to support expediting floor consideration of this important legislation today. I understand and agree that this is without prejudice to your Committee's jurisdictional interests in this or similar legislation in the future. In the event a House-Senate conference on this or similar legislation is convened, I would support your request for an appropriate number of conferees.

I will include a copy of your letter and this response in the Congressional Record in the debate on the bill. Thank you for your cooperation as we work towards enactment of this legislation.

Sincerely,

JOHN CONYERS, Jr.,  
*Chairman.*

HOUSE OF REPRESENTATIVES, COM-  
MITTEE ON OVERSIGHT AND GOV-  
ERNMENT REFORM,  
Washington, DC, September 9, 2008.

Hon. JOHN CONYERS,  
*Chairman, Committee on the Judiciary,  
Washington, DC.*

DEAR CHAIRMAN CONYERS: I am writing about H.R. 4081, the Prevent All Cigarette Trafficking Act of 2007. The Judiciary Committee approved this measure, as amended, on July 16, 2008.

I appreciate your effort to consult with the Committee on Oversight and Government Reform regarding those provisions of H.R. 4081 that fall within the Oversight Committee's jurisdiction. Thank you for your willingness to modify certain provisions related to the treatment of cigarettes and smokeless tobacco as nonmailable matter in response to my concerns. Although I still have concerns about provisions in this legislation, I look forward to working with you to resolve these issues.

In the interest of expediting consideration of H.R. 4081, the Oversight Committee will not separately consider relevant provisions of this bill. I would, however, request your support for the appointment of conferees from the Oversight Committee should H.R. 4081 or a similar Senate bill be considered in conference with the Senate. Moreover, this letter should not be construed as a waiver of the Oversight Committee's legislative jurisdiction over subjects addressed in H.R. 4081 that fall within the jurisdiction of the Oversight Committee.

Please include our exchange of letters on this matter in the Congressional Record during consideration of this legislation on the House floor.

Again, I appreciate your willingness to consult the Committee on these matters.

Sincerely,

HENRY A. WAXMAN,  
*Chairman.*

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, September 9, 2008.

Hon. HENRY A. WAXMAN,  
*Chairman, Committee on Oversight and Govern-  
ment Reform, House of Representatives,  
Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding your committee's jurisdictional interest in H.R. 4081, the Prevent All Cigarette Trafficking Act of 2008.

I appreciate your willingness to support expediting floor consideration of this important legislation today. I understand and agree that this is without prejudice to your Committee's jurisdictional interests in this or similar legislation in the future. In the event a House-Senate conference on this or similar legislation is convened, I would support your request for an appropriate number of conferees.

I will include a copy of your letter and this response in the Congressional Record in the debate on the bill. Thank you for your cooperation as we work towards enactment of this legislation.

Sincerely,

JOHN CONYERS, Jr.,  
*Chairman.*

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

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am an original cosponsor of H.R. 4081, the Prevent All Cigarette Trafficking (PACT) Act. And I want to thank Congressman WEINER from New York for working hard to bring this legislation to the floor today.

This bipartisan bill will help combat cigarette trafficking, which is a growing problem in America. Combating cigarette trafficking is an issue both Congress and the manufacturers want to address together.

Taxes on cigarettes vary greatly from State to State. This difference in tax rates creates a market for criminals and organized crime syndicates to purchase cigarettes from one State and smuggle them to another State to resell them below market value and without paying local taxes.

The PACT Act closes loopholes in current tobacco trafficking laws and provides law enforcement officials with ways to combat the deceptive methods being used by cigarette traffickers to distribute their products. First, the legislation strengthens the Jenkins Act, a long-standing law that requires vendors who sell cigarettes to out-of-State buyers to report these sales to the buyer's State tobacco tax administrator. The PACT Act makes it a Federal felony for anyone to sell cigarettes by telephone, the mail, or the Internet and not comply with all relevant State tax laws.

The PACT Act requires Internet cigarette sellers to verify the purchaser's

age and identity through easily accessible databases. This measure protects children and ensures that they cannot anonymously purchase cigarettes from the Internet.

The PACT Act also empowers the Attorney General to compile a list of delivery sellers who fail to comply with State tax laws. Any seller who lands on that list will be prohibited from using the U.S. Postal Service or common carriers like FedEx or DHL to deliver their products.

The PACT Act creates reasonable procedures to ensure that the Attorney General's list of noncompliant tobacco delivery sellers is both accurate and complete.

In summary, Mr. Speaker, the PACT Act prevents the loss of tax revenue, combats cigarette smuggling, and limits children's access to cigarettes; all worthy goals.

I urge my colleagues to support this bill.

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

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. WEINER), who is a distinguished member of the Judiciary Committee and sponsor of the legislation.

Mr. WEINER. I thank the chairman of the subcommittee and the ranking member of the full committee for not only his sponsorship of the legislation, but the great work of him and his staff to try to bring this to the floor. It's kind of a complicated issue.

You know, we accept it as an article of faith that cigarette smoking is down in this country. We believe that because, as you look at the taxes paid in the 50 States and the various cities, there has been a decline. But a lot of information really leads us to believe that that might not be true at all, that all we're really seeing a reduction of is a reduction of the amount of taxes that are getting paid to the various States. And that is because, as both Mr. SMITH and Mr. SCOTT have pointed out, more and more States are levying more and more State taxes on cigarettes. It's almost an easy thing to do. You know, some have commented that State governments are addicted to tobacco taxes. It has gotten to be so much that in New York City, for example, if you are a smoker—which I'm not—you pay an additional \$4.25 per pack compared to South Carolina, where you pay an additional 7 cents a pack in State taxes.

Well, what I just described is, in a nutshell, the incentive for smugglers. They can buy cigarettes at a very low tax rate, sell them in a higher tax rate locality and be able to make money on the vig. Well, you might say to yourself, isn't that against the law? It is. It is against the law for anyone to buy cigarettes and not pay the tax of their locality. But there is no way for authorities to know that for sure. But we have some signs and some statistics that show that it's happening in record numbers.

I will give you an example. In just my State of New York, 280 million packs of cigarettes were sold on Native American reservations. In 2006, it's 360 million. If you take the number of residents on Native American reservations and do the math and assume that those cigarettes are being smoked just on the reservation, that would mean 44 cigarettes an hour for every Native American in the country over the age of 18, or basically a cigarette a minute. So that's not happening.

What is really happening is that more and more people are buying cigarettes on the Internet, they're not reporting that they're buying them on these Web sites, which are by and large on Native American lands, and they're not paying taxes on it. And that's what's happened. Now, not only is this a great source of great revenue loss to States—my home State of New York estimates anywhere from hundreds of millions to as much as a billion dollars of lost revenue—but according to the Government Accountability Office, it might be used, as so many other smuggling operations are, for things more than just illicit activity, but terrorism.

It was found in a GAO investigation that there was a group that was buying cigarettes in North Carolina, smuggling them to Michigan, taking the money that they were making by selling them on the streets of Michigan, and then using the money to fund Hezbollah operations. That was just one investigation, one prosecution.

Now, as I've said earlier, it's already against the law to do many of these things, so why aren't there more prosecutions? Well, right now violations of the Jenkins Act, which is the prosecution that this would be under that say this type of activity is illegal, are misdemeanors. So even if you are a U.S. attorney and you say I really want to crack down on this and you wait outside and you try to do a sting, really the most you can hope for is a misdemeanor prosecution. One of the things this legislation does is makes it a felony.

A second thing that it does is it closes perhaps the largest truck-size loophole in the law, it allows people to buy cigarettes on the Internet. Now, because of the actions of New York, DHL, FedEx, UPS, they all say we no longer are going to allow anyone to transport cigarettes.

The only entity that still transports cigarettes is the United States Postal Service. They have come to Congress and said, if you want to ban us transporting tobacco, you've got to tell us by law. We can't do it. Effectively, that's what this legislation does.

Now, just to make it very clear, if you want to purchase cigarettes online, what is supposed to happen is the Internet carrier is supposed to then take a document, mail it to your home State and say that Anthony Weiner purchased X number of cases, then you're supposed to pay taxes on it. That never happens. States that have

done stings know it has never happened and the ATF says it doesn't happen. Now that is going to be required, otherwise, you're not going to be able to do any transporting of tobacco at all. And finally, it requires the same type of age verification that we have for other things on the Internet.

This is a commonsense thing that I think is going to mean that we can really make sure States get the revenues, we can make sure that the black market in tobacco is eliminated, and frankly, we can make sure that the ATF has the tools they need to crack down on this.

This legislation is a long time in coming. It would not have been possible, as I said earlier, if it were not for the help of the ranking minority member of the full committee, the Chair of the subcommittee, the members and the staff who have done a remarkable job; on the full committee side, Perry Apfelbaum and Ted Kalo, on the minority side, Sean McLaughlin, the chief of staff and general counsel on the minority side; Ameer Gopalani, who is the counsel on the subcommittee, Jesselyn McCurdy, who is another counsel. And on the minority side, Kimani Little and Caroline Lynch. Also, towards the end, to help us deal with many of the jurisdictional matters that we had, Congressman WAXMAN and the ranking member of the Government Oversight and Reform Committee, his staff director, Phil Barnett, Naomi Seiler, the counsel, Robin Appleberry, folks who worked very late into the night last night to help to make this happen. Congressman MCHUGH's staff, who has been very active on this, Rob Taub, his Chief of staff; Joe Dunn, Jonathan Schleifer and Dori Friedberg of my staff. These are all people who helped make this happen.

Now, I would say, before I yield back, as with so many things, this is a relatively easy fix that we were able to work in a bipartisan fashion to make happen. None of this is worth anything unless the folks on the other side of this building finally start to legislate, finally start to take some of these things that passed by overwhelming margins, things like the COPS bill we passed in our committee, and others, that we've managed to cross the partisan divide and do good government. And I would hope that my colleagues in the Senate at some point awaken and decide to start passing some of this legislation. If they do that, it would be greatly appreciated.

I also want to point out that, to all of the groups that have been so active in trying to make this a reality, and it's a disparate bunch, Altria—I guess previously Phillip Morris—Sara and John—I can't read their last name—the Campaign for Tobacco-Free Kids, National Association of Attorneys General, the American Wholesale Marketers, New York State Association of Wholesale Marketers—Artie Katz with them, these are disparate groups who don't agree on very much. And we have

worked out a bill that I think passes not only bipartisan muster, but has enlightened elements of the industry involved.

And I should make one final point. There is a good deal of byplay going on in the 50 States about the rights of Native Americans dealing with their State governments. We say very clearly in this legislation, we are not seeking to litigate that at this time. There are two contradictory Supreme Court decisions that are out there, there are many different interpretations. We make it very clear here that what we're seeking to do is to empower the Federal authorities to operate where they're allowed to, the State authorities only to operate where they are. But I think that because of the support of the National Association of Attorneys General, folks like my State and the active advocacy of organizations and journalists like those at the New York Post, who have been beating the drum on this, we are going to finally get this done.

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

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman from New York for his hard work on this bill. He mentioned many others that have been working on this. He has worked so well; he had broad bipartisan support. So I hope it will be the pleasure of the House to pass the bill.

Mr. WAXMAN. Mr. Speaker, I rise in support of H.R. 4081 because of the important difference it will make in reducing young people's access to cigarettes.

The tobacco industry has long targeted the nation's youth. As this Committee learned in 1998 when I released documents from inside the board room of RJR, tobacco executives had an explicit strategy of hooking our children to create lifelong, addicted consumers.

Recently, states have begun to fight back with stronger laws to prevent teenagers from buying tobacco products. These laws require photo IDs to be shown at the point of purchase.

But these efforts haven't been successful in addressing the traffic of cigarettes through our newest, and least controlled, market: the internet.

Today, a young person anywhere in the country can go online and find a site that sells cigarettes. He or she can find a site that doesn't require any kind of meaningful age verification. And then the teenager can order cigarettes and have them delivered right to his or her home.

Despite the efforts of public health advocates, the flow of cigarettes to minors—and the evasion of state and local taxes—continues.

The majority of online cigarettes are shipped through the U.S. mails. So I am particularly supportive of this bill's inclusion of a provision to make cigarettes, smokeless tobacco, and roll-your-own tobacco nonmailable products.

The bill has incorporated important provisions from H.R. 2932, a bill on tobacco nonmailability introduced by Congressman MCHUGH.

I thank Congressman MCHUGH and Congressman WEINER for their leadership on this

important issue, and look forward to ongoing collaboration in reducing smoking among America's youth.

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

The SPEAKER pro tempore (Mr. CUELLAR). The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 4081, as amended.

The question was taken.

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

Mr. SMITH of Texas. 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.

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. Res. 1307, by the yeas and nays;

H.R. 6168, by the yeas and nays;

H.R. 6630, by the yeas and nays.

Remaining postponed votes will be taken tomorrow.

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

COMMENDING BHUTAN'S PARTICIPATION IN THE SMITHSONIAN FOLKLIFE FESTIVAL

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1307, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. BAIRD) that the House suspend the rules and agree to the resolution, H. Res. 1307, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 395, nays 15, not voting 23, as follows:

[Roll No. 573]

YEAS—395

Abercrombie	Baird	Bilirakis
Ackerman	Baldwin	Bishop (GA)
Aderholt	Barrett (SC)	Bishop (NY)
Akin	Barrow	Bishop (UT)
Alexander	Bartlett (MD)	Blumenauer
Allen	Bean	Blunt
Altmire	Becerra	Boehner
Andrews	Berkley	Bonner
Arcuri	Berman	Bono Mack
Baca	Berry	Boozman
Bachmann	Biggert	Boren
Bachus	Bilbray	Boswell

Boustany	Garrett (NJ)	McCaul (TX)
Boyd (FL)	Gerlach	McCollum (MN)
Boyd (KS)	Giffords	McCotter
Brady (PA)	Gilchrest	McDermott
Brady (TX)	Gillibrand	McGovern
Braley (IA)	Gingrey	McHenry
Broun (GA)	Gohmert	McHugh
Brown (SC)	Gonzalez	McIntyre
Brown, Corrine	Goodlatte	McKeon
Brown-Waite,	Gordon	McMorris
Ginny	Granger	Rodgers
Buchanan	Graves	McNerney
Burgess	Green, Al	Meek (FL)
Butterfield	Green, Gene	Mica
Buyer	Grijalva	Michaud
Calvert	Gutierrez	Miller (MI)
Camp (MI)	Hall (NY)	Miller (NC)
Campbell (CA)	Hall (TX)	Miller, Gary
Cannon	Hare	Mitchell
Cantor	Harman	Mollohan
Capito	Hastings (FL)	Moore (KS)
Capps	Hastings (WA)	Moore (WI)
Capuano	Hayes	Moran (KS)
Cardoza	Heller	Moran (VA)
Carney	Hensarling	Murphy (CT)
Carson	Herger	Murphy, Patrick
Castle	Hersth Sandlin	Murphy, Tim
Castor	Higgins	Murtha
Chabot	Hill	Musgrave
Chandler	Hinchev	Myrick
Childers	Hinojosa	Nadler
Clarke	Hirono	Napolitano
Clay	Hobson	Neal (MA)
Cleaver	Hoekstra	Nunes
Clyburn	Holden	Oberstar
Coble	Holt	Obey
Cohen	Honda	Ortiz
Cole (OK)	Hooley	Pallone
Conaway	Hoyer	Pascarell
Conyers	Hunter	Pastor
Cooper	Inglis (SC)	Paul
Costa	Inslee	Payne
Costello	Israel	Pearce
Courtney	Issa	Pence
Cramer	Jackson (IL)	Perlmutter
Crenshaw	Jackson-Lee	Peterson (PA)
Crowley	(TX)	Petri
Cubin	Jefferson	Pickering
Cuellar	Johnson (GA)	Platts
Cummings	Johnson (IL)	Pomeroy
Davis (AL)	Johnson, E. B.	Porter
Davis (CA)	Jones (NC)	Price (GA)
Davis (IL)	Jordan	Price (NC)
Davis (KY)	Kanjorski	Pryce (OH)
Davis, David	Kaptur	Putnam
Davis, Lincoln	Keller	Radanovich
Davis, Tom	Kennedy	Rahall
Deal (GA)	Kildee	Ramstad
DeFazio	Kilpatrick	Rangel
DeGette	Kind	Regula
Delahunt	King (IA)	Rehberg
DeLauro	King (NY)	Reichert
Dent	Kirk	Renzi
Diaz-Balart, L.	Klein (FL)	Reyes
Diaz-Balart, M.	Kline (MN)	Richardson
Dicks	Knollenberg	Rodriguez
Dingell	Kucinich	Rogers (AL)
Doggett	Kuhl (NY)	Rogers (KY)
Donnelly	LaHood	Rogers (MD)
Doyle	Lamborn	Rohrabacher
Drake	Lampson	Ros-Lehtinen
Dreier	Langevin	Roskam
Duncan	Larsen (WA)	Ross
Edwards (MD)	Larson (CT)	Rothman
Edwards (TX)	Latham	Roybal-Allard
Ehlers	LaTourrette	Royce
Ellsworth	Latta	Ruppersberger
Emanuel	Lewis (CA)	Rush
Emerson	Lewis (GA)	Ryan (OH)
English (PA)	Lewis (KY)	Ryan (WI)
Eshoo	Linder	Salazar
Etheridge	Lipinski	Sali
Everett	LoBiondo	Sanchez, Linda
Fallin	Loeb sack	T.
Farr	Lofgren, Zoe	Sanchez, Loretta
Fattah	Lowey	Sarbanes
Feeney	Lungren, Daniel	Saxton
Ferguson	E.	Scalise
Flner	Lynch	Schakowsky
Flake	Mack	Schiff
Forbes	Mahoney (FL)	Schmidt
Fortenberry	Mahoney (NY)	Schwartz
Fossella	Manzullo	Scott (GA)
Foster	Marchant	Scott (VA)
Fox	Serrano	Sessions
Frank (MA)	Marshall	Sestak
Franks (AZ)	Matheson	Shadegg
Frelinghuysen	Matsui	Shays
Gallegly	McCarthy (CA)	

Shea-Porter	Tauscher	Wasserman
Sherman	Taylor	Schultz
Shimkus	Terry	Waters
Shuler	Thompson (CA)	Watson
Shuster	Thompson (MS)	Watt
Simpson	Thornberry	Waxman
Sires	Tiahrt	Weiner
Skelton	Tiberi	Welch (VT)
Slaughter	Tierney	Weldon (FL)
Smith (NE)	Tsongas	Weller
Smith (NJ)	Turner	Westmoreland
Smith (TX)	Udall (CO)	Wexler
Snyder	Udall (NM)	Whitfield (KY)
Solis	Upton	Wilson (NM)
Souder	Van Hollen	Wilson (OH)
Space	Velázquez	Wilson (SC)
Speier	Visclosky	Wittman (VA)
Spratt	Walberg	Wolf
Stark	Walden (OR)	Woolsey
Stearns	Walsh (NY)	Wu
Stupak	Walz (MN)	Yarmuth
Sutton	Wamp	Young (AK)
Tanner		Young (FL)

NAYS—15

Barton (TX)	Doolittle	Miller (FL)
Blackburn	Goode	Neugebauer
Burton (IN)	Johnson, Sam	Poe
Carter	Kingston	Sullivan
Culberson	Lucas	Tancredo

NOT VOTING—23

Boucher	Lee	Olver
Carnahan	Levin	Peterson (MN)
Cazayoux	McCarthy (NY)	Pitts
Ellison	McCrary	Reynolds
Engel	McNulty	Sensenbrenner
Hodes	Meeks (NY)	Smith (WA)
Hulshof	Melancon	Towns
Kagen	Miller, George	

□ 1838

Messrs. LUCAS and TANCREDO changed their vote from "yea" to "nay."

Messrs. BILBRAY and FLAKE changed their vote from "nay" to "yea."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LANCE CORPORAL DREW W. WEAVER POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 6168, 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. 6168.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 403, nays 0, not voting 30, as follows:

[Roll No. 574]

YEAS—403

Abercrombie	Baldwin	Bilirakis
Ackerman	Barrett (SC)	Bishop (GA)
Aderholt	Barrow	Bishop (NY)
Akin	Bartlett (MD)	Bishop (UT)
Alexander	Barton (TX)	Blackburn
Allen	Bean	Blumenauer
Altmire	Becerra	Blunt
Arcuri	Berkley	Boehner
Baca	Berman	Bonner
Bachmann	Berry	Bono Mack
Bachus	Biggert	Boozman
Baird	Bilbray	Boren



Boswell	Frelinghuysen	Matheson	Schmidt	Spratt	Walz (MN)	Brown-Waite,	Green, Al	McNerney
Boustany	Gallegly	Matsui	Schwartz	Stearns	Wamp	Ginny	Green, Gene	Meek (FL)
Boyd (FL)	Garrett (NJ)	McCarthy (CA)	Scott (GA)	Stupak	Wasserman	Buchanan	Grijalva	Mica
Boyd (KS)	Gerlach	McCaul (TX)	Scott (VA)	Sullivan	Schultz	Burgess	Gutierrez	Michaud
Brady (PA)	Giffords	McCollum (MN)	Serrano	Tancredo	Walters	Burton (IN)	Hall (NY)	Miller (FL)
Brady (TX)	Gilchrest	McCotter	Sessions	Tanner	Watson	Butterfield	Hall (TX)	Miller (MI)
Braley (IA)	Gillibrand	McKeon	Sestak	Tauscher	Watt	Buyer	Hare	Miller (NC)
Brown (GA)	Gingrey	McGovern	Shadegg	Taylor	Waxman	Calvert	Harman	Miller, Gary
Brown (SC)	Gohmert	McHenry	Shays	Terry	Weiner	Camp (MI)	Hastings (FL)	Miller, George
Brown, Corrine	Gonzalez	McHugh	Shea-Porter	Thompson (CA)	Cannon	Hastings (WA)	Hastings (WA)	Mitchell
Brown-Waite,	Goode	McIntyre	Sherman	Thompson (MS)	Capito	Hayes	Hayes	Mollohan
Ginny	Goodlatte	McKeon	Shimkus	Thornberry	Capps	Heller	Heller	Moore (KS)
Buchanan	Granger	McMorris	Shuler	Tiahrt	Capuano	Herger	Herger	Moore (WI)
Burgess	Graves	Rodgers	Shuster	Tiberi	Cardoza	Herseth Sandlin	Herseth Sandlin	Moran (KS)
Burton (IN)	Green, Al	McNerney	Simpson	Tierney	Carney	Higgins	Higgins	Moran (VA)
Butterfield	Green, Gene	Meek (FL)	Sires	Tsongas	Carson	Hill	Hill	Murphy (CT)
Buyer	Gutierrez	Mica	Skelton	Turner	Carter	Hinchey	Hinchey	Murphy, Patrick
Calvert	Hall (NY)	Michaud	Slaughter	Udall (CO)	Castle	Hinojosa	Hinojosa	Murphy, Tim
Camp (MI)	Hall (TX)	Miller (FL)	Smith (NE)	Udall (NM)	Castor	Hirono	Hirono	Murtha
Campbell (CA)	Hare	Miller (MI)	Smith (NJ)	Upton	Chabot	Hobson	Hobson	Musgrave
Cannon	Harman	Miller (NC)	Smith (TX)	Van Hollen	Chandler	Hoekstra	Hoekstra	Myrick
Cantor	Hastings (FL)	Miller, Gary	Snyder	Velázquez	Childers	Nadler	Childers	Nadler
Capito	Hastings (WA)	Miller, George	Solis	Visclosky	Clarke	Holt	Clarke	Napolitano
Capps	Hayes	Mitchell	Souder	Walberg	Clay	Honda	Clay	Neal (MA)
Capuano	Heller	Mollohan	Space	Walden (OR)	Cleaver	Hooley	Cleaver	Nunes
Cardoza	Hensarling	Moore (KS)	Speier	Walsh (NY)	Clyburn	Hoyer	Clyburn	Oberstar
Carney	Herger	Moore (WI)			Coble	Hunter	Coble	Obey
Carson	Herseth Sandlin	Moran (KS)			Cohen	Inglis (SC)	Cohen	Olver
Carter	Higgins	Moran (VA)	Andrews		Cole (OK)	Inlee	Cole (OK)	Pallone
Castle	Hill	Murphy (CT)	Boucher		Conyers	Israel	Conyers	Pascarell
Castor	Hinchey	Murphy, Patrick	Carman		Cooper	Jackson (IL)	Cooper	Pastor
Chabot	Hinojosa	Murphy, Tim	Cazayoux		Costa	Jackson-Lee	Costa	Paul
Chandler	Hirono	Murtha	Cole (OK)		Costello	(TX)	Costello	Payne
Childers	Hobson	Musgrave	Delahunt		Courtney	Jefferson	Courtney	Pearce
Clarke	Hoekstra	Myrick	Ellison		Cramer	Johnson (GA)	Cramer	Perlmutter
Clay	Holden	Nadler	Engel		Crenshaw	Johnson (IL)	Crenshaw	Peterson (PA)
Cleaver	Holt	Napolitano	Frank (MA)		Crowley	Johnson, E. B.	Crowley	Petri
Clyburn	Honda	Neal (MA)	Gordon		Cubin	Johnson, Sam	Cubin	Pickering
Coble	Hooley	Neugebauer			Culberson	Jones (NC)	Culberson	Platts
Cohen	Hoyer	Nunes			Cummings	Jordan	Cummings	Poe
Conaway	Hunter	Oberstar			Davis (AL)	Kagen	Davis (AL)	Pomeroy
Conyers	Inglis (SC)	Obey			Davis (CA)	Kanjorski	Davis (CA)	Porter
Cooper	Inlee	Olver			Davis (IL)	Kaptur	Davis (IL)	Price (GA)
Costa	Israel	Ortiz			Davis (KY)	Keller	Davis (KY)	Price (NC)
Costello	Issa	Pallone			Davis, David	Kennedy	Davis, David	Pryce (OH)
Courtney	Jackson (IL)	Pascarell			Davis, Lincoln	Kildee	Davis, Lincoln	Putnam
Cramer	Jackson-Lee	Pastor			Deal (GA)	Kilpatrick	Deal (GA)	Radanovich
Crenshaw	(TX)	Paul			DeFazio	Kind	DeFazio	Rahall
Crowley	Jefferson	Payne			DeGette	King (IA)	DeGette	Ramstad
Cubin	Johnson (GA)	Pearce			Delahunt	King (NY)	Delahunt	Rangel
Cuellar	Johnson (IL)	Pence			DeLauro	Kingston	DeLauro	Regula
Culberson	Johnson, E. B.	Perlmutter			Dent	Kirk	Dent	Rehberg
Cummings	Johnson, Sam	Peterson (PA)			Diaz-Balart, L.	Klein (FL)	Diaz-Balart, L.	Reichert
Davis (AL)	Jones (NC)	Petri			Diaz-Balart, M.	Kline (MN)	Diaz-Balart, M.	Renzi
Davis (CA)	Jordan	Pickering			Dicks	Knollenberg	Dicks	Reyes
Davis (IL)	Kanjorski	Platts			Dingell	Kucinich	Dingell	Reynolds
Davis (KY)	Kaptur	Poe			Doggett	Kuhl (NY)	Doggett	Richardson
Davis, David	Keller	Pomeroy			Donnelly	LaHood	Donnelly	Rodriguez
Davis, Lincoln	Kennedy	Porter			Doolittle	Lamborn	Doolittle	Rogers (AL)
Davis, Tom	Kildee	Price (GA)			Doyle	Lampson	Doyle	Rogers (KY)
Deal (GA)	Kilpatrick	Price (NC)			Drake	Langevin	Drake	Rogers (MI)
DeFazio	Kind	Pryce (OH)			Dreier	Larsen (WA)	Dreier	Rohrabacher
DeGette	King (IA)	Putnam			Duncan	Larson (CT)	Duncan	Ros-Lehtinen
DeLauro	King (NY)	Radanovich			Edwards (MD)	Latham	Edwards (MD)	Roskam
Dent	Kingston	Rahall			Edwards (TX)	LaTourette	Edwards (TX)	Ross
Diaz-Balart, L.	Kirk	Ramstad			Ehlers	Latta	Ehlers	Rothman
Diaz-Balart, M.	Klein (FL)	Rangel			Ellsworth	Lewis (CA)	Ellsworth	Royal-Allard
Dicks	Kline (MN)	Regula			Emanuel	Lewis (GA)	Emanuel	Royce
Dingell	Knollenberg	Rehberg			Emerson	Lewis (KY)	Emerson	Ruppersberger
Doggett	Kucinich	Reichert			English (PA)	Linder	English (PA)	Rush
Donnelly	Kuhl (NY)	Renzi			Eshoo	Lipinski	Eshoo	Ryan (OH)
Doolittle	LaHood	Reyes			Etheridge	LoBiondo	Etheridge	Ryan (WI)
Doyle	Lamborn	Reynolds			Everett	Loeb sack	Everett	Salazar
Drake	Lampson	Richardson			Fallin	Lofgren, Zoe	Fallin	Sali
Dreier	Langevin	Rodriguez			Farr	Lowey	Farr	Sánchez, Linda
Duncan	Larsen (WA)	Rogers (AL)			Fattah	Lucas	Fattah	T.
Edwards (MD)	Larson (CT)	Rogers (KY)			Feeney	Lynch	Feeney	Sanchez, Loretta
Edwards (TX)	Latham	Rogers (MI)			Ferguson	Mack	Ferguson	Sarbanes
Ehlers	LaTourette	Rohrabacher			Filner	Mahoney (FL)	Filner	Saxton
Ellsworth	Latta	Ros-Lehtinen			Forbes	Maloney (NY)	Forbes	Scalise
Emanuel	Lewis (GA)	Roskam			Fortenberry	Manzullo	Fortenberry	Schakowsky
Emerson	Lewis (KY)	Ross			Fossella	Marchant	Fossella	Schiff
English (PA)	Linder	Rothman			Foster	Markey	English (PA)	Schmidt
Eshoo	Lipinski	Royal-Allard			Fox	Marshall	Eshoo	Schwartz
Etheridge	LoBiondo	Royce			Frank (MA)	Matheson	Etheridge	Scott (GA)
Everett	Loeb sack	Ruppersberger			Franks (AZ)	Matsui	Everett	Scott (VA)
Fallin	Lofgren, Zoe	Rush			Frelinghuysen	McCarthy (CA)	Fallin	Serrano
Farr	Lowey	Ryan (OH)			Gallegly	McCarthy (NY)	Farr	Sessions
Fattah	Lucas	Ryan (WI)			Garrett (NJ)	McCaul (TX)	Fattah	Sestak
Feeney	Lungren, Daniel	Salazar			Gerlach	McCollum (MN)	Feeney	Shadegg
Ferguson	E.	Sali			Giffords	McCotter	Ferguson	Shays
Filner	Lynch	Sánchez, Linda			Gilchrest	McDermott	Filner	Shea-Porter
Flake	Mack	T.			Gillibrand	McGovern	Flake	Sherman
Forbes	Mahoney (FL)	Sanchez, Loretta			Gingrey	McHenry	Forbes	Shimkus
Fortenberry	Maloney (NY)	Sarbanes			Gohmert	McHugh	Fortenberry	Shuler
Fossella	Manzullo	Saxton			Goode	McIntyre	Fossella	Shuster
Foster	Marchant	Scalise			Goodlatte	McKeon	Foster	Simpson
Fox	Markey	Schakowsky			Granger	McMorris	Fox	Sires
Franks (AZ)	Marshall	Schiff			Graves	Rodgers	Franks (AZ)	Skelton

NOT VOTING—30

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1845

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

BARRING ACCESS OF LONG-HAUL MEXICAN TRUCKS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 6630, 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 Oregon (Mr. DEFazio) that the House suspend the rules and pass the bill, H.R. 6630, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 395, nays 18, not voting 20, as follows:

[Roll No. 575]

YEAS—395

Abercrombie	Bartlett (MD)	Boehner
Ackerman	Barton (TX)	Bonner
Aderholt	Bean	Bono Mack
Akin	Becerra	Boozman
Alexander	Berkley	Boren
Allen	Berman	Boswell
Altmiere	Berry	Boustany
Arcuri	Biggart	Boyd (FL)
Baca	Bilirakis	Boyd (KS)
Bachmann	Bishop (GA)	Brady (PA)
Bachus	Bishop (NY)	Braley (IA)
Baird	Bishop (UT)	Broun (GA)
Baldwin	Blackburn	Brown (SC)
Barrett (SC)	Blumenauer	Brown, Corrine
Barrow	Blunt	

Slaughter	Thompson (MS)	Watson
Smith (NE)	Tiaht	Watt
Smith (NJ)	Tiberi	Waxman
Smith (TX)	Tierney	Weiner
Snyder	Tsongas	Welch (VT)
Solis	Turner	Weldon (FL)
Souder	Udall (CO)	Westmoreland
Space	Udall (NM)	Wexler
Speier	Upton	Whitfield (KY)
Spratt	Van Hollen	Wilson (NM)
Stark	Velázquez	Wilson (OH)
Stearns	Visclosky	Wilson (SC)
Stupak	Walberg	Wittman (VA)
Sullivan	Walden (OR)	Wolf
Sutton	Walsh (NY)	Woolsey
Tanner	Walz (MN)	Wu
Tauscher	Wamp	Yarmuth
Taylor	Wasserman	Young (AK)
Terry	Schultz	Young (FL)
Thompson (CA)	Waters	

## NAYS—18

Bilbray	Flake	Ortiz
Brady (TX)	Gonzalez	Pence
Campbell (CA)	Hensarling	Tancredo
Cantor	Issa	Thornberry
Conaway	Lungren, Daniel	Weller
Cuellar	E.	
Davis, Tom	Neugebauer	

## NOT VOTING—20

Andrews	Hodes	Melancon
Boucher	Hulshof	Peterson (MN)
Carnahan	Lee	Pitts
Cazayoux	Levin	Sensenbrenner
Ellison	McCrery	Smith (WA)
Engel	McNulty	Towns
Gordon	Meeks (NY)	

□ 1854

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.

## PERSONAL EXPLANATION

Ms. LEE. Mr. Speaker, due to personal matters, today I missed rollcall vote No. 570 on final passage of H. Con. Res. 344, rollcall vote No. 571 on final passage of H. Res. 937, rollcall vote No. 572 on final passage of H. Res. 1069, rollcall No. 573 on final passage of H. Res. 1307, rollcall vote No. 574 on final passage of H.R. 6168, and rollcall vote No. 575 on final passage of H.R. 6630, Had I been present, I would have voted "yea" on each of these rollcall votes.

## 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, September 8, 2008.

Hon. NANCY PELOSI  
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 September 8, 2008, at 3:22 p.m. and said to contain a message from the President whereby he transmits a determination concerning Presidential Declaration 2008-19 and the proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the Russian Federation for Cooperation in the Field of Peaceful Uses of Nuclear Energy.

With best wishes, I am  
Sincerely,

LORRAINE C. MILLER,  
Clerk of the House.

AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES AND THE GOVERNMENT OF THE RUSSIAN FEDERATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110-145)

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:*

On May 13, 2008, I transmitted a message to the Congress transmitting the text of a proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the Russian Federation for Cooperation in the Field of Peaceful Uses of Nuclear Energy (the "proposed Agreement"), pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)) (the "Act").

In view of recent actions by the Government of the Russian Federation incompatible with peaceful relations with its sovereign and democratic neighbor Georgia, I have determined that the determination regarding the proposed Agreement in Presidential Determination 2008-19 is no longer effective. Accordingly, a statutory prerequisite for the proposed Agreement to become effective, as required by section 123 b. of the Act, is no longer satisfied. If circumstances should permit future reconsideration of the proposed Agreement, a new determination will be made and the proposed Agreement will be submitted for congressional review pursuant to section 123 of the Act.

GEORGE W. BUSH,  
THE WHITE HOUSE, September 8, 2008.

## IN MEMORY OF REPRESENTATIVE STEPHANIE TUBBS JONES

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

Ms. WASSERMAN SCHULTZ. Mr. Speaker, how can words adequately describe someone who is larger than life? Stephanie Tubbs Jones was a change-maker and a risk-taker. As a woman, she helped blaze a trail for generations to follow, first in her role as a prosecutor, then a judge, then as Ohio's first African American female Member of Congress.

To me personally, Stephanie was a mentor and a role model. Someone who didn't hesitate to pull me aside when I first came to Washington and give me advice, from my wardrobe to my hair, Stephanie kept it real, because that is exactly what she was in every sense of the word.

Above all else, though, Stephanie was my friend, and one of my first friends here in Washington. Her room-filling energy, her passion, her dedication, her voice for the downtrodden, all of these will be missed by the people of Ohio. Her intelligence, her expertise, her counsel will be missed by all of us here in this Chamber.

And me? Well, Mr. Speaker, I will miss my friend.

## TAXES DRIVING INVESTMENT IN OIL AND GAS EXPLORATION OVERSEAS

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

Mr. SHIMKUS. Mr. Speaker, I got a magazine from a good friend, a former colleague of ours, Chris John, who is now the president of the Louisiana Mid-Continent Oil and Gas Association. All of our colleagues got this magazine. I want to quote from his introduction in this magazine:

"The path of the Washington Democrats, with a few notable exceptions, is to repeal tax incentives and possibly levy other taxes on the industry, with the money going to the development of alternative fuels. This will do nothing to lower gasoline prices or increase crude oil supplies. In fact, enactment of such a plan would discourage new investment in exploration and production in the United States and send those dollars overseas."

Now, Chris is a good friend and a former colleague, one that we all trust and appreciate his service. He is right on this issue. We should not drive our investment in oil and gas exploration overseas by burdening them with new taxes.

□ 1900

## HONORING LAUREN ARANA, NINTH GRADE STUDENT, HOOVER HIGH SCHOOL (GLENDALE)

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

Mr. SCHIFF. Mr. Speaker, I rise today with great appreciation and admiration for Hoover High School student Lauren Arana, who saved her friend's life earlier this year. I am truly proud to have Lauren, who is now a 10th grade student from Glendale, as a constituent of mine.

On May 14, Lauren received a text message from a friend of hers in Nebraska who said that she was going to commit suicide. Lauren did not hesitate for a second in responding to this call for help. She immediately took the initiative to try and contact her friend's mother, and when she was unsuccessful, she contacted her friend's school in Sioux City, Nebraska.

Upon receiving Lauren's call, an assistant principal stepped into action

and went to the troubled student's home, where he found her with a knife to her neck and having already consumed antifreeze. Thankfully, due to Lauren's swift actions, the assistant principal was able to intervene in time to save her friend's life. This is a remarkable story, and demonstrates Lauren's extraordinary character.

Youth suicide is a tragic problem plaguing our Nation. It is the third leading cause of death for 15-to 24-year-olds and the sixth leading cause for 5-to 14-year-olds. Lauren's heroic intervention is a perfect example of how anyone should react to such a call for help. We should all learn from this story which, thankfully, avoided a tragic ending.

#### OLYMPIC CHAMPION JENN STUCZYNSKI

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

Mr. HIGGINS. Mr. Speaker, I rise today to congratulate Fredonia, New York's own Olympic champion, Jenn Stuczynski. On Monday, August 19, Jenn won the silver medal in the pole vault in the 2008 Beijing Olympics. She admirably represented Western New York, and we are proud to call her one of our own.

Born and raised in Fredonia, New York, Jenn's heart has never left her hometown. Her love for sports began while she was a student at Fredonia High School. Although she became a dedicated athlete at an early age, Jenn did not take up pole vaulting until her senior year of college. Four years of tireless practice, patience, and persistence later, Jenn made it to the Olympics, and she was not about to leave empty handed. Jenn's story of winning the silver medal is one that can inspire all of us to ask more of ourselves and to reach higher than many, maybe even ourselves, thought possible.

Jenn's hard work, dedication, and spirit embody the best of Western New York. She is an inspiration to athletes and to all who witness her commitment and strength of character. Jenn's community in Fredonia knows her as a hometown girl who will not forget her roots, no matter what heights her gifts and hard work take her. Her masterful grace as a champion pole vaulter is also matched only by her confident yet modest nature. Unlike too many star athletes, Jenn understands the importance of character, community, and family.

Jenn's values were instilled by her loving family and community. I commend the Chautauqua County for rallying around their Olympic daughter and her family with support and pride. When the community raised the money needed for Jenn's parents to watch their daughter win the Olympic silver medal, we witnessed a tremendous spirit of devotion and community pride. The communities of Fredonia and Dun-

kirk threw a fund raising drive to get Jenn's parents to Beijing, and held a rally to send her off to the Olympics. The effort of this devoted community are yet another reason why I am proud to represent Western New York.

I applaud her parents, Mark and Sue Stuczynski, and wish them the best as they share this achievement with their daughter. They should be proud of having raised one of Western New York's greatest ambassadors.

Mr. Speaker, I congratulate Jenn, her parents, her family, and Jenn's hometown and her community of Fredonia as they celebrate this wonderful accomplishment.

#### ENERGY POLICY

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

Mr. KUCINICH. Mr. Speaker, my fellow colleagues, sometime in the next week the House is going to be asked to make some decisions on energy policy. But I think we need to reflect on the last few years, and that is, the United States went into Iraq for one reason and one reason only, oil. And when we did that, the price of oil didn't go down, it went up.

That the oil companies are running our energy policy is not a secret in this country. They have kept oil off the market while they jacked up the price. They have helped to restrain the supply while the price has skyrocketed and the American families paid for that. So to give the oil companies more drilling rights is simply a guarantee that we are going to pay more for oil, not less. Wake up, America.

#### SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MCNERNEY). 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 LAST DOUGHBOY—THE LONE SURVIVOR

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

Mr. POE. Mr. Speaker, it was 90 years ago this November that World War I was over; the 11th month, 11th day, 11th hour, it ended.

Frank Buckles was in that war and is the last of his generation. Of the 4.7 million Americans that were mobilized during the First World War, Frank Buckles is the very last doughboy.

His remarkable life began in Bethany, Missouri, where he was born in 1901, during the administration of President McKinley. At the tender age of 16, Buckles lied his way into the United States Army when he enlisted

to fight in the First World War. He was rejected by several recruiters, but he was not deterred until he finally found a recruiter that would take him. He joined the United States Army, and he drove an ambulance in Europe during World War I.

Mr. Buckles served in the First World War, and was held then as a prisoner of war by the Japanese for 3 years during World War II.

At the incredible age of 107, Frank Buckles has lived through 46 percent of our Nation's history. Today, he resides on the family farm he purchased near Charlestown, West Virginia, purchased after the first war.

Mr. Buckles is one of the forgotten veterans of a forgotten war. He is the lone survivor of World War I.

During World War I, nearly 116,000 United States warriors gave their lives for this country. 4.7 million served, and they changed the tide of that stalemate war and ensured victory for the Allies. When the doughboys landed in France, our allies were impressed with their fighting spirit, and their tenacity stunned our enemies. When they returned to the United States, there were no parades or major memorials established in honor of them. They returned to the Roaring '20s, and America didn't want to talk about the war because America had decided to move on. Then the depressions of the 1930's hit, and the service of the veterans became a distant memory. Then World War II came, and America never got around to honoring the World War I vets.

Today, we have three memorials to our major wars on modern history on the National Mall. They were built in order: Vietnam Memorial, then the Korean Memorial, and then the World War II Memorial. They were built in reverse order. But there is no national memorial, Mr. Speaker, for the World War I veterans. This was the war that was supposed to be the war to end all world wars.

World War I marked the beginning of the history of modern war. It was the war that brought America into the forefront as a world power. It was the first war to be fought on three continents. And World War I was the first industrialized war with the introduction of major technology in weaponry like machine guns, tanks, artillery guns, and airplanes.

In the 3-week long Meuse-Argonne Offensive, the largest U.S. engagement, 18,000 Americans were killed. Approximately 1,000 doughboys a day were killed. Some are still buried in Europe in graves known only by God.

Many of the servicemembers who survived the tolls of war and came back home to the United States had already contracted a deadly flu virus while they were in France, and many of them died in the United States after the war from that flu.

World War I should not be forgotten. In World War I there were no photographs taken, and after the war no blockbuster movies were made to tell the story.

So today, I was honored to be with Frank Buckles at a press conference at the D.C. World War I Memorial on the National Mall.

Since 1918, the men and women who served in World War I have gone without a national memorial to recognize their service to our country, and it is time that this changed. That is why I have introduced the Frank Buckles World War I Memorial Act. This bill would restore the District of Columbia's World War I Memorial and expand it so it serves a location on our mall for all those that served in World War I.

After 90 years of no national recognition, it is time these doughboys were given the thanks that they are due. After all, Mr. Speaker, they were the "fathers of the greatest generation."

When they went off to war in World War I, they sang the song of George M. Cohen, "Over There," and it went something like this:

"Over there. Over there. Tell the world that the Yanks are coming. The Yanks are coming, and we won't be back until it is over, over there."

Mr. Speaker, it is time to honor the lone survivor of World War I and the other doughboys that went to war over there in the forgotten war, World War I, and build them that national monument on the mall.

And that's just the way it is.

#### THE NEXT ADMINISTRATION MUST ADDRESS NATIONAL SECURITY CHALLENGES

THE SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. SKELTON) is recognized for 5 minutes.

Mr. SKELTON. Mr. Speaker, we need to begin planning now for the issues our country must focus on when the new President takes office.

This will be the first presidential transition to occur during a time of war in many years. In addition, the next administration will face enormous budget pressures and national security challenges that will require sustained spending and the partnership of the Congress. Let me take this opportunity to discuss what I believe will be the top defense challenges for our next President.

First, we must develop a clear strategy to guide national security policy. Since World War II, the United States has been the indispensable Nation. But our Nation's ability to sustain this leadership role is jeopardized because we lack a comprehensive strategy to advance U.S. interests.

The next President must collaborate with Congress and the American people to formulate a new, broadly understood and accepted strategy to advance our national security interests. The next Quadrennial Defense Review of the Department of Defense must translate this strategy into a clear roadmap for organizing the Department and setting priorities in the next 4 years.

Second, we must restore America's credibility in the world. The full range of threats to our national security can only be addressed through the consistent and determined efforts of multiple nations working together. The new President will set the tone, but the U.S. can only lead and help reinvigorate international institutions if other nations believe we are credible, just, and intend our efforts to serve interests beyond our own.

Third, we must refocus our efforts on Afghanistan. The situation in Afghanistan is deteriorating. Violence by the Taliban and al Qaeda is rising. Attacks against the coalition are increasing. And, safe havens in the Afghanistan-Pakistan border region are thriving. The genesis of the 9/11 attack was in Afghanistan, and any future attack on our homeland is likely to originate in Afghanistan or in the border region with Pakistan.

Until our country is prepared to lead and act decisively and persistently, problems in Afghanistan will continue to fester. Our efforts in Iraq have diverted resources and focus away from the war in Afghanistan. We must refocus our efforts, and work with the international community to provide the necessary leadership, strategy, and resources to Afghanistan to ensure success in that mission.

Fourth, we must responsibly redeploy from Iraq. The men and women of our Armed Forces have done a magnificent job in Iraq, but the citizens of both the United States and Iraq agree that it is time for the U.S. military to come home. Our challenge is to manage that redeployment and to ensure that it reduces further strain on our military without jeopardizing the gains made in Iraq.

We must continue to protect U.S. citizens in Iraq, pursue terrorists, and help train and equip the Iraqi Security Forces. U.S. combat forces must be freed up to begin the process of resetting, rebuilding, and also refocusing in Afghanistan. The United States will face new challenges to our security and our interests in the future, and we will need the military units that are in Iraq to be returned to their full capability to effectively address them.

□ 1915

Fifth, we must recruit and retain a high-quality force. Our forces are the most highly trained and educated in the world, but we face serious challenges to maintain the quality of force we have today.

The cost to recruit and retain servicemembers has skyrocketed in recent years. And the tendency of Americans to serve in uniform has significantly declined as fewer young people are exposed to the military experience. Finding men and women who are physically and mentally qualified and willing to serve is an ongoing challenge.

Sixth, we must ensure a high state of readiness for our forces. Our troops have been engaged in combat oper-

ations for nearly 7 years, and it has strained our military to the breaking point. Restoring readiness will take a significant investment of time and money, easily exceeding \$100 million, but it must be done if we are to expect our military to respond ably when we need them. We are already at risk. Either we fix our readiness problems immediately, or else risk emboldening those who would seek to do us harm.

Seven, we must develop a more comprehensive counter-terrorism strategy. With the al Qaeda and affiliated groups still presenting a major threat, the United States must apply "lessons learned" and be open to the advice of our allies. The key is to fight smarter and not necessarily harder by more effectively utilizing a range of tools beyond just the military-led, kinetic approaches to counterterrorism.

The new administration must more aggressively pursue strategic communications strategies, intelligence and policing work, targeted development assistance, and a range of other counterinsurgency and irregular warfare tools.

Eight, we must strike a balance between the near-term fixes and long-term modernization.

Each of the military services will have to address the fundamental imbalances in their current plans to simultaneously modernize and reset equipment, grow the number of ships in our Navy.

Nine, we must reform the inter-agency process.

And, ten, we must deal with the looming defense health care crisis.

With increasing defense health care costs, difficulties in recruiting and retaining medical professionals, and the overwhelming demand placed on the medical system as it attempts to support thousands of men and women returning from combat, as well as their families, there is a perfect storm brewing, and in the next few years, that storm will be upon us.

These and other national defense challenges will confront our Nation in the months and years ahead, and Congress and the administration must work together on a bipartisan basis to seriously address these issues. The security of the American people is at stake.

#### H.R. 6662: THE FALLEN HERO COMMEMORATION ACT

THE SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, throughout the history of our Nation, members of the United States Armed Forces have selflessly given their lives to secure and protect the freedoms Americans enjoy today.

Today, members of the United States Armed Forces are serving our Nation in Iraq, Afghanistan and many other parts of the world.

Without a loved one serving in our military, it is sometimes possible for Americans to overlook the sacrifices

that have been made and continue to be made by members of the Armed Forces on behalf of our Nation. It is for this reason I have introduced H.R. 6662, the Fallen Hero Commemoration Act. This bill would permit media coverage of military commemoration ceremonies, memorial services conducted by the Armed Forces, and arrival services for members of the Armed Forces who have died on active duty.

Currently, the Department of Defense does not permit arrival ceremonies for, or media coverage of deceased military personnel returning or departing from Ramstein Air Force Base or Dover Air Force Base.

Mr. Speaker, this ban on media coverage has not always been the case. Many of my colleagues in the House will remember that during the Vietnam War, images of arrival ceremonies and the flag-draped caskets of our servicemembers appeared regularly on TV and in newspapers.

In 1985, the media covered a ceremony at Andrews Air Force Base for members of the Armed Forces killed in El Salvador. It was not until 1991, during the Persian Gulf War, that the Department of Defense stopped permitting media coverage of the returns of the remains of fallen servicemembers.

However, in 1996 the media was granted access to Dover Air Force Base to photograph the arrival and transfer ceremony for the remains of Commerce Secretary Ron Brown and 32 other Americans killed when their plane crashed in Croatia. President Clinton was present to receive the flag-draped caskets.

In 1998, the media also photographed an arrival ceremony at Andrews Air Force Base for Americans killed in the bombings of U.S. embassies in Tanzania and Kenya. The Department of Defense restated the ban on media coverage at Dover Air Force Base and Ramstein Air Force Base in 2001.

However, in 2002, the media was permitted to photograph the transfer of flag-draped caskets at Ramstein Air Force Base that carried the remains of four United States servicemembers killed in Afghanistan.

In 2003, the Department of Defense expanded the no media policy to what it is today by stating, and I quote, "There will be no arrival ceremonies for or media coverage of deceased mili-

tary personnel returning or departing from Ramstein Air Force Base or Dover Air Force Base."

Mr. Speaker, the sacrifice and service of today's fallen heroes is no less significant than the fallen heroes of past wars. By once again permitting access to credentialed members of the media at military ceremonies, arrival ceremonies and memorial services conducted by the Armed Forces, this legislation would honor those who go to war.

When people see a picture of a flag-draped casket, they will stop for just a minute and think a multitude of thoughts. One thought that always goes through my mind is, God bless that soldier. We can never thank them enough for what they have done for our country.

Today, I call upon my colleagues to become cosponsors of H.R. 6662, so that we may properly commemorate the sacrifices made by U.S. servicemembers.

Mr. Speaker, I ask that I might submit for the RECORD a New York Times editorial in support of this legislation which ran in yesterday's paper.

I ask permission, Mr. Speaker.

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

Mr. CONAWAY. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. JONES. I will then, Mr. Speaker, continue and close.

Mr. Speaker, I know that this is a short legislative year, but I hope that the Armed Services Committee will soon hold a hearing on what I think is a very important issue, remembering the sacrifices of our fallen heroes.

Mr. Speaker, it's too easy for us not to see the sacrifice. And when anyone is offended by seeing a flag-draped coffin, God help their soul.

I ask God to continue to bless our men and women in uniform and their families, and ask God to continue to bless America.

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2008 AND FY 2009 AND THE 5-YEAR PERIOD FY 2009 THROUGH FY 2013

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

tleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Madam Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal years 2008 and 2009 and for the 5-year period of fiscal years 2009 through 2013. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act and sections 301 and 302 of S. Con. Res. 70, the Concurrent Resolution on the Budget for Fiscal Year 2009.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set by S. Con. Res. 70. This comparison is needed to enforce section 311(a) of the Budget Act, which establishes a point of order against any measure that would breach the budget resolution's aggregate levels.

The second table compares the current levels of budget authority and outlays for each authorizing committee with the "section 302(a)" allocations made under S. Con. Res. 70 for fiscal years 2008 and 2009 and fiscal years 2009 through 2013. This comparison is needed to enforce section 302(f) of the Budget Act, which establishes a point of order against any measure that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure.

The third table compares the current levels of discretionary appropriations for fiscal years 2008 and 2009 with the "section 302(a)" allocation of discretionary budget authority and outlays to the Appropriations Committee. This comparison is needed to enforce section 302(f) of the Budget Act, which establishes a point of order against any measure that would breach section 302(b) suballocations within the Appropriations Committee.

The fourth table gives the current level for fiscal years 2010 and 2011 for accounts identified for advance appropriations under section 302 of S. Con. Res. 70. This list is needed to enforce section 302 of the budget resolution, which establishes a point of order against appropriations bills that include advance appropriations that: (i) are not identified in the joint statement of managers; or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2009 CONGRESSIONAL BUDGET ADOPTED IN SENATE CONCURRENT RESOLUTION 70

[Reflecting Action Completed as of September 8, 2008—On-budget amounts, in millions of dollars]

	Fiscal year— 2008 <sup>2</sup>	Fiscal year— 2009 <sup>1,2</sup>	Fiscal years— 2009–2013
Appropriate Level:			
Budget Authority .....	2,456,188	2,462,544	(3)
Outlays .....	2,437,784	2,497,322	(3)
Revenues .....	1,875,401	2,029,653	11,780,263
Current Level:			
Budget Authority .....	2,455,102	1,504,545	(3)
Outlays .....	2,435,528	1,907,172	(3)
Revenues .....	1,878,433	2,086,396	12,131,305
Current Level over (+) / under (–) Appropriate Level:			
Budget Authority .....	–1,086	–957,999	(3)
Outlays .....	–2,256	–590,150	(3)
Revenues .....	3,032	56,743	351,042

<sup>1</sup> Current aggregates do not include spending covered by section 301(b)(1) (overseas deployments and related activities). The section has not been triggered to date in Appropriations action.

<sup>2</sup> Current aggregates do not include Corps of Engineers emergency spending assumed in the budget resolution, which will not be included in current level due to its emergency designation (section 301(b)(2)).

<sup>3</sup> Not applicable because annual appropriations Acts for fiscal years 2010 through 2013 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing new budget authority for FY 2008 in excess of \$1,086 million (if not already included in the current level estimate) would cause FY 2008 budget authority to exceed the appropriate level set by S. Con. Res. 70.

Enactment of measures providing new budget authority for FY 2009 in excess of \$957,999 million (if not already included in the current level estimate) would cause FY 2009 budget authority to exceed the appropriate level set by S. Con. Res. 70.

OUTLAYS

Enactment of measures providing new outlays for FY 2008 in excess of \$2,256 million (if

not already included in the current level estimate) would cause FY 2008 outlays to exceed the appropriate level set by S. Con. Res. 70.

Enactment of measures providing new outlays for FY 2009 in excess of \$590,150 million (if not already included in the current level estimate) would cause FY 2009 outlays to exceed the appropriate level set by S. Con. Res. 70.

REVENUES

Enactment of measures resulting in revenue reduction for FY 2008 in excess of \$3,032 million (if not already included in the current level estimate) would cause FY 2008 rev-

enues to fall below the appropriate levels set by S. Con. Res. 70.

Enactment of measures resulting in revenue reduction for FY 2009 in excess of \$56,743 million (if not already included in the current level estimate) would cause FY 2009 revenues to fall below the appropriate levels set by S. Con. Res. 70.

Enactment of measures resulting in revenue reduction for the period of fiscal years 2009 through 2013 in excess of \$351,042 million (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by S. Con. Res. 70.

DIRECT SPENDING LEGISLATION COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES REFLECTING ACTION COMPLETED AS OF SEPTEMBER 8, 2008

[Fiscal years, in millions of dollars]

House committee	2008		2009		2009–2013 total	
	BA	Outlays	BA	Outlays	BA	Outlays
<b>Agriculture:</b>						
Allocation .....	0	0	0	0	0	0
Current Level .....	0	0	0	0	0	0
Difference .....	0	0	0	0	0	0
<b>Armed Services:</b>						
Allocation .....	0	0	0	0	0	0
Current Level .....	0	0	0	0	1	1
Difference .....	0	0	0	0	1	1
<b>Education and Labor:</b>						
Allocation .....	-10	0	-9	-114	36	-60
Current Level .....	-10	0	-9	-114	36	-60
Difference .....	0	0	0	0	0	0
<b>Energy and Commerce<sup>1</sup>:</b>						
Allocation .....	89	81	839	802	3,162	3,157
Current Level .....	89	81	839	802	3,162	3,157
Difference .....	0	0	0	0	0	0
<b>Financial Services:</b>						
Allocation .....	0	0	0	0	0	0
Current Level .....	4,309	390	24,973	25,643	33,685	36,873
Difference .....	4,309	390	24,973	25,643	33,685	36,873
<b>Foreign Affairs:</b>						
Allocation .....	0	0	0	0	0	0
Current Level .....	0	0	0	0	3	3
Difference .....	0	0	0	0	3	3
<b>Homeland Security:</b>						
Allocation .....	0	0	0	0	0	0
Current Level .....	0	0	0	0	0	0
Difference .....	0	0	0	0	0	0
<b>House Administration:</b>						
Allocation .....	0	0	0	0	0	0
Current Level .....	0	0	0	0	1	1
Difference .....	0	0	0	0	1	1
<b>Judiciary:</b>						
Allocation .....	0	0	0	0	0	0
Current Level .....	0	0	0	0	0	0
Difference .....	0	0	0	0	0	0
<b>Natural Resources:</b>						
Allocation .....	0	0	0	0	0	0
Current Level .....	0	0	0	0	0	0
Difference .....	0	0	0	0	0	0
<b>Oversight and Government Reform:</b>						
Allocation .....	0	0	0	0	0	0
Current Level .....	0	0	0	0	0	0
Difference .....	0	0	0	0	0	0
<b>Science and Technology:</b>						
Allocation .....	0	0	0	0	0	0
Current Level .....	0	0	0	0	0	0
Difference .....	0	0	0	0	0	0
<b>Small Business:</b>						
Allocation .....	0	0	0	0	0	0
Current Level .....	0	0	0	0	0	0
Difference .....	0	0	0	0	0	0
<b>Transportation and Infrastructure:</b>						
Allocation .....	395	0	1,496	0	4,176	0
Current Level .....	0	0	0	0	0	0
Difference .....	-395	0	-1,496	0	-4,176	0
<b>Veterans' Affairs:</b>						
Allocation .....	0	0	0	0	0	0
Current Level .....	0	0	0	0	0	0
Difference .....	0	0	0	0	0	0
<b>Ways and Means<sup>1</sup>:</b>						
Allocation .....	1,853	1,843	5,794	5,714	-6,724	-5,034
Current Level .....	1,853	1,843	5,794	5,714	-6,724	-5,034
Difference .....	0	0	0	0	0	0

<sup>1</sup> Includes final scoring for the Medicare Improvements for Patients and Providers Act, which differed from scoring at the time of final House action on the bill.

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2008—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

[In millions of dollars]

Appropriations Subcommittee	302(b) suballocations as of July 8, 2008 (H.Rpt. 110–747)		Current level reflecting action completed as of Sept. 8, 2008		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development, FDA .....	19,302	20,765	19,302	20,765	0	0
Commerce, Justice, Science .....	53,873	53,545	53,873	53,545	0	0

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2008—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS—Continued

[In millions of dollars]

Appropriations Subcommittee	302(b) suballocations as of July 8, 2008 (H.Rpt. 110-747)		Current level reflecting action completed as of Sept. 8, 2008		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT
	Defense	546,468	538,595	546,468	538,595	0
Energy and Water Development	30,891	30,756	30,891	30,756	0	0
Financial Services and General Government	21,162	21,150	21,162	21,150	0	0
Homeland Security	40,665	40,785	40,665	40,785	0	0
Interior, Environment	27,425	29,118	27,425	29,118	0	0
Labor, Health and Human Services, Education	146,064	147,647	146,064	147,647	0	0
Legislative Branch	3,969	4,076	3,969	4,076	0	0
Military Construction, Veterans Affairs	63,916	54,441	63,916	54,441	0	0
State, Foreign Operations	35,187	36,452	35,187	36,459	0	7
Transportation, HUD	56,556	114,961	56,556	114,961	0	0
Unassigned (full committee allowance)	5,000	2,653	0	0	-5,000	-2,653
<b>Total (Section 302(a) Allocation)</b>	<b>1,050,478</b>	<b>1,094,944</b>	<b>1,045,478</b>	<b>1,092,298</b>	<b>-5,000</b>	<b>-2,646</b>

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2009—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

[In millions of dollars]

Appropriations subcommittee	302(b) suballocations as of July 8, 2008 (H.Rpt. 110-746)		Current level reflecting action completed as of Sept. 8, 2008		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT
	Agriculture, Rural Development, FDA	20,623	22,000	8	5,630	-20,615
Commerce, Justice, Science	56,858	57,000	0	20,149	-56,858	-36,851
Defense	487,737	525,250	20	200,728	-487,717	-324,522
Energy and Water Development	33,265	32,825	25	12,986	-33,240	-19,839
Financial Services and General Government	21,900	22,900	89	4,941	-21,811	-17,959
Homeland Security	42,075	42,390	2,175	19,371	-39,900	-23,019
Interior, Environment	27,867	28,630	0	10,959	-27,867	-17,671
Labor, Health and Human Services, Education	152,643	152,000	21,123	101,359	-131,520	-50,641
Legislative Branch	4,404	4,340	0	611	-4,404	-3,729
Military Construction, Veterans Affairs	72,729	66,890	-1,879	21,879	-74,608	-45,011
State, Foreign Operations	36,620	36,000	0	17,867	-36,620	-18,133
Transportation, HUD	54,997	114,900	4,158	69,884	-50,839	-45,016
Unassigned (full committee allowance)	0	987	0	0	0	-987
<b>Total (Section 302(a) Allocation)</b>	<b>1,011,718</b>	<b>1,106,112</b>	<b>25,719</b>	<b>486,364</b>	<b>-985,999</b>	<b>-619,748</b>

2010 AND 2011 ADVANCE APPROPRIATIONS UNDER SECTION 302 OF S. CON. RES. 70 [Budget Authority in millions of dollars]

Appropriate Level	2010
Enacted advances:	28,852
Accounts Identified for Advances:	
Employment and Training Administration	—
Job Corps	—
Education for the Disadvantaged	—
School Improvement	—
Children and Family Services (Head Start)	—
Special Education	—
Career, Technical and Adult Education	—
Payment to Postal Service	—
Tenant-based Rental Assistance	—
Project-based Rental Assistance	—

Appropriate Level<sup>1</sup> .....  
 Enacted advances:  
 Accounts Identified for Advances:  
 Corporation for Public Broadcasting .....

<sup>1</sup> S. Con. Res. 70 does not provide a dollar limit for 2011.

U.S. CONGRESS,  
 CONGRESSIONAL BUDGET OFFICE,  
 Washington, DC, September 9, 2008.

Hon. JOHN M. SPRATT Jr.,  
 Chairman, Committee on the Budget,  
 House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2008 budget and is current through September 8, 2008. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the

2011 n.a.

technical and economic assumptions of S. Con. Res. 70, the Concurrent Resolution on the Budget for Fiscal Year 2009, as approved by the Senate and the House of Representatives.

Since my last letter, dated June 17, 2008, the Congress has cleared and the President has signed the following acts that affect budget authority, outlays, and revenues for fiscal year 2008:

Supplemental Appropriations Act, 2008 (Public Law 110-252);

Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275);

Housing and Economic Recovery Act of 2008 (Public Law 110-289); and

Higher Education Opportunity Act (Public Law 110-315).

Sincerely,

PETER R. ORSZAG,  
 Director.

Enclosure.

FISCAL YEAR 2008 HOUSE CURRENT LEVEL REPORT AS OF SEPTEMBER 8, 2008

[in millions of dollars]

	Budget authority	Outlays	Revenues
Previously Enacted <sup>1</sup>			
Revenues	n.a.	n.a.	1,879,400
Permanents and other spending legislation	1,441,017	1,394,894	n.a.
Appropriation legislation	1,604,649	1,635,118	n.a.
Offsetting receipts	-596,805	-596,805	n.a.
<b>Total, Previously enacted</b>	<b>2,448,861</b>	<b>2,433,207</b>	<b>1,879,400</b>
Enacted this session:			
Supplemental Appropriations Act, 2008 (P.L. 110-252) <sup>2</sup>	0	7	0
Medicare Improvements for Patients and Providers Act of 2008 (P.L. 110-275)	1,942	1,924	1
Housing and Economic Recovery Act of 2008 (P.L. 110-289)	4,309	390	-968
Higher Education Opportunity Act (P.L. 110-315)	-10	0	0
<b>Total, enacted this session</b>	<b>6,241</b>	<b>2,321</b>	<b>-967</b>
<b>Total Current Level<sup>3</sup></b>	<b>2,455,102</b>	<b>2,435,528</b>	<b>1,878,433</b>
Total Budget Resolution <sup>4</sup>	2,564,244	2,466,685	1,875,401
Adjustment to budget resolution pursuant to section 301(b)(l) <sup>5</sup>	-108,056	-28,901	n.a.

FISCAL YEAR 2008 HOUSE CURRENT LEVEL REPORT AS OF SEPTEMBER 8, 2008—Continued

(in millions of dollars)

	Budget authority	Outlays	Revenues
Adjusted Budget Resolution .....	2,456,188	2,437,784	1,875,401
Current Level Over Budget Resolution .....	n.a.	n.a.	n.a.
Current Level Under Budget Resolution .....	1,086	2,256	n.a.

Note: n.a. = not applicable; P.L. = Public Law.

<sup>1</sup> Includes the following acts that affect budget authority, outlays, or revenues, and were cleared by the Congress during this session, but before the adoption of S. Con. Res. 70, the Concurrent Resolution on the Budget for Fiscal Year 2009: National Defense Authorization Act for Fiscal Year 2008 (P.L. 110-181), Economic Stimulus Act of 2008 (P.L. 110-185), Andean Trade Preference Extension Act of 2008 (P.L. 110-191), Ensuring Continued Access to Student Loans Act of 2008 (P.L. 110-227), Consolidated Natural Resources Act of 2008 (P.L. 110-229), Strategic Petroleum Reserve Fill Suspension and Consumer Act of 2008 (P.L. 110-232), Food, Conservation, and Energy Act of 2008 (P.L. 110-234), SAFETEA-LU Technical Corrections Act of 2008 (P.L. 110-244), and Heroes Earnings Assistance and Relief Act of 2008 (P.L. 110-245).

<sup>2</sup> Pursuant to section 301(b)(2) of S. Con. Res. 70, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2008, which are not included in the current level totals, are as follows:

Supplemental Appropriations Act, 2008 (P.L. 110-252) .....	115,808	35,350	n.a.
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<sup>3</sup> For purposes of enforcing section 311 of the Congressional Budget Act in the House, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.

<sup>4</sup> Periodically, the House Committee on the Budget revises the totals in S. Con. Res. 70, pursuant to various provisions of the resolution:

Original Budget Resolution .....	2,563,262	2,465,711	1,875,392
Revisions:			
For the Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act of 2008 (section 323(d)) .....	-950	-950	0
For the Heroes Earnings Assistance and Relief Tax Act of 2008 (section 323(d)) .....	0	0	-8
For the Medicare Improvement for Patients and Providers Act of 2008 (sections 210 and 212(b)) .....	1,942	1,924	1
For the Higher Education Opportunity Act (section 208) .....	-10	0	0

Revised Budget Resolution .....	2,564,244	2,466,685	1,875,401
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<sup>5</sup> Section 301(b)(1) of S. Con. Res. 70 assumed \$108,056 million in budget authority and \$28,901 million in outlays for overseas deployment and related activities. The Supplemental Appropriations Act, 2008 (P.L. 110-252) did not use this provision, and instead designated a comparable amount as emergency funding. Because section 301(b)(2) requires that the current level exclude amounts for emergency needs, the House Committee on the Budget has directed that these amounts be excluded from the budget resolution aggregates in the current level report.

Source: Congressional Budget Office.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, September 9, 2008.  
Hon. JOHN M. SPRATT, Jr.,  
Chairman, Committee on the Budget, U.S.  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2009 budget and is current through September 8, 2008. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 70, the Concurrent Resolution on the Budget for Fiscal Year 2009, as approved by the Senate and the House of Representatives.

Since my last letter, dated June 17, 2008, the Congress has cleared and the President has signed the following acts that affect budget authority, outlays, and revenues for fiscal year 2009:

Supplemental Appropriations Act, 2008 (Public Law 110-252);

Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275);  
Approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003 (Public Law 110-287);  
Housing and Economic Recovery Act of 2008 (Public Law 110-289); and  
Higher Education Opportunity Act (Public Law 110-315).

Sincerely,

PETER R. ORSZAG,  
Director.

Enclosure.

FISCAL YEAR 2009 HOUSE CURRENT LEVEL REPORT AS OF SEPTEMBER 8, 2008

(in millions of dollars)

	Budget authority	Outlays	Revenues
Previously Enacted <sup>1</sup>			
Revenues .....	n.a.	n.a.	2,097,399
Permanents and other spending legislation .....	1,485,953	1,436,774	n.a.
Appropriation legislation .....	0	471,581	n.a.
Offsetting receipts .....	-587,749	-587,749	n.a.
Total, Previously enacted .....	898,204	1,320,606	2,097,399
Enacted this session:			
Supplemental Appropriations Act, 2008 (P.L. 110-252) <sup>2</sup> .....	0	23	27
Medicare Improvements for Patients and Providers Act of 2008 (P.L. 110-275) .....	6,633	6,516	9
Approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003 (P.L. 110-287) .....	0	0	-2
Housing and Economic Recovery Act of 2008 (P.L. 110-289) .....	24,973	25,643	-11,037
Higher Education Opportunity Act (P.L. 110-315) .....	-9	-114	0
Total, enacted this session .....	31,597	32,068	-11,003
Entitlements and mandates:			
Budget resolution estimates of appropriated entitlements and other mandatory programs .....	574,744	554,498	0
Total Current Level <sup>3</sup> .....	1,504,545	1,907,172	2,086,396
Total Budget Resolution <sup>4</sup> .....	2,538,305	2,573,283	2,029,653
Adjustment to budget resolution pursuant to section 301(b)(1) <sup>5</sup> .....	-70,000	-74,809	n.a.
Adjustment to budget resolution pursuant to section 301(b)(2) <sup>6</sup> .....	-5,761	-1,152	n.a.
Adjusted Budget Resolution .....	2,462,544	2,497,322	2,029,653
Current Level Over Budget Resolution .....	n.a.	n.a.	56,743
Current Level Under Budget Resolution .....	957,999	590,150	n.a.
Memorandum:			
Revenues, 2009-2013:			
House Current Level .....	n.a.	n.a.	12,131,305
House Budget Resolution .....	n.a.	n.a.	11,780,263
Current Level Over Budget Resolution .....	n.a.	n.a.	351,042
Current Level Under Budget Resolution .....	n.a.	n.a.	n.a.

Note: n.a. = not applicable; P.L. = Public Law.

<sup>1</sup> Includes the following acts that affect budget authority, outlays, or revenues, and were cleared by the Congress during this session, but before the adoption of S. Con. Res. 70, the Concurrent Resolution on the Budget for Fiscal Year 2009: National Defense Authorization Act for Fiscal Year 2008 (P.L. 110-181), Economic Stimulus Act of 2008 (P.L. 110-185), Andean Trade Preference Extension Act of 2008 (P.L. 110-191), Ensuring Continued Access to Student Loans Act of 2008 (P.L. 110-227), Consolidated Natural Resources Act of 2008 (P.L. 110-229), Strategic Petroleum Reserve Fill Suspension and Consumer Act of 2008 (P.L. 110-232), Genetic Information Nondiscrimination Act of 2008 (P.L. 110-233), Food, Conservation, and Energy Act of 2008 (P.L. 110-234), SAFETEA-LU Technical Corrections Act of 2008 (P.L. 110-244), and Heroes Earnings Assistance and Relief Act of 2008 (P.L. 110-245).

<sup>2</sup> Pursuant to section 301(b)(2) of S. Con. Res. 70, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2009, which are not included in the current level totals, are as follows:

Supplemental Appropriation Act, 2008 (P.L. 110-252) .....	85,155	87,211	n.a.
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<sup>3</sup> For purposes of enforcing section 311 of the Congressional Budget Act in the House, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.

<sup>4</sup> Periodically, the House Committee on the Budget revises the totals in S. Con. Res. 70, pursuant to various provisions of the resolution:

Original Budget Resolution .....	2,530,703	2,565,903	2,029,612
Revisions:			
For the Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act of 2008 (section 323(d)) .....	950	950	0
For the Heroes Earnings Assistance and Relief Tax Act of 2008 (section 323(d)) .....	28	28	32



For the Medicare Improvement for Patients and Providers Act of 2008 (sections 210 and 212(b)) .....	6,633	6,516	9
For the Higher Education Opportunity Act (section 208) .....	-9	-114	0
Revised Budget Resolution .....	2,538,305	2,573,283	2,029,653

<sup>5</sup> Section 301(b)(1) of S. Con. Res. 70 assumed \$70,000 million in budget authority and \$74,809 million in outlays for overseas deployment and related activities. The Supplemental Appropriations Act, 2008 (P.L. 110-252) did not use this provision, and instead designated a comparable amount as emergency funding. Because section 301(b)(2) requires that the current level exclude amounts for emergency needs, the House Committee on the Budget has directed that these amounts be excluded from the budget resolution aggregates in the current level report.

<sup>6</sup> S. Con. Res. 70 assumed emergency amounts of \$3,761 million in budget authority and \$1,152 million in outlays for the Corps of Engineers. Because section 301(b)(2) requires that the current level exclude amounts for emergency needs, the House Committee on the Budget has directed that these amounts be excluded from the budget resolution aggregates in the current level report.

Source: Congressional Budget Office.

**IRAQ HAS BECOME THE  
"FORGOTTEN WAR"**

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

Ms. WOOLSEY. Mr. Speaker, after more than 5 years of occupation, America continues to have over 140,000 troops in Iraq. We continue to employ tens of thousands of military contractors. Over 1,200 Iraqi civilians died in the violence this summer alone, and there are still over 4 million refugees. Yet, Iraq is becoming the "Forgotten War." We barely hear about it anymore. I have not forgotten Iraq. I will not forget it.

I rise today to remind the House of two things: First, America continues to occupy a country that never attacked the United States and was never a security threat to us; and second, we continue to spend over \$10 billion a month in Iraq, at a time when the American people are losing their homes, their health care, and their jobs.

Everyone who is forgetting Iraq should read the recent report of the Government Accountability Office. GAO offers a harsh assessment of the administration's handling of the occupation, and warns that the security environment in Iraq remains volatile and dangerous.

The GAO report describes many problems. Only 24 percent of the Iraqi funds budgeted for reconstruction have been spent. Essential services to the Iraqi people continue to lag. The daily supply of electricity meets only half the need. The Iraqi ministries responsible for essential services spent only 11 percent of their capital investment budgets in 2007. Many of the benchmarks for progress have just not been met.

Perhaps worst of all, the administration has failed to develop a plan for improving the delivery of government services in Iraq. And to make matters worse, the GAO has urged the Defense Department and the State Department to work together to come up with such a plan, but both departments have refused to do so.

Many of the points made by the GAO were also made by former Iraqi Prime Minister Allawi when he testified before Chairman DELAHUNT and the Foreign Affairs Committee's Subcommittee on International Organizations, Human Rights and Oversight just last month. Prime Minister Allawi said, "Progress continues to be very slow, if not stagnant, for public services and the economy, which includes the provision of electricity, water supply, health services and creating job opportunities."

Iraq continues to be a humanitarian disaster area, Mr. Speaker. A recent

story in the press reported that Iraq needs 100,000 doctors, but has only 15,500. Many doctors fled after our invasion in 2003. A country that has seen over 5 years of bloodshed, obviously needs a good health care system. Iraq's health care system is in chaos.

Mr. Speaker, we keep hearing that the Iraq occupation is making things better when, in reality, it's making things worse because it delays the day that Iraq can really get back on its feet.

Ending the occupation would allow us to focus more resources on reconstruction and humanitarian efforts. It would allow regional and international partners to come into Iraq to help with reconstruction and reconciliation, because those countries simply won't get involved until we redeploy.

Mr. Speaker, it's time to end the occupation once and for all. It's time to shake off our amnesia and remember the forgotten war.

**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 September 9, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Mr. Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 13,014 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 13,014 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 September 9, 2008, 13,014 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.

**HONOR FLIGHT HONORS OUR  
WORLD WAR II VETERANS**

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

Mr. MORAN of Kansas. Mr. Speaker, tomorrow is a special day. The story begins several years ago. In 2004, just a few days before its dedication, I put on my tennis shoes and walked outside

the U.S. Capitol Building and beyond the Washington Monument to the newly constructed World War II Memorial on the National Mall. As we know, it was inspiring. At long last, nearly 60 years after the war ended, veterans who did so much to protect our country and liberate the world, were to receive recognition for their service, their sacrifice and the victory through a national monument.

I had my cell phone with me, and I stepped away from the memorial and I called my 90-year-old father back in our hometown of Plainville. He is one of the thousands of Americans who left their families and lives behind in World War II to fight for our country. My father fought in Northern Africa and Sicily and Italy.

Fortunately, when I called, I got the answering machine. It's often difficult for sons and daughters to tell their fathers the things we should tell them. The message I left my dad was, "Dad, I love you. Dad, I'm proud of you, and Dad, thank you for your service to our country." I told my dad what I should have said a long time ago, and what we all should say to our veterans.

It was too bad that many of the veterans of this greatest generation, now in their 80s and 90s, are unable, physically or financially, to visit our Nation's Capitol and see this beautiful tribute to their service and sacrifice and to hear those important words.

Earlier this year, Senator Bob Dole, himself a World War II veteran who led the charge to build the memorial, told me about a grassroots, not-for-profit organization called Honor Flight. Honor Flight enables World War II veterans to travel to our Nation's Capital to see the memorial created in their honor. Staffed by volunteers and funded by donations, Honor Flight used commercial and chartered flights to send veterans on a one-day, expense-paid trip to Washington, D.C.

□ 1930

Earl Morse of Ohio and Jeff Miller of North Carolina created the Honor Flight Network, which now operates in 30 States.

Over the past months I have joined Senator Dole to greet Kansas veterans arriving at the World War II Memorial by means of Honor Flight. It is a very moving experience as veterans recount tales of their time in the service to volunteers who are often local high school students. Tourists stop their sightseeing to shake the veterans' hands, and you see the excitement of the veterans' eyes, and many are moved to tears. It's a special day for that generation of heroes.

Of the 16 million veterans who served in World War II, only 2.5 million are alive today. And we are losing them at a rate of 900 each day. Honor Flight is working against time to say "thank you" to these veterans.

Tomorrow, after months of preparation and fundraising by volunteers, an Honor Flight of World War II veterans

from Plainville to Stockton, from Hays, Hill City, Ness City, and a lot of other small towns of northwest Kansas will be arriving in Washington, D.C. On that flight will be my father, my dad, and 101 of his fellow Kansas veterans will finally see firsthand the World War II Memorial and experience our Nation's gratitude for their service.

Tonight I want to thank the Honor Flight Network and the thousands of volunteers and donors across the country who make these moving experiences possible. In particular, I thank Pat Hageman of Natoma for organizing tomorrow's Honor Flight, the students from Rooks County high schools who are serving as volunteers, the medical personnel, and especially the local businesses, individuals, and veterans service organizations in northwest Kansas who have financed this Honor Flight.

I doubt my dad or any of the other men and women who will be in Washington, D.C., tomorrow will be able to sleep when they go to bed tonight in the small towns across Kansas. They will lay wide awake with nervous anticipation and excitement. But though they lay awake tonight, the rest of America has been able to sleep because of the sacrifice of the World War II veterans.

Tomorrow, once again we all can say that these men and women of our country and our country's other World War II veterans, "We love you; we are proud of you, and we thank you for your service to our country."

#### SOCCKER DIPLOMACY BETWEEN ARMENIA AND TURKEY

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

Mr. PALLONE. Mr. Speaker, I rise this evening to congratulate Armenia and its President on the historic soccer match between Armenia and Turkey this past weekend. On July 9, President Serge Sargisian and the "Wall Street Journal," Europe edition took a surprising and historic step by inviting President Gul of Turkey to sit with him and watch the two nations play the World Cup qualifier match in Yerevan, the capital of Armenia.

In an effort to warm relations between the two countries, President Sargisian wrote, "Just as the people of China and the United States shared enthusiasm for ping pong before their governments fully normalized relations, the people of Armenia and Turkey are united in their love for football."

President Gul accepted the offer, and on Saturday, September 6, he became the first Turkish leader to visit Armenia.

Armenia initiated soccer diplomacy with Turkey despite nearly a century of Turkish genocide denial and 15 years of an economic blockade. For years, Armenia has been ready to establish

relations with Turkey without preconditions, and President Sargisian's recent efforts reinforced this commitment. President Gul must also be commended for his efforts to see past the opposition of some in his country by attending the match.

With the recent violence between Russia and Georgia, further steps to promote stability in the Caucasus must be taken, and strengthening Armenian and Turkish relations is essential to these efforts.

Turkey can strengthen its relationship with Armenia by ending its policy of genocide denial, a policy that is imposed both globally and domestically. Turkey should lift all restrictions imposed by section 301 of the Turkish Penal Code on individuals who study, discuss, or recognize the Armenian genocide. Silencing academics and writers limits freedom of speech and makes any serious discussion of the Armenian genocide within Turkey taboo.

To improve relations, Turkey must also lift its stifling economic blockade on Armenia. The State Department estimates that the blockade inflates Armenia by 30 to 35 percent. Removing the blockade will enable the development of immediate infrastructure projects and regional communications, energy, and transportation in the Caucasus. The removal of the blockade would also do much to catalyze global investment in Turkey and Armenia.

With the recent conflict between Russia and Georgia, Armenia proved itself to be a constructive partner to Georgia. The Armenian government provided safe transit for U.S. and international officials and thousands of Georgia nationals and nongovernmental organization representatives.

But Armenia experienced significant economic distress due to the conflict between Georgia and Russia. The country lost an estimated \$650 million and shortages in fuel and wheat were rampant. With renewed volatility in the Caucasus, Armenia can no longer afford to suffer from dual blockades.

President Sargisian's initiation of soccer diplomacy and President Gul's reciprocal invitation to watch a game next year in Turkey is a positive breakthrough in a region of historic violence and tense emotions.

As President Sargisian wrote, "A more prosperous, mutually beneficial future for Armenia and Turkey, and the opening up of a historic East-West corridor for Europe, the Caspian region and the rest of the world, are goals that we can and must achieve."

Mr. Speaker, let me just say as a Congressman and speaking for all Members of Congress, we must do all that we can to support these efforts to bring Armenia and Turkey together. It may seem that a soccer match is not that significant, but it is very significant. No Turkish leader has ever visited Armenia before. So I want to commend this occasion and hope that it leads to more of further developments and relations between the two countries.

Thank you, Mr. Speaker.

**WE NEED NUCLEAR POWER AND  
WE NEED IT NOW**

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

Mr. BACHUS. Mr. Speaker, when I visited my district in August, people had one thing on their mind and one thing only, and that was the high gas prices, exactly, what a hardship they were on the people of Alabama, and I think people throughout the Nation.

One of my constituents in Bibb County, Alabama, handed me at a townhall meeting his gas receipt. As you can see, he paid \$90, \$89 to fill up his truck. Now, Bibb County, Alabama, the average resident of that county makes \$312 gross a week. Now, imagine a county where the average income is \$312. Now, further imagine that 59 percent of people in that county commute out of town to work; 59 percent of them have to drive 40 and 50 miles to work every day. And they're like this gentleman, \$90 a day out of a paycheck of less than \$300.

They told me of stories of how they pay their gas bill, they struggle to pay their rent or their mortgage, they struggle to put food on the table, they struggle with all sorts of financial hardships. Is it any wonder that 9 percent of the people in this country are behind on their mortgage when they're putting hundreds of dollars on their gas bills?

They're also angry about something else. They're angry because we're not doing anything about it. Not only is this money coming out of the United States and out of our citizens' pockets, but let me tell you where it's going.

I recently went to a country—many countries in the world that we're getting oil from, they don't like us. They hate us. But one country that is actually our friend is Dubai. And I went to Dubai recently.

First, I want to show you a picture of Dubai in 1976. This was before oil prices went up. That's the main street in Dubai in 1976. It's a dirt road. The highest structure in Dubai is that mosque that many are in, about three stories high.

When I went to Dubai, it didn't look anything like a small coastal village. It looked quite different.

The next picture that I am going to show you is a picture of when I went there. Now, you saw that \$89 gas bill. You're wondering where that money is going? This is where it's going. And this is what it's accomplishing for Dubai.

That's where our money is. The Highway Trust Fund will run out of money next week. The people of Dubai are not running out of money. That's why the Highway Trust Fund has no money in it.

You see all of the construction there? I was in Minneapolis this week. I saw

very little construction. You go to cities around America, you see very little construction. You see very few of these high-rise cranes. But let me show you what you're seeing in Dubai. Let me show you another picture of Dubai.

This is a picture I took from a five-star hotel that we toured. Look at the construction frames. Those are construction frames that if we would solve our energy dependency, they would be in Minneapolis, they would be in Denver, they would be in Atlanta. But 15 to 25 percent of them are in Dubai. That's where our money is going.

Not only should our people be angry about what they're paying—they should be angry—and these are our friends. This is a country that is our friend. Most of our money goes to countries that are not our friends.

Let me tell you what Dubai is doing. They've got plenty of oil, and they've got a lot of money. Do you know what they're spending their money on? Let me show you.

China, India, Dubai, and Abu Dhabi, they get it. They're doing something about their energy problem. China is building 32 nuclear power plants. India is building 17. The slide I just showed you of Dubai, an oil rich country, and Abu Dhabi, they're building nuclear power plants. They're going to build 14 nuclear power plants. We're building none. And let me tell you the people in Alabama and this Nation are upset that they are building, China is building, India is building, and we are standing still. That's another thing they're angry about.

We need nuclear power, and we need it now.

Mr. Speaker, during my energy presentation on the House floor this evening, I received assistance from our congressional page, John Brinkerhoff. John is a junior at Spain Park High School in Hoover. He is an accomplished young man who will reflect well on the page program and on his family, school, and community during his time in Congress. My sincere thanks go to John for his help on the floor.

**HONORING HARRY A. MARMION**

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

Mr. BISHOP of New York. Mr. Speaker, I rise to recognize Harry A. Marmion who recently passed away after a long and distinguished career in which he served of president of two colleges and as president of the United States Tennis Association during the time when the Arthur Ashe Stadium what constructed and opened.

He was an outstanding leader in all of these roles, but more than that, he was an outstanding person. He remained active and involved in life until the day he died. And I am proud to have called him my mentor and my friend.

Harry Marmion loved people, and they loved him. His quick wit and en-

gaging personality enabled him to rally people to get the job done, whether it was establishing the John Steinbeck Room in the Southampton College Library or overseeing the naming of Arthur Ashe Stadium.

Following his graduation from Fairfield University, Harry served for 2 years in the United States Marine Corps as an infantry officer. He then served in the Marine Corps Reserve for 26 years, retiring as a colonel. Dr. Marmion held a law degree from Georgetown University and a Ph.D. from the University of Connecticut.

At the age of 37, he was appointed president of St. Xavier College in Chicago, a position he held from 1969 to 1972. In 1972, he was appointed president of Southampton College of Long Island University. During his presidency, I was an administrator at the college and thus I had the opportunity to see firsthand his leadership style and his ability.

He was always accessible and able to talk to people from all walks of life. He helped position Southampton College as a liberal arts institution with specialties in marine science and the fine arts, and it was during his tenure that Southampton students won the college's first three Fulbright Scholarships.

Harry was always available for advice and good counsel. I often relied on his judgment and advice after I was appointed provost of Southampton College and later when I was elected to Congress.

In 1980, he was appointed vice president for academic affairs and professor of law and management at Fairleigh Dickinson University in New Jersey.

□ 1945

He retired after 10 years, only to embark on a second career with the United States Tennis Association.

His love of tennis began in the 1980s when he was ranked a senior player in the East, despite the fact that he had never played tennis until he was in his 30s. After serving as the president of the Eastern Tennis Association and on the USTA's board of directors, Harry became its 43rd chairman and president of the USTA's board in 1997. During his tenure, he oversaw the renovation of the USTA's facility in Flushing Meadows. He was instrumental in ensuring that the stadium be named in honor of Arthur Ashe, the great African American athlete, rather than for a corporate sponsor.

Harry loved a good joke as much as anyone I know, but he also loved a good cause and was never afraid to do the right thing. He played a key role in the election of Judy Levering as his successor at the USTA, the first female to hold that position. And when Southampton College was facing closure in 2005, he helped form the "Save the College" group and served as one of its most influential members, proudly participating in the ultimately Stony Brook/Southampton campus.

Always active in the community, Harry served as Southampton Democratic Town Chairman and as a member of the board of trustees of Southampton Hospital. He also wrote two books: "The Case Against the Volunteer Army," and "Selective Service: Conflict and Compromise."

Harry was also a devoted family man. He and his wife, Pat, were married for 54 years. They have three daughters, Elizabeth, Sarah, and Sheila, and nine grandchildren.

At a February 1997 press conference when the USTA announced the naming of the new stadium, Harry said, "Arthur Ashe was an outstanding tennis player, but we naming our new stadium in his honor because Arthur Ashe was the finest human being the sport of tennis has ever known."

Mr. Speaker, the same could be said of Harry Marmion: he excelled at his career and as a human being. I, along with hundreds of others he touched over the course of his life, loved Harry Marmion. I will miss him greatly.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Ms. FOX) is recognized for 5 minutes.

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

#### ALL-OF-THE-ABOVE ENERGY POLICY

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

Mr. PRICE of Georgia. Mr. Speaker, it's that time of day in the House business when Members of the House have the right and the privilege to come to the floor and speak to colleagues both here and back in their offices and to constituents via the cameras for a period of 5 minutes. And you've heard some important speeches tonight, some heartfelt speeches, various topics, issues that Members of Congress felt were the most important thing that they could communicate today, and it's their right and their privilege.

Why do I bring that up? Well, on August 1, Friday, August 1, the last day before the 5-week paid vacation that the Speaker sent everybody on from the House of Representatives, the Speaker brought down the gavel at 11:23 a.m. before more than 40 Members of the House of Representatives were given the right and the privilege of addressing this Chamber.

Why? Well, it appeared that the Speaker wasn't interested in having the message that we were concerned about as we were summarily dismissed across this Nation to be delivered. And what was that topic we were concerned about? Mr. Speaker, it is the number one issue for Americans: the high cost of gasoline, the high cost of energy. And the Speaker said, no, go on home.

So what happened then was a spontaneous uprising, a spontaneous speak-in of over 134 members of the Republican Conference who came back and stayed not just that day, but there were members of the Republican Conference every single day here in Washington on the floor of this House, with lights dimmed, with cameras off, with microphones silenced, speaking to constituents about the number one issue of the day: the high cost of energy.

So we've been back in town now a little over 24 hours. Each of us had gone home for a period of that time, that 5-week period of time, and heard from our constituents about their concerns. And their concerns are based primarily on the economy, which is based primarily on the high cost of energy.

So when you see jobs lost, when you see the unemployment rate rise, it's directly related to the inaction of this Congress on the number one issue of the day: increasing gas prices.

We've had a bill that we have put before the House of Representatives that we believe addresses all of the above; that says we ought to embrace all of the solutions that we can as America; that we ought to end our dependence and our reliance on foreign oil; that we ought to increase our domestic production of oil; that we ought to increase our incentives for conservation; and that we ought to rapidly explore alternative fuels and alternative resources. That's what we believe ought to be done. But the Speaker and the Democrat leadership, the majority Democrat Party in this House of Representatives says, no, not going to allow that.

What are they afraid of? What are they afraid of, Mr. Speaker? Well, I would suggest, Mr. Speaker, it's just all politics all the time. They believe they are beholden to a group in this Nation that doesn't want to increase American energy. Their friends on the other side of the aisle are saying, as we approach this election season, are you better off now than you were 4 years ago or 8 years ago or they will pick a time.

Mr. Speaker, I would ask you, are you better off now than you were 2 years ago? Just 2 years ago. Because what's changed in this 2-year period of time is that we have leadership now in the House of Representatives that refuses to address the number one issue.

We believe that the American Energy Act is what ought to come to the floor. We implore the Speaker to put this bill on the floor and have an up-or-down vote, have debate like it ought to occur in this House, not close debate, not silence Members in this House of Representatives. Have an up-or-down vote on the American Energy Act, an all-of-the-above approach to energy independence.

That is what American people support, an all-of-the-above policy. Over 80 percent of them have said, yes, we ought to do all of these things. We ought to do more conservation. We ought to make certain that we have re-

newable fuels and explore as much as possible to find those new technologies, and we ought to make certain that we increase American supply of energy for Americans. That's all we ask, Mr. Speaker.

So during this period of time, I thought it was appropriate that since we weren't able to give speeches on August 1, that I come and share the message that is the most important message that the American people want to hear, and that is, that the United States House of Representatives will get down to work and do what the American people desire, and that is pass an all-of-the-above energy policy.

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

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

#### UNFAIR TRADE POLICIES

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

Mr. KAGEN. Mr. Speaker, I appreciate the opportunity to share with you some of the stories of people that live in northeast Wisconsin. Northeast Wisconsin is a hardworking area where people work hard and play by the rules, and we expect to get compensated with a living wage, a wage that's necessary not just to educate ourselves but also our families.

In recent times, because of unfair trade policies and unfair trade agreements, particularly by the Asian corporate governments—let's just call it Communist China—we've witnessed the disappearance of many thousands of jobs, particularly in the paper industry.

Now, Wisconsin is an agricultural State, and one of the things that we do manufacture is paper. We grow trees; and after a generation, we harvest these trees and process them into paper.

You've heard about Kleenex. You've heard about Puffs, Huggies and many other paper products that have made your life much more valuable, much more convenient. But what's happened recently is a corporation has closed a paper mill in Niagara, taking away the livelihoods of hundreds and hundreds of workers who for over 100 years have worked in the Niagara Paper Mill to produce a valuable product.

More recently, in Kimberly, several days ago in Kimberly as in Kimberly-Clark, as in Kleenex, the Kimberly Paper Mill was closed, and when it shut down, it turned away hundreds and hundreds of people. In Kimberly, Little Chute, Combined Locks, Kaukauna, Appleton and the surrounding area of Darboy, these people who had been working hard no longer had their jobs.

So I wish to share with you tonight some of those families' stories and what this closure, what the stealing of American jobs means and also comes with a warning, a warning that I've been repeating for the last 6 months. As Niagara goes, so goes this Nation. And as Kimberly goes, so goes our country.

This is a photo I'm showing you of the Wendel family. This is Don Wendel who worked for 30 years in the Kimberly mill. His wife is Ann on the far left of the picture; his daughter, Kathleen; and the son is Anthony. And he said, "Our daughter is a junior in high school and the thought of paying for college with this uncertain future is daunting. We also need to move to a larger home or add on to ours, and this now needs to be postponed indefinitely. We may have to sell our car we bought in March."

To sum it up, "It is shocking and disheartening that the owners, instead of researching options to make this mill profitable, made such a quick decision to shut it down. It is causing such great devastation to so many families, and the entire Kimberly community."

He's not alone. There are hundreds of others, like Jerry Jansen who worked there for 41 years. His wife is Donna; children, Craig, Scott and Matt; and many grandchildren. What does he say about this impact of the closing of the mill? "Just over 2 years left until I can collect Social Security. I don't know what I'm going to do until then. Nobody is going to hire someone my age."

To sum it up, "I feel like my life has been sucked out of me."

For generations, his family has worked at that mill, not just his family but his in-laws as well.

Another family, Tom Kilsdonk has been there for 24 years. His wife, Jodi; his children, Karley, Camie, and Hannah. And he said, "I have a major changes coming in a short period of time. Financial, emotional, social. My wife now works two jobs with no health care. It will not be enough."

To sum it up he said, "I feel like someone blindfolded me, dropped me off in the middle of the forest and left me there. I am angry, frustrated and nervous."

Well, to Tom Kilsdonk, to the Jansen family, to the Wendel family, there's somebody listening, and I have the honor of representing you and coming here to Congress to share with my colleagues your story. Your story must be told not just across Wisconsin, the Midwest, but across the country. Your story is not alone.

These unfair and unbalanced trade deals and the failure of this administration to administer justice, to apply the law equally, and to allow the illegal dumping of Chinese paper and South Korean paper into our domestic marketplace has damaged not only your lives but your entire city and entire region. This is a matter of national security. It's called job security. It's something that we have to fight for each and every day here in Congress.

And, yes, it's true, there are three components to the cost of doing business in the paper industry: energy, raw materials, and labor. We have to work hard here in Congress together and join hands across the aisle to solve these complex problems of energy and the economy.

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

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

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

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

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

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

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

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

#### AMERICAN ENERGY ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Ohio (Mr. LATTA) is recognized for 60 minutes as the designee of the minority leader.

Mr. LATTA. Mr. Speaker, I appreciate the time.

As we gather here this evening, we have heard a lot of speeches and discussion about one of the number one questions we have in this country, and that's our energy policy. We all went home and a lot of us didn't want to go home on August 1, and we stayed down here to get an energy policy in this country, but as we did go home, we faced a lot of questions from our constituents.

I, for one, represent the National Manufacturing Association, one of the largest manufacturing districts, with manufacturing jobs in the Congress, and the number one agriculture district in Ohio. We have got a lot of needs in our district concerning energy. And that energy isn't just talking about oil to put in our cars, but it also depends on what we have in our factories.

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This evening, we have a number of Members who I would like to bring to

the podium to talk a little bit about what's happening, not only in their States but across this country. The first Member I'd like to introduce this evening is our distinguished Member from Texas, our ranking member on Energy and Commerce, Mr. BARTON.

Good evening, and thanks very much. Mr. BARTON of Texas. Well, thank you, Congressman LATTA, and thank you for hosting this Special Order.

It's nice to be on the floor with the cameras on and with the microphones on. I was one of, I think, 135 Republican Members of the House who participated in what I called our American townhall meetings here on the floor during the August work period where we spoke to the tourists who were coming through the Capitol. We talked about the need for a comprehensive energy policy. We did it without the benefit of microphones and with the cameras off, just speaking extemporaneously to educate the American public and to keep a vigil for the American public for a real energy policy.

I notice that our distinguished Speaker today held a press conference at which she announced yet another attempt to politically confuse the American people by putting a so-called "energy package" on the floor perhaps on Thursday, perhaps on Friday, perhaps some day next week. One of her aides, in response to a question from the press corps after that press conference, said—and I'm not going to say this is an exact quote—that they would never allow the Republican energy package to come onto the floor because it was too radical. Well, that must be a different definition of "radical" than is in Webster's Dictionary, because what the Republican energy package is is the radical notion that Americans, themselves, can develop American resources so that we have American-made energy/American-produced energy to keep America's families and America's factories humming and being productive. I don't think that's radical.

I want to talk a little bit about a part of that energy policy, the Republican energy policy, which would be to allow drilling in ANWR, up in Alaska. I've been having my staff do a little bit of research, and I thought it might be beneficial to give the benefits of some of that research here to the Members on the floor and to others in the country.

In 1910, almost 100 years ago—I think it was while Teddy Roosevelt was President—the Congress passed a law for the development of American resources. That law stated that the Presidents and Congresses could set aside certain portions of Federal lands for different purposes if they felt that there might be some economic development potential in these Federal lands. It was called the Pickett Act. So, in 1924, they decided to create what we now call the Alaska Naval Petroleum Reserve. Now, there is a reason they picked this part of Alaska, which is to the west of Prudhoe Bay, fronting on

the Arctic Ocean. Here is the scientific basis on which they picked the Alaska Naval Petroleum Reserve in 1924.

New England whaling ships, as they had gone after whales in the Arctic Ocean, noticed that there were some oil seeps. So, based on that scientific evidence, they set up the Alaska Naval Petroleum Reserve. They didn't have the benefit of modern seismic geology or of any satellite photography or of any of the 3-D seismic differentiation that we have today. Some New England whaling ships, as they went ashore to look for water and things of this sort, noticed some oil seeps.

Okay. Fast forward to 1960. Alaska becomes a State, and the Alaska congressional-senatorial delegations decided that we needed to preserve some of these Alaskan lands. Alaska had been a territory. Now Alaska becomes a State. So they passed an act in 1960 that created to the east of Prudhoe Bay an area that we now call ANWR. Now, of course, there was a little bit more science available in 1960. So, when they set up the Alaskan National Wildlife Reserve, they were searching for oil, and they had discovered in what we now call Prudhoe Bay a specific geologic formation that they thought had the potential to find some oil.

It turns out they found the largest oil field on the North American continent that has been discovered here today, and so they wanted to set up a wildlife reserve. They already had the petroleum reserve to the west of Prudhoe Bay, so they decided they needed a wildlife reserve, and they set up what we call ANWR, but they had done enough scientific exploration that they knew there was an area that might have a lot of oil and/or gas. It was called section 1102.

So, when they created this reserve for wildlife, they put a section in the law that said, in this area, we want to really do some exploration activity to see if there might be something that could be developed commercially. Lo and behold, when they did that exploration activity of the discovery well, which was, I believe, drilled by Texaco, which is yet to be made public—it's proprietary information—there is enough that is known, we think, of that one area, of this one little section that is 3 square miles, that there could be 11 billion barrels of oil.

Now, as to the Alaska Naval Petroleum Reserve to the west of Prudhoe Bay, Speaker PELOSI and her Democratic friends have said we can drill over there; we can drill over there, but in the area that's now called ANWR to the east of Prudhoe Bay, you can't drill over there; you can't drill over there. There's no ecological difference. There's no environmental difference. There's really no wildlife habitat difference.

Just by happenstance, in the 1920s, we set up the petroleum reserve because whaling ships had seen oil seeps. In the 1950s and early 1960s when we created ANWR, as we were creating the

wildlife reserve, we did carve out this section 1102 because we thought that might have some potential, and it appears it has huge potential, but today, we can't drill there because of moratoria that have been put in place in the last 30 years.

Now the question is: If we can only drill one well in America next year, where would it be? Would you drill down in Congressman CARTER's district in Texas? in Mr. LATTA's district in Ohio? in Mr. BROWN's district in Georgia? in my district in Texas?

Mr. CARTER and I represent a State in which we've drilled 2 million wells since 1895, 2 million. The probability of finding an 11 billion-barrel oil field in Texas by drilling one more well is one in 2 million. That's not very good odds. The probability of finding a major oil field in Ohio where they've drilled several hundred thousand wells is a little bit better. It's still not great. The probability of finding a major oil field in Georgia by drilling one well next year—I don't know how many wells have been drilled in Georgia. It's probably several thousand—is not too great.

If you drill one well in ANWR, you've got an almost 100 percent chance of finding a well that will produce tens of thousands of barrels a day, millions of barrels a year, billions of barrels over the life of the field, but we can't do it because, in the 1920s, we said the petroleum reserve is to the west of Prudhoe Bay. In the 1960s, we said the wildlife reserve is to the east. Even in section 1102, we put a moratorium in place.

Now the question to Mr. LATTA and to the Members of the House: Is it radical to say let's drill up in ANWR? Let's see. I don't think that's radical. Is it radical to drill in the eastern Gulf of Mexico, which even the Democrats are beginning to think might make some sense? Is it radical to see what's off the Atlantic coast? Do you know how much exploration, how much seismic, how much geologic exploration we're doing off the Atlantic coast? Nada. Zero. None.

The Canadians are producing north of Maine. The Cubans are trying, and the Chinese are looking to produce south of Florida, but we've put the entire Atlantic coast off limits. Is it radical to at least see what's out there? I don't think that's radical.

Is it radical to try to develop our 2 trillion oil shale reserves, the 2 trillion barrels in Wyoming and in Colorado and in Utah? I don't think so.

So, Mr. LATTA, if I were the Speaker, which I'm not, instead of these political flimflams that we've had now for the last year, here is what I would do—and I ask my colleagues: Is this a radical proposal?

I would pick a group of Republicans and Democrats who are respected in both parties. Let them put together a bipartisan proposal. Then on the proposals that cause the most angst in the liberal left of the Democratic Caucus, pick a conservative Democrat and a

pro-energy Republican, and let them offer an amendment to the base package. Bring it to the floor. You don't have to bring the Republican bill to the floor. Bring this bipartisan bill with some amendments where we're not sure of the outcome, and let the House vote.

Now, in prior Democratic-controlled Congresses, that's basically why the energy packages were put together. They weren't put together by the Speaker's aides in a back room with no hearings and with no process. It was put together. It was bipartisan. It would come to the floor with amendments.

When we elect the Speaker for this body, the majority of the House—which right now is Democrat—elects that Speaker. It's what we did with Newt Gingrich. It's what we did with Denny Hastert when the Republicans were the majority. It's what the Democrats have done with the distinguished lady from San Francisco, Ms. PELOSI.

That Speaker has an obligation to, in this case, her party, the Democrats, but the Speaker also has an obligation to the American people. The Constitution and the rules of the House do not say that, once you get to be Speaker, you can only let bills come to the floor of which you know the outcome and that fit the political profile of the majority within your caucus.

Let's let there be a real debate on the floor in the next 3 weeks. Let's let there be real amendments. Let's see where the votes are. Now, my guess is the American people are smarter than the Speaker and the Speaker's staff. They want a commonsense, comprehensive energy policy that develops American-made energy for American use in the United States.

We'll win those votes, I believe—"we" being the American people—if we get them. If we don't, as Leader BOEHNER has said, the Republicans are not going to accept a facade. We want the real deal. We want the real policies debated and voted on on this floor before we break for the elections in November. If we do that, Mr. LATTA, the American people will win. Over time, energy prices will come down, and our economy will continue to grow.

I'm glad to participate in this Special Order. I appreciate the time. With that, I would yield back to you.

Mr. LATTA. I appreciate the distinguished gentleman from Texas and all of his hard work through all of these years on this energy debate because, as he mentioned, this country's future is at stake. Our standing in the world is at stake. It's not time to wait to get something done down the road. We have to do it right now.

At this time, I would like to recognize my good friend from Georgia (Mr. BROWN). I appreciate all of his work that he has done over the last year on trying to get an energy policy in this country. I appreciate it.

The mike is yours. Thank you.

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Mr. BROWN of Georgia. Thank you, Mr. LATTA, for yielding.

I appreciate this opportunity to come and speak today on this issue that is so drastically important to the American people. Everybody, rich and poor, black and white, all races, all nationalities, everybody in America is suffering from the high cost of energy.

When we voted on the morning of August 1 to go home for a 5-week break, that afternoon I was part of the group of Republicans here on the floor demanding, demanding that we go back in session to find some commonsense solutions to the high cost of gasoline at everybody's gas pump. Everybody in this Nation, even if you don't have a car, if you drive a bicycle or a motorcycle or a scooter, is suffering from the consequences of the high cost of energy. When you go to the grocery store and try to buy bread, milk, eggs, bacon, the cost of those goods in your grocery store are going to continue to go up because of the high cost of energy.

We hear from the controlling party, the Democrats, from Speaker PELOSI—now, there are some on the other side that would like to have a vote, that would like to see the energy costs come down. Many of our friends on the Democratic side of the aisle would vote for a comprehensive energy plan that would literally lower the cost of gasoline, would lower the cost of heating oil, would lower the cost of all energy sources here in America. But they can't have that opportunity to vote on a comprehensive plan. We can't have an opportunity to vote on a comprehensive plan. Why is that so? Frankly, if the American Energy Act would come to this floor for a vote, I think it would pass overwhelmingly. But Speaker PELOSI and STENY HOYER, the majority leader, won't let that act come here, to have an up-and-down vote, to have an open discussion, a frank debate about all the issues within that act.

Now, what does the act do? The act taps into our own American energy sources, taps into our own energy sources. Doing so is absolutely critical. We have to stop this dependence upon Middle Eastern oil. We are funding governments who hate America, who want to destroy us, and they are in turn funding al Qaeda, the insurgency in Iraq, the insurgency in Afghanistan. They're funding people who are in our country today who want to attack the very fiber of our Nation. We have to stop that dependency upon foreign oil, whether it's Middle Eastern oil, Venezuelan oil, North African oil, or anywhere else. We have to tap into our own natural resources. America is the only nation in the world, the only nation in the world, that won't develop its own natural resources.

I became a political activist coming to Washington. I was practicing medicine in rural South Georgia, coming here to this Nation's capital to lobby as a volunteer about hunters' rights and gun owners' rights and conservation issues. I'm a scientist. I'm a med-

ical doctor. And I believe that all of our policy ought to be based on science. Not on emotionalism, not on what the name of something is, but on science. And I believe very strongly that we have to be good stewards of God's creation. We're charged biblically to do so. We have to be good stewards of our environment. And I'm a conservationist, a very ardent conservationist. We can tap into our own natural resources. We can develop those God-given resources, what we call fossil fuel, air through wind as it moves around our country, through the sun, through solar resources. We can tap into those resources. But we are denied a vote on an act that would do everything. We call it the "all-of-the-above plan."

We hear our colleagues on the Democratic side, the controlling party, say, well, let the oil companies drill. They already have leases. They can't drill. Why is that? My friends, my colleagues, American people, oil companies can't drill because of endless lawsuits by the radical environmentalists. Any bill that's presented has to include some mechanism to stop the endless lawsuits by these radical environmentalists that don't want any drilling. They don't want us to develop any of our natural resources. They don't want us to do anything. I think they want us to live in a cave or in a tree. Come to think of it, they don't want us to live in the trees because they think that destroying the forests would be adverse to their philosophy. So I think they want us to live in a cave. I guess we'd have to go and pick up sticks to make a fire and cook our food. A lot of them don't want us to even go out and harvest some of the bountiful animals that we have in those forests that I enjoy eating as a hunter and as a fisherman. But the leadership of the Democratic Party is listening to those radical environmentalists, and they closed down this Congress on August 1 at 11:23 in the morning when many of us wanted to just come to this floor, as is our right, as is our privilege, to talk about energy.

That afternoon I was here as part of that group, as I have already mentioned, demanding the ability to bring the American Energy Act to the floor for an up-and-down vote, to have a debate, an open debate, with amendments, to allow everybody to put their two cents worth in, to talk about their philosophy, to offer their suggestions, to find some commonsense solutions to our energy dependence on foreign sources.

It's a national security issue for us to be dependent upon those nations who want to destroy America. It's an economic issue because our dependency upon them makes us subservient to them.

The high cost of energy is raising the cost of health care in my business. It's raising the cost of groceries in the grocery store. It's raising the cost of every single good and service in this Nation.

I as well as many others came during the August break to this floor to try to do the people's work, to demand a vote on a commonsense solution to this energy crisis we have in America. Right now today America is drilling for ice on Mars; yet we cannot drill for oil in America. It's insane. We have to change that. We have to tap into our oil and gas resources offshore and in ANWR.

I have already mentioned that I hunt. I have been on the North Slope of the Brooks Range. I've been out flying over the Arctic National Wildlife Refuge, ANWR. I've seen the caribou herds that we keep hearing about from the Democratic majority that would be harmed. That's hogwash. They didn't want the pipeline. I have flown over the pipeline. I've camped out by the pipeline. I've seen the caribou herds in Alaska blossom and reproduce and get more numerous because of the pipeline. I've seen pictures of grizzly bear walking down the pipeline. It's actually helped the wildlife.

We have the technology today where we can tap into those oil resources in ANWR, offshore, all over this Nation, and can do it in an environmentally responsible way, as we must, as I want to see happen, as a lot of my Democratic colleagues would like to see happen. But we cannot get a vote.

I have got a picture here. One of the Democratic folks told us the Democrats' energy plan was to "drive small cars and wait for the wind." I don't think most of us want to drive around in small cars waiting for the wind. We don't have to. We can lower the cost of gasoline. We have to tap into our own natural resources to be able to do so. We can stop our dependence on Middle Eastern oil by voting into law the American energy plan. We can make America secure by voting for the American energy plan.

Whom is Ms. PELOSI listening to? She's from San Francisco. She thinks those radical environmentalists out there are normal people.

But the American people know different. The American people know and want an energy plan that makes sense to lower their cost of gas at the pumps. But we need more than that. It's September. People are starting to buy their home heating oil. Poor people, retirees on fixed incomes are going to have to pay a lot more money for their home heating oil. Many are not going to be able to afford to buy their supplies for the winter. The people that we hear from the Democratic majority that they want to represent the most, the poor people and the elderly of this Nation, are going to be radically affected and harmed because Ms. PELOSI and Mr. HOYER, the Democratic leadership, will not allow a vote on the American Energy Act.

I represent the 10th Congressional District in Georgia, northeast Georgia. One of the cities in my district is Athens, where the University of Georgia is. I'm a proud Bulldog. Go Dawgs. Our

head football coach, Mark Richt, has a three-word phrase he uses to energize the football team: "Finish the drill." As a congressman, I have got a three-word phrase to energize America: "Start the drill." We have to start the drill. We have to tap into our own natural resources and develop America's resources. We have to develop alternative sources of energy. That's absolutely critical because we have a dwindling supply of oil and eventually it's going to run out. We have to develop the wind and solar energy that my Democratic friends just keep talking about. T. Boone Pickens says that's half the answer. That's hogwash also. It's only a small part of the answer. It's less than 10 percent. But we have to develop wind and solar. The American Energy Act does that.

Just south of my district, just south of Augusta, Georgia, the Georgia Power Company is trying to put in two nuclear reactors, and they have been doing that for decades. But because of the radical environmentalists and governmental regulations and endless lawsuits, they can't build the two nuclear reactors to add to the two that are already there. We have the technology to make nuclear energy safe. Nuclear energy is the only thing that makes environmental sense and economic sense to develop electric energy in this Nation. We have to develop nuclear energy.

□ 2030

We have to develop hydrogen. We have to develop new batteries. We have to conserve. And I am a conservationist. Conservation has to be a part of the answer. We have to do it all. Well, guess what, American public? The Republican's American energy act does all of that. We must have a vote.

So, Republicans, on the afternoon that we were forced to go home on this 5-week break, Republicans have been coming here every single day since that day, since August 1, to try to get our Democratic colleagues to come back here and do America's work, the American peoples' work, to vote on a comprehensive energy act bill that would do all of the above: Would tap into America's bountiful natural resources, that would develop nuclear energy, would develop alternative sources of energy, would develop conservation issues, would stimulate the innovativeness of the American public to develop new sources of energy. There may be a source of energy we have never dreamed of.

We have to do all of those things. The American energy act will do just that. We can't have the Democratic energy plan of driving small cars and waiting for the wind. We have got to lower the cost of gas at the pump. We have got to lower the cost of home heating oil.

Republicans are here fighting for the poor people. We are here fighting for the elderly on limited incomes. The Democratic leadership are just doing what my son calls "dissing" them. The leader on the Democratic side, Speaker

PELOSI is dissing poor people, dissing the elderly, those who are hurt most by us not having the vote.

So I come here tonight with my colleagues, and I applaud Mr. LATTA and Mr. BURTON and Mr. BARTON and Judge Carter for coming here tonight to bring forth to the American people the idea that Republicans are here for the American people. We are here trying to find those solutions. We have been here through the whole August break, inviting our Democratic colleagues to come back and do the peoples' work, the poor peoples' work, the elderly's work, everybody's work, to lower the cost of energy.

And so I just call upon my Democratic colleagues, particularly those many over here on the Democratic side who would like to have a vote, please ask your leadership to bring the American energy act to the floor for a vote with an open rule so that we can have all the amendments that you want to put in, all the amendments that our folks want to put in, have an open debate, but let's do the American peoples' job in the peoples' House. Let's do the peoples' work to find some solutions to this energy crisis that is an economic crisis and a national security crisis for America. So I call upon my Democratic colleagues to get your leadership to allow us to have a vote on the American energy act.

I thank Mr. LATTA for the opportunity to come here and discuss this, and I applaud your efforts, I applaud my other colleagues' efforts, and I thank you for this opportunity. Maybe the American people will listen.

When I was here in the dimly lit House with no microphones, no cameras—different from tonight—and we had the tourists sitting here on the floor of the House, I asked them to go home and not just enjoy being in this historic moment sitting on the floor of the House of Representatives but to go home to contact their Member of Congress and demand a vote on the American energy act.

Former U.S. Senator Everett Dirksen one time said, when he feels the heat, he sees the light. What he was saying is when his constituents in his State start contacting him through calls and letters, that he would start feeling the heat. We need the American public all over this country to start putting heat on their U.S. Senators and their Members of the U.S. House by calling, writing, e-mailing, visiting district offices, visiting Washington offices, and demanding a vote on a comprehensive energy package that would lower their costs of energy, whether it's gasoline, home heating oil, electricity. That is what the American energy plan is all about, is to lower our energy costs.

So I applaud your efforts tonight, sir, my friend, and dear colleague, and I ask the American public to get busy to apply the heat to your Member of Congress. Write them, call them, e-mail them, and demand a vote on the American energy act so we can have an up-

or-down vote, open debate to lower your cost of energy, lower your cost of gasoline, lower your cost of groceries, lower your cost of health care, lower your cost of every good and service that you have to buy to make America secure. Energy secure.

I thank you, sir, for your leadership. I applaud you, and I thank you for this opportunity to come back today.

Mr. LATTA. I appreciate your willingness to be with us tonight, your hard work, your dedication to be back here during the August break and make sure we get that word out to the American people that we had to be here, not on break, but be here on this floor and make sure that we get an energy plan, especially all-of-the-above. We are talking about everything from nuclear to clean coal technology to hydroelectric to drilling for oil and natural gas and all the alternatives.

At this time, I'd like to recognize the gentleman from Indiana for I believe he said a few minutes. I appreciate your time.

Mr. BURTON of Indiana. I see my other colleague who's here. I hope I am not jumping in front of you. If I am, I will pledge to you I am going to talk a very short period of time so you can get to the mike and express your views.

My brother, Congressman LATTA, is a State representative in Indiana, Woody Burton, and he called me the other day and he gave me some startling facts. I think the American people would be interested in hearing these things he told me because I'm sure it's happening all over the country.

He said that sales tax in Indiana is down by 28 percent, which means simply that people are buying so much less because they are spending their money on gasoline and getting to and from work and on buying products that they have to have to survive. Food. Milk in Indiana had gone from about \$2 a gallon, up over \$3, and they are making packages of food that are close to the same price but they contain less of the commodity. And so sales tax is down in Indiana by 28 percent.

But just to let you know how much the people are spending on gasoline, gas sales tax is up 24 percent. So you see a direct correlation between the amount of money people are spending on products that help the economy and the amount of money that they are spending on gasoline to get to and from work and do what they have to do.

My colleague from Georgia just made a very eloquent statement on why we need to deal with this energy crisis now. I won't belabor the point by going into it again, except to say that about 75 or 80 percent of the American people, depending on which poll you look at, say: Drill here, drill now, just like T. Boone Pickens says. They don't want to see \$700 billion going overseas when we can keep that money at home and create hundreds of thousands of jobs which, again, would be a big help to the economy.

I just want to say we really need an energy bill, we need it right away, and



if the American people are paying attention, I hope that they will, Mr. LATTI, take this opportunity to contact their Congressman and Senators because when the pressure is put on them, then they do respond.

I talked to one of my Democratic colleagues today. He is a cosponsor of a bill that I am sponsoring with him and about 20 other Members of the House, both Democrats and Republicans, which is a bipartisan energy bill. And he said their caucus today was entirely about the energy issue, and he told me he was confident that we would have an opportunity to debate and vote on an energy bill in the next 2 or 3 weeks, which is the end of the session.

I hope he is correct, and I hope if we do have an energy bill, it's a real energy bill and not some kind of a facade. If we get a facade here, I hope we at least have some amendments that we can vote on, which would make it a real energy bill, and that means we'd have to have an open rule.

So let me just say to Mr. LATTI one more time, thank you for doing this. I know it takes away from things you would like to be doing elsewhere, but you come down here on the floor of the House, along with a few of our colleagues, to talk about how important this issue is. And I applaud you for that.

Mr. LATTI. I appreciate the gentleman's words from Indiana. When you were talking about what your brother had contacted you on in regards to the sales tax issue in Indiana, I know it strikes close to home because it wasn't too long ago that we were looking at our charge card statement for the month and I said to my wife, What did we buy this month? I started looking down the list. It was gasoline, gasoline, gasoline, and mostly my fault because I am out in my district, it's a larger district, and when you're filling up 3 or 4 times a week, you put in a lot of gasoline. It's really cutting into our Americans' pocketbook.

At this time I'd like to recognize the distinguished jurist and the distinguished gentleman from Texas. I know that you have had a lot of discussions with your constituents, especially I know the one that you told us about the long hauler from Texas that took that load to California. I know I have given that example to many people across my district over the last couple of months after I heard it from you.

At this time, I'd like to yield to the gentleman from Texas.

Mr. CARTER. I thank my friend Mr. LATTI for yielding to me. Let me say that when the uprising started, I was one of the 10 that began the uprising. I was the fourth person to speak that day. In fact, I got to speak just after the microphones were turned off, just before the lights were turned down. And I'm very proud of the fact that the Republicans stayed in Washington and demanded that the voice be heard of the American people on the issue of energy.

And what we were really saying, we were calling for the Speaker to, Come back, come back, call the House back, let's work together, because we are in an energy crisis. Let's reason this out and come up with solutions that we can all live with that will allow us to prosper in this country. I think that is what this is all about.

So I got to thinking today if you look at the pie chart—and Mr. KING from Iowa had a pie chart in here one day that showed what all our sources of energy are. I can't get the numbers exactly right. I can remember that the alternative energy today, that is wind, solar, and biofuels, is about 2¼ percent of our energy use in America. Right now. That is things we are looking at in the future and that is part of what the American energy act promotes, is research, development and working on those issues. But today it's about 2 percent.

And then the other sources of energy are gasoline and diesel to power our vehicles; natural gas, which we burn in industry and our homes; coal, which we burn in industry and our homes; oil, which we burn in industry and our homes, and a small portion we still use of hydroelectric power, which was one of the original sources of energy in colonial America.

And so what the proposal seems to be and the debate seems to be between our colleagues on the other side of the aisle, the Democrats who are in charge of this Congress and have the power to make things happen in this Congress, I think that it's that debate we are talking about. It's those fuel sources that we are talking about. And nuclear energy, which make up right now I think it's around 18 percent of our power, but don't hold me to the numbers. But that whole chart makes 100 percent. But I do remember alternatives that today are a little over 2 percent.

The proposal we seem to be hearing is there's some things that now are bad. These are bad resources, even though the rest of the world, when they find natural gas off the coast of Brazil, they celebrate. When they drill a well off of—my wife is from Holland, and back in the sixties when they drilled a well in northern Holland and found this huge source of natural gas, they celebrated.

□ 2045

When people in Venezuela drill wells and find oil and natural gas, they celebrate, and yet we are ashamed of those resources.

Those resources are evil now, so we are basically starting to have a policy being proposed that says that there are some things that are just off limits for power right now because they are bad, and even though we don't have sense enough to know they are bad, we are going to get taught by the government that these are bad. And those things, by the way, most of them have to do with hydrocarbons, but we will start off with the one that doesn't, nuclear energy.

Now, we have heard arguments here tonight and examples were given here tonight of what other nations are doing in the way of nuclear energy. An example was given that the Chinese have on their drawing boards I believe it was 42 nuclear plants they are planning on building. And we are not planning to build, I don't think, any. Maybe there are a couple that are on the drawing board someplace, but we haven't built one in decades. Nuclear energy, our colleagues don't seem to want to open up nuclear energy, so it is sort of off limits.

Now we get off into the really evil stuff. Coal, terrible. You can't use coal. Oil, horrible. Horrible. As Speaker PELOSI said, we have got to wean ourselves off of hydrocarbons. And she said the solution is natural gas. I am sorry, but that is a hydrocarbon too. But still, let's throw natural gas in there.

Now, between coal, oil and natural gas, they probably make up about 75 or 80 percent of the fuel sources for industry and for transportation in America today. If those are off the table, let's just call it a small number, 60 percent, if 60 percent of what we are today using for power is off the table, then we have to replace it with something.

The proposals are solar, wind, biofuels, and new ideas we are going to come up with, like batteries and a lot of stuff, all of which is good and is in the American Energy Act. But today and tomorrow, and in fact for probably about 10 years, these things are not anywhere near the size and capacity to come even close to covering 60 percent of the power in this country.

So we are going to replace these oil, natural gas and coal resources with those power sources overnight, and we don't expect to stop right now on those things and not see prices go through the roof because of a supply shortage?

So what are we going to do for that supply shortage? Well, what we have been doing. We are going to buy from foreign countries, who are happy to have those products and happy to sell those products. But wait a minute. We just saw a comparison of the streets of Dubai. We don't have anything against Dubai. They are good friends of ours. But the change in that country between 1976 and today is like watching a miracle in the development of that country because of their intelligent use of the money that we are buying oil from them with and the rest of the world is.

So as we look down the pike, the corridors of time, if we make all these things off limits, then where are we going to go, except to foreign countries? And what we are talking about as part of our energy crisis is our dependence on foreign countries, whether they are friends or whether they be enemies.

So I think the average American back home in my district, when I talk to them, they all get it. They know that tomorrow, all this year for sure, and probably for at least the next 8 or

10 years, when they get up in the morning to go to work they are going to start a vehicle that is probably going to run on oil, an oil product or a natural gas product, gasoline or diesel. To say that we are going to keep this dependence going is insane in their opinion, and they want to know why we can't go after our own resources.

So why don't we put some things back on the table? Let's put American oil and gas back on the table by going to find it where we know that it is. Let's don't drill where it is not. If you want to lease property that has no oil and gas on it to drill on, you are welcome to lease my place. It is 2 acres right outside of Round Rock, and I guarantee you, you can put a drilling rig on it and it won't produce one drop of oil. But if you like drilling on places where there is no oil, I volunteer mine, and I will take the lease money. But that is ridiculous.

So when we hear proposals, why don't you drill where you have already got leases or where we have already offered leases, and our research tells us there are little or no resources there, why would we place millions and billions of dollars worth of drilling rigs on those sites to lose money? Why would anybody do that? So that doesn't make sense.

So let's go back. Let's start with the hard one, coal. But, you know what? We are learning very quickly how to clean up coal. We are learning how to liquefy coal and find new uses for coal. We are abundantly wealthy with coal. We shouldn't just put that off the table. And I am not from a big coal State, although question have got some coal. But the facts are we can't shove that resource off the table completely.

Oil, we know, as has been explained by Chairman BARTON and others, there are at least 10 billion barrels of oil in the Arctic, up in ANWR, in an area which we intentionally set aside. There is abundant oil and gas resources off all the coasts of America.

Chairman BARTON pointed out the reason they started looking at Alaska is because some whalers saw some oil seepage. Do you know that a place where there is oil seepage to this day is off the coast of California. In fact, those tar pits, that is just really, really thick crude at the top of the ground. But that is off limits.

Let's start being reasonable, taking care of the environment and drilling for these resources, producing them and putting them on the table. I for one am 100 percent in favor of Boone Pickens' proposal that we put natural gas in certain vehicles. It works. But he tells you 20 percent is the solution.

I think wind is a great idea, and it works. But it has got to be boosted to transport, and so we have to work on that. And still, with all the windmills we have got in production right now, we couldn't power Austin, Texas, for 2 days.

So, in order to meet our power needs, we have to be intelligent about what

we are doing. As we reason with our colleagues on the other side of the aisle, let's look at this picture and say reality says today, tomorrow and at least the next 10 to 20 years, we have to deal with what we have got. We can't hope that miraculously 2 percent of the power generated in America will instantly become 60 percent, just because we wish it to be.

I once asked a physicist from Austin, Texas, how big the solar panel would have to be to power Austin, Texas, for a day on the best day, that being a day in the spring when we don't need air conditioning and we don't need heat, and he said the size of the Texas panhandle. The size of the Texas panhandle is bigger than quite a few of the States in this country. So solar has its means, we will find a way for it, but today it is not going to even power Austin, Texas.

So as we look at this comprehensive energy that we have got to look at, if we are trying to reduce our dependence on foreign oil, let's wisely use the resources we have. Let's protect our environment as we do this. Let's make these burns and new scientific methods. For instance, you can burn things in pure oxygen and have no air emissions. You can capture carbon dioxide and use it to replenish oil fields, to bring more oil to the surface. We can do a lot with science and technology available and all those things on the table to be learned.

The bill that the Republicans are putting forward calls for us to wisely use all available resources, researching and developing the new ideas, offering incentives for more new ideas, offering incentives for conserving energy and all the things we need and want to do to make this country competitive, so that Indianapolis, Indiana, will look like Dubai some day, and not like Dubai in 1976, as was described earlier in a presentation here. Our infrastructure needs resources. We need to start taking care of America.

By the way, these lost jobs that people move overseas, did you ever think the high cost of energy might have something to do with that too?

So let's start thinking about ourselves and let's reason this out together. We have 3 weeks to do it. Time is running out. Our friends are back from their vacations, our Democratic friends are back from their vacations. Let's put our heads together. Let's don't give us an energy policy that comes from one person from San Francisco. Give us a policy that we work out in a bipartisan fashion, and I believe we can do it in the next 3 weeks.

Thank you for allowing me to speak.

Mr. LATTA. I appreciate the gentleman's words from Texas.

At this time I would like to introduce the gentlewoman from North Carolina (Ms. FOXX), who has been a leader on this energy issue here on the House, in her 1 minutes and 5 minutes and her many, many speeches and special orders. I yield to her at this time.

Ms. FOXX. I want to thank my colleague from Ohio who has been leading this Special Order tonight for giving me this opportunity. I hope to have a chart tomorrow that is going to show this better, but I am going to describe very briefly something that I think we need to be talking about.

I am encouraged by the Speaker saying that we are going to have a vote on an energy plan. I am concerned that it is not going to be the vote on the American Energy Act. We need a straight up or down vote I think on increasing American-made energy.

I have said over and over again on the floor, I am pro-American made energy and I think that is what we need to be doing. I was very proud to be here during August when the seats were filled with citizens who were here visiting. There was no mike, there was no C-SPAN, there were no lights on, but we had a great time talking to the American people and I think it showed our Republic at work. People took action, contacted their Members and said we need to do something about it.

But recently we have heard about how the unemployment rate has gone up, and our colleague from Texas, Judge Carter, talked about jobs going overseas. I think we also have seen that as the gas prices have gone up, we have also seen unemployment go up. Again, while I don't have a chart, I am going to make do with the chart that I have here.

When the Democrats took over in 2007, we had an unemployment rate of 4.5 percent, one of the lowest in the history of this country. We had 54 straight months of job increases. What happened? By 11-07, the unemployment rate had gone up, which was about right here, as gas prices started going up. When gas prices got to here, the unemployment rate had gone up to 5 percent. Gas prices in May were up to \$3.84 and the unemployment rate went above 5 percent. The unemployment rate is now at 6 percent, and that is where gas prices went, there.

I agree with Judge Carter. We need to look at why jobs are going overseas, and in large part it is because of the gas prices. The American people simply don't understand why the Democrats are so anti-American energy. If we will drill in ANWR, if we will drill off the coast, we can bring down the price of gasoline in this country. We can bring down the price of home heating oil, which is going to be hurting everybody in this country in the very next few days, because it is hurting them.

I yield back to my colleague who began this so he can close the evening.

Mr. LATTA. I appreciate the gentlewoman from North Carolina's words. I appreciate her work. I also would like to thank the Speaker for this evening's Special Order.

□ 2100

## BLUE DOGS

The SPEAKER pro tempore (Mr. ALTMIRE). Under the Speaker's announced policy of January 18, 2007, the gentleman from Arkansas (Mr. ROSS) is recognized for 60 minutes as the designee of the majority leader.

Mr. ROSS. Mr. Speaker, we have heard a lot of talk, a lot of rhetoric about energy. We have heard a lot of partisan talk about energy.

You know, Congress has never been in session in August, in recent memory. It is a traditional district work period. And all the Republicans that complained about Congress adjourning for August, as it does each August, if the truth be known, if you were to look at their schedule, they had public events scheduled throughout their district in August. Why? Because they knew that Congress is traditionally not in session in August.

And, quite frankly, Mr. Speaker, if we had stayed on the floor the whole month of August, we would be hearing a lot of the stuff we are hearing tonight. We would be hearing all this partisan bickering about energy. But instead, all 435 Members of Congress went back home to their respective districts during the month of August. And if you listen to the national press, it sounds like we were all laid up on the beach somewhere for 5 weeks.

The fact is, most Members of Congress on both sides of the aisle did what I did; I began the break by making a trip to Iraq to visit the 3,000 members of the Arkansas National Guard. Regardless of how we feel about what is going on in Iraq and what we should or should not be doing, it is important, not as Democrats and Republicans, but as Americans, that we remain united in support of our men and women in uniform.

So I made the trip to Iraq to visit the 3,000 members of the Arkansas National Guard. It is their second deployment in 33 months. They have gone above and beyond what has been asked of them. When that National Guard recruiter showed up, they said, "Sign here, son, and the most you will be out of the country is once every 5 years." This is the Arkansas National Guard 39th Brigade's second deployment in 33 months. And I felt like the least I could do is make the trip to Iraq, let them know we support them, thank them for their service, and to make sure that some of the \$16 million an hour of your tax money that is going to Iraq is being spent on the equipment and supplies that they need.

Then I came home to Arkansas, and during the month of August I visited something like 40 towns across my district. Most Members of Congress did the same thing during August; they were visiting their constituents. And if they did, I am sure, like me, they got an earful about the high price of gasoline. And I can assure you, Mr. Speaker, Members of Congress going home to

their districts and getting an earful on high gasoline prices will go a lot further toward getting a commonsense energy bill passed on the floor of the United States House of Representatives than having all of us sit here and fight and bicker and act like a bunch of school-aged kids for a month.

And because we were home in our districts in August and because we did get an earful, I predict that we will see a commonsense energy bill passed on the floor of the House this month. The question is whether the Republicans really want to pass an energy bill, or whether they just want to try and blame the Democrats. The irony of this is they have been in control of this for the last 6 years of the White House, House, and Senate. And during that time, of course, I don't have to tell anyone what has happened with the price of gasoline.

So this month, I predict, on the floor of the House the Republican Members of this body will have an opportunity to help pass a bipartisan, commonsense energy bill. The question is, will they do that, or will they not do it and try to continue to use this issue and the American people as a political football?

I can tell you that people in my district, they work hard, they get up, they go to work, they work hard for a living, and many of them live in rural areas and they travel great distances to and from work and they are sick and tired of being a political football. They don't see this as a Democrat or a Republican energy crisis. They see it, as I do, as an American energy crisis.

Here is what I do know. When I was born in 1961, our Nation was 19 percent dependent on foreign oil. By the time I graduated from high school in 1979, we were 45 percent dependent on foreign oil. We are now approaching 70 percent dependency on foreign oil.

Mr. Speaker, when we go to the gas pump and when we tank up, we are indirectly putting money in the hands of the terrorists who want to harm us. That does not make any sense at all.

Here is what else I know. There is going to be 100 million new cars on the road in the next 8 years. 100 million new cars on the road in the next 8 years; not here; in China and India. And I don't care who tells you what, no President, no Member of Congress can change the expansion of the middle class in China and India or anywhere else in the world.

The second thing that I want to point out is 3 weeks ago Kurdish rebels went into Turkey and blew up an oil pipeline, halfway around the world, and yet the next day in South Arkansas we were paying more per gallon of gasoline. No President, no Member of Congress can do anything about that.

We can't change world demand and world circumstances, but I will tell you what we can change. We can change our domestic supply here at home. And that is why a number of us that are Democrats believe that we have got to drill here at home.

The Republicans say, drill and your problems are solved. Not so. The fact is, that because demand is going to continue to increase, if we do all the alternatives and renewables that are in the science lab today and bring them to the marketplace, our oil needs will still be just as great in 20 years as they are today because the demand is going to continue to increase.

So some say drill and your problems are solved. They are not leveling with you. Others say do alternative renewable fuels and your problems are solved. They are not leveling with you, either, Mr. Speaker. I contend it is going to take all of these things. And I have a plan to accomplish that. It is called the American-Made Energy Act, and here is how it works.

Number one, to get us the oil we need short term we drill here at home in ANWR, the Arctic National Wildlife Refuge. It is real controversial with some, and I understand that. The truth is, there is 19 million acres in ANWR, and using new technology we only need 2,000 acres out of the 19 million to recover the oil we need. 19 million acres in ANWR at issue; the land area we need in order to drill and recover the oil that is there is 2,000 acres. Put it another way, one-sixth the size of the airport near Washington, D.C.

We need to drill off the coast. We need to drill where it makes sense, in the 48 continental United States, not using 1940 or 1950 technology, not even 1990 technology. My bill says that we will do it utilizing 21st century technology that can allow us to recover the oil we need and be good stewards of the environment all at the same time.

Here is what else it does. It generates \$80 billion in lease and royalty payments to our government. \$80 billion. When President Kennedy set out to put a man on the moon, in today's dollars it was a \$90 billion investment, and we did a lot more than put a man on the moon. We grew a new generation of innovators in this country that went on to create many of the jobs and technologies that we enjoy today.

You contrast that with energy. Everybody is talking about alternative and renewable fuels, but the truth is we will spend more money in Iraq in the next 10 days than we will spend this year on research and development of new and exciting alternative and renewable forms of energy, and that is wrong.

I want to take the revenue from the lease and royalty payments, \$80 billion, and I want to put every dime of it into making a President Kennedy "let's go to the moon" size investment in alternative and renewable fuels.

We can take automobiles that run on gas and run them on natural gas. We have a lot of natural gas in America. We have a plentiful supply of natural gas, and new areas are being found all the time. In Arkansas now we have got something called the Fayetteville Shale, and a lot of people who used to not have very much are now finding

themselves in the middle-class or even better. A lot of poor farmers, a lot of poor working families are now discovering some wealth because of the Fayetteville Shale, which is where they are recovering natural gas.

Now, not too long ago, they didn't know it existed. And then they knew it existed, but they didn't have the technology to recover it. And then they had the technology to recover it, but it was too costly. And then the price of natural gas went up, and, guess what. Now we are seeing this great explosion of this natural gas find in Arkansas known as the Fayetteville Shale. There is another one in Louisiana. They are both going to rival what is known as the Barnett Shale in Texas.

New and exciting technologies are allowing us to possibly move to natural gas powered cars. Biofuels, ethanol, cellulosic ethanol where we take the treetops and the tree limbs, add value to the land owner, and we can turn them into ethanol. The first ever cellulosic ethanol plant is being built right now in Georgia. The people building it I recently had on the panel when I hosted the first ever Arkansas Biofuels Conference at the University of Arkansas at Monticello, a forestry school located within my district.

Batteries, a lot of promise with batteries. Now, battery powered cars, plug-in electric cars probably won't make a lot of sense for those of us in rural areas. Last Thursday, I traveled 450 miles in my district. I represent about half of Arkansas. That is a lot of miles. Obviously, plug-in and battery powered doesn't make sense for a lot of folks that live in rural areas and drive 20 or even 50 miles each way to and from work. But you know what? For those folks in the urban areas, for those folks where we have a lot of people living, if we can transition them into battery and plug-in electric cars where they spend an hour getting 6 miles to work each day, that will reduce our Nation's need for oil and, therefore, it will reduce the price that we pay at the pump in areas where we will continue to have automobiles that run on gasoline, which comes from oil.

There is a lot of promise. Hydrogen fuel cell. I have test driven a hydrogen fuel cell car. It sounds like an electric golf cart, it runs like a regular car, and no pollution. And when you stop, if you take an empty cup and run to the tailpipe in time, it will pour you a half a cup of water that you can drink. This is not Star Wars stuff. This is not stuff that is even in the science lab anymore. These are ideas that are out of the science lab and ready for the marketplace. The problem is, we do not have an energy policy in this country that embraces them.

So that is what my plan does; it drills, it gives us the oil we need short term; it reduces the price we pay at the pump; it makes a President Kennedy "let's go to the moon" size investment in alternative and renewable fuels that can create hundreds of thousands of new jobs here at home.

Ironically, high gas prices helped get us in this economic recession, and having a President Kennedy "let's go to the moon" size investment in alternative and renewable energy, growing a new generation of energy innovators in this country can also help get us out of this recession. I call it my Common Sense Energy Plan for America's Future. And I am going to talk more about it a little bit later this evening, because we don't just address the high price of gasoline, we also address electricity. Because I can tell you, we have a gasoline and diesel crisis today, but we are going to have an electricity crisis as early as 2030, and it is going to be far greater and much worse than the gasoline crisis we have today, and my bill speaks to that. It is H.R. 5437, the American-Made Energy Act, and we are going to talk about it in more detail a little bit later this evening.

But at this time, I have got a number of Democrats that have joined me that are for new energy, they are for drilling, they are for alternatives, they are for renewables. They are for American-made energy. Again, this is not a Republican or a Democratic energy crisis, it is an American energy crisis, and we are here to say that we want to make a difference.

I am pleased at this time to introduce my good friend, my colleague from California, the Honorable JIM COSTA.

Mr. COSTA. I thank my dear friend, Congressman MIKE ROSS from Arkansas, for his leadership not only in the Congress but among our fellow Blue Dogs.

I rise this evening to speak on behalf of a comprehensive effort to really address America's energy needs.

We have certainly heard a lot of political posturing that has taken place over the last year about various types of energy proposals, and I think the sad fact is that the American public is not looking for a Democratic nor are they looking for a Republican-Democratic energy package; they are looking for an American energy package, one that addresses our near-term needs with the energy crisis that we are experiencing today, one that focuses on our interim challenges that we face, and one that focuses on the long term, over the next 20 years, because Americans realize that it has taken a number of decades to put us in the hole that we are in today, and that certainly overnight we can't a la Harry Potter wave a magic wand hoping that our energy challenges will simply be wished away. It simply is not possible, and the American public knows that.

□ 2115

What they do expect is their elected representatives, Democrats and Republicans, to come together, put partisan differences aside, and sit down and try to figure out how we reduce our dependency on foreign sources of energy, as Congressman ROSS mentioned a moment ago, reaching almost 70 percent

now of the energy that we consume in America each year; almost 70 percent imported from foreign sources.

To put it another way, this year, Americans will transfer in excess of \$750 billion. Let me repeat that. We will transfer in excess of \$750 billion of American wealth to purchase our energy needs. Talk about digging a hole.

And where does that wealth go? It goes, in the form of petro dollars, in some cases, to sometimes friends of us, and then sometimes into the pockets of petro dictatorships which certainly wish us no good in the world of the geopolitics that we live in today.

We have certain countries in the Middle East that are playing both sides of the terrorist aisle. So, in that sense, we are really financing both sides of the war on terror. We're trying to, obviously, eliminate terror in our world, but yet we have countries in which we are purchasing our energy from who play both sides of the fence and use that, almost like the Mafia did in terms of protection money.

So, Americans want us to put together the kind of comprehensive energy policy that I think our Nation deserves, an Apollo-like program that really sets goals over the course of the next 10 years, short-term goals, interim goals, and long-term goals that will not just reduce our dependency on foreign sources of energy, but on fossil fuels, using all the new technologies that are out there that, in fact, will create more American jobs; that will create cleaner air, that can also be exported in terms of technologies around the world.

So is there such an effort going on? I'm pleased to tell you, tonight, yes, there is. There is such a bipartisan effort. It began back in early June with a group of Republicans and Democrats sitting together, one night a week, for 6 weeks, talking about what we thought was the art of the possible, the common sense that Americans expect us to use when we're here on the floor of the House and we're in committee. And as a result of that, we produced the National Conservation, Environmental and Energy Independence Act, introduced with 28 Democratic cosponsors and 28 Republican cosponsors on the day that we left session in July. Today we have over 120 cosponsors.

Now, this isn't a Blue Dog proposal. This isn't a Democratic proposal. This is not a Republican proposal. This is a bipartisan work product of like Members doing what Americans expect us to do, and that is, sit down and figure out solutions and compromises to some of the most difficult challenges we face as a Nation.

Now, what's this bill do? It's a simple bill. It's 34 pages long. It's three titles. The first title is offshore and onshore leasing and other energy provisions. It basically opens up the Outer Continental Shelf within 25 to 50 miles, giving States an opt-in provision, that could be modified in other ways, that we believe, over a course of the next 20

years, will develop \$2.6 trillion. Conservative estimates. These are based upon what the Mineral and Management Services estimated the last time they surveyed Federal lands, both on and offshore. When they last surveyed lands on and offshore in the 1980s, using old technology, not the new technology that has 3-D seismology that we use today to determine carbon footprints of oil and natural gas, in those days, what they determined existed in the Gulf of Mexico today, as a result of literally hundreds of leases that have been let in the gulf, we have developed, in that time period of over 20 years, 3½ times more energy resources than was estimated to be there by Mineral and Management Services in the 1980s. Using those same conservative estimates we base this \$2.6 trillion that would be realized as a result of opening up these Federal lands, both on the Outer Continental Shelf and on land.

Now, what would we do with this money? Well, we have the same royalty program that exists today, in which energy companies bid for leases that come up on a regular basis, and then, of course, these energy companies pay a lease, if they successfully bid on a parcel of leases; and then after they do their due diligence and determine if it's worth, in fact, drilling and utilizing the oil and the natural gas, then they pay a royalty. So we get monies three ways. We get monies when the energy companies first bid on the leases, then we get money when they lease the land that they have successfully bid on, and then, if they decide to determine to drill for oil or natural gas, we get the royalties. \$2.6 trillion, we think, is the conservative estimate.

Where would we spend that money. We'd put 30 percent of it in the general fund. That would, over the time period, amount to \$780 billion. For States that decided to participate they would receive an equal 30 percent or \$780 billion. How many of our States could use that money to invest in the infrastructure? That \$780 billion could be so helpful in dealing with our national debt.

We would also put 8 percent for the conservation reserve. We'd also put 10 percent for an environmental restoration reserve account. We'd put 15 percent for renewable energy reserves.

We all want to get off of our addiction to fossil fuel. Even the President here said that in his State of the Union speech. But we can't wish our way from fossil fuel. We have to be able to finance the renewable fuels. This would do that.

It also would provide 5 percent for carbon capture sequestration and to regenerate nuclear waste. We shouldn't be storing it at Yucca Mountain. We ought to be regenerating it like other countries do. There is energy in that waste, and it could be utilized on those plants.

And, also, we need to look at conservation. We need to apply energy standards in residential and commercial buildings that is low-hanging fruit,

and provide also support for low income home energy assistance programs for those people who are on fixed incomes, those who are working poor, those who most need the support for to conservation. That's the first title.

The second title would provide funding for cleaner energy production and energy conservation incentives. In other words, we would provide continuation of tax credits for existing renewables, for solar, for wind, for the cellulosic fuels, for the new technologies, like, that we think will be so important in creating the new American industries of jobs and energy; and to include bio diesel and other renewable fuels that include the hybrid vehicles that our colleague, Congressman ROSS, spoke of that he and I and others have actually had the opportunity to drive.

This is what we ought to do. This is taking existing innovative efforts in renewables and funding them, financing them, because that's how you get there from here. This is the interim strategy.

The third title of the bill is a portion of the bill that I am going to let my colleague and good friend, Congressman NICK LAMPSON discuss, because it's an important part that deals with the near-term issues. It involves the Strategic Petroleum Reserve, and it dedicates some of those revenues and the conservation to energy research programs. This will have an immediate effect in lowering the prices of the existing gasoline, diesel and other fuel oils that we are, currently Americans are hard hit with.

Let me close by saying that this measure has the support of 18 Blue Dogs as cosponsors. Certainly, a large percentage of my Blue Dogs colleagues are supporting this, or they are supporting Congressman GREEN's proposal or Congressman MIKE ROSS' proposal. But the Blue Dogs share a common desire to put the partisan politics behind us and really do America's business in addressing our long-term, interim and short-term energy needs.

Be sure of one thing. This energy crisis that we are in today will be with us for the foreseeable future. We are just one international crisis away from rationing fuel in America. We saw what happened in Russia's invasion of Georgia just a week ago and the implications on that for energy policy.

Nigeria provides 10 percent of some of the sweetest, cleanest crude that we import in America. You would think, well, maybe 10 percent's not too much; we could live without Nigeria's oil.

Well, let me tell you something. That 10 percent of the oil we receive from Nigeria provides 36 percent of all the gasoline consumed on the East Coast. We know the problems that we have in Nigeria today and the Delta and the instability there, as in other parts of the world. So, Americans expect us to look at a short-term, interim and long-term energy policy.

Ladies and gentlemen, my colleagues, my Blue Dog friends under-

stand that we must use all the energy tools in our energy tool box, and that's what these series of proposals attempt to do, to use, as my parents taught me, a long time ago, JIM, use just some good common sense. You know, JIM, if you use good common sense you can get a lot done and you work with people and you don't care who gets credit. Well, that's what these proposals are all about, to use all the energy tools in our energy tool box for the near-term, the interim and the long-term energy needs of our country.

And with that, I yield back the balance of my time to my colleague, MIKE ROSS and my fellow Blue Dogs. Thank you very much.

Mr. ROSS. I thank the gentleman from California for his insight, his commitment to finding a common sense to this energy crisis facing America today. And the Member from California, Mr. COSTA, talked about the Blue Dogs.

The Blue Dog Coalition is a group of fiscally conservative Democrats that come from all over this country. There's 49 of us. And we're about trying to restore fiscal discipline, common sense and accountability to our government.

We're sick and tired of all the partisan bickering that goes on up in Washington. We don't care if it's a Democrat or a Republican idea. We want to know is it a common sense idea. Does it make sense for the people that send us here to be their voice at our Nation's Capital.

Tonight you're hearing from various members of the Blue Dog Coalition. It's not necessarily a Blue Dog position. It's Democratic positions. It's individual positions from individual Members within the Blue Dogs.

But you know, to listen to the Republicans tell it, you'd think Democrats aren't for drilling. We're for drilling, we're just not for giving the big oil companies a free ride to go along with it.

And tonight, I have got a number of my colleagues, Democratic Members of Congress, that, like me, believe that we need to drill, and we need to drill now, here at home in America to reduce the price we pay at the pump.

But we're not so short sighted that we stop there. We also say, take the revenue from the lease and royalty payments, and let's make the single largest investment in the history of America in alternative and renewable fuels.

At this time I'm pleased to yield to my colleague from Ohio, CHARLIE WILSON, for as much time as he desires. Not to be confused with the other Charlie Wilson. CHARLIE WILSON from Ohio.

Mr. WILSON of Ohio. Thank you, Congressman ROSS.

Mr. Speaker, I rise tonight in support of the Congress' efforts to construct a new energy policy that will increase our renewable energy, our portfolio and the resources that we already have

here at home. And that's one of the things that I'm really proud to be here this evening to speak with my fellow Blue Dogs and, certainly Congressmen COSTA and ROSS both who have gone before me. And the thing they stress that is so important, Mr. Speaker, they keep saying that we are so concerned that we use common sense in what we're doing. And I know myself, I have been supportive of drilling all along. I believe it's the right thing to do. We need to have our resources to help people who are feeling severe pain in our country right now.

I'm concerned, though, that the oil that we drill here be oil that we keep here. And so I believe it's American oil, and we should use it for America's needs. I feel the same way about natural gas. I believe it's one of the other issues that we're going to have to deal with in a very near time frame.

It concerns me that I can see buses running around Washington, D.C. right now, and they are run on gas. Why can't we do more of that? Why can't we use that natural resource that we have to lessen our dependence on foreign oil?

□ 2130

I believe that's one of the significant efforts that we need to make.

Mr. Speaker, I represent a part of Ohio that has had a long proud period of steel and coal. We use coal in our area in many ways. And as a matter of fact, if we're fortunate enough, very soon to get our coal-to-liquid plan in my district in Columbiana County, Ohio. I will be very, very proud because we will be able to introduce a process that is safe, that we can sequester the carbon, we can grind the coal, we can use it to make fuel oil for airplanes. It's a new type of diesel project that can be done that actually burns cleaner than what our Air Force and what our airplanes are using now. So it's a great opportunity for us to find an alternative way to develop our own fuel.

And the amount of fuel that our airplanes use, people don't realize, but it's huge. And so this plant of ours in Ohio will produce 50,000 barrels a day. And that's just a small dent, but I think it could be a prototype for the kinds of thing that can happen with our natural resources of coal and being able to use it clean to produce the kind of fuel that will help us with alternative fuel.

As you drive up and down the Ohio River, you can see along my district of southeastern Ohio what amount of energy plants we have that use coal to produce electricity and also now to be using diesel fuel. You can see that this liquid fuel will help us more and more to reduce our dependency. And as someone said earlier, I believe it was Congressman ROSS, that we are going to have a shortage of electricity now in the not-too-distant future.

This shortage of electricity, it is very important that we understand that we start gearing up for it now. We have the technology to burn coal clean to produce electricity. We can provide the

coal with safe mining techniques that we have today, the technology that will make a difference in how we can get our coal out.

I believe that coal is another part of our energy plan that we need to look at, and especially from my area where we have an abundance of it, some say 200 to 300 years. So we can mine this coal and use it for an opportunity to help our workforce.

So I think as we drill and we have in mind that we're going to create a campus, or as Congressman COSTA said, a toolbox, if you will, of different kinds of alternative energy. And I believe if we could start doing that, we will be in better shape.

I yield back to our leader, Congressman ROSS.

Mr. ROSS. I appreciate the gentleman from Ohio for joining us. And if you are able to stick around, we'd love to visit more about coal with you.

We've got at least a 225-year supply of coal here in America. Instead of saying it's bad and turning our back on it, doesn't it make sense to invest some of this \$80 billion from the lease and royalty payments from drilling here at home and trying to find ways to clean it up? Coal-to-liquid.

We're so close to getting coal-to-liquid figured out that if we could, we wouldn't need to import another barrel of oil for 300 years in this country. I look forward to visiting more with the gentleman from Ohio about coal. In fact, I've got a coal plant being built in my district right now. Coal is not the cleanest form of energy. We all recognize that. But I can tell you this: with new technologies when this plant comes on line, it will be the cleanest new coal plant in America today. It will be plumbed, outfitted for carbon capture and sequestration, another promising technology that's currently in the science lab but getting close to being ready for the marketplace.

At this time, I would like to yield to my dear friend, a real leader in the United States House of Representatives from the State of Texas, and that's NICK LAMPSON.

Mr. LAMPSON. Thank you, Mr. ROSS. I appreciate the gentleman from Arkansas sharing some of his time and all of the good work that you're doing, and particularly promoting the work of the Blue Dog Democrats, the coalition of the fiscal conservatives in the House of Representatives. It's a real pleasure to be a part of an organization like this that will concentrate on in part of the issues and look for common ground.

I think what we too often, unfortunately, we in the House have been best at producing is division, and it's time for that division to come to an end. It's time for us to start working for America. That's what I think this Blue Dog Coalition has stood for and so do many others.

It was out of a sense of, I guess, frustration of several weeks back when—Mr. COSTA was talking about it a few minutes ago—when Members were

watching what was happening on the floor of this body when there was an awful lot of finger pointing about who was to blame for the energy situation that we were in. But out of that frustration came a plan for many of us to go into a room and see what we could do to come up with a real solution.

And that real solution became H.R. 6709, about which Mr. COSTA was speaking a little while ago. It's unfortunate that too often good things come out of a crisis. And we're in crisis. But what we've got to do is learn to work together in solving it.

What the public hears too often, Mr. Speaker and Members, is how divided we are. And we don't hear so much about how much effort is being made to pull us together, where there are good, reasonable commonsense solutions to the problems.

We know that only drilling is not a solution to our problem, and we know that only alternative energy is not a solution to our problem, but it's going to take a combination of them all. And that's what this bill 6709 sets out to accomplish.

And Mr. COSTA talked about the first two sections. He talked about the offshore and onshore leasing and other energy provisions. He also talked about the title II, which was cleaner energy production and energy conservation incentives.

And what he left off at the title number III was the Strategic Petroleum Reserve modification and dedication of revenues to existing conservation and energy research programs.

The whole effort that we made in this bill was to find ways that we could get the resources necessary to pay for the research, development, and implementation of alternative energy. There is no question but that we have to grow our supply of energy if we're going to meet the continuing growing demand of this world for energy.

And you can't do that, typically right now, with what we have traditionally known. And certainly we don't want to continue to be dependent on other places in the world and ship our wealth off to other countries.

So what we knew that we could do is to develop something that would give us some short-term benefit to consumers by decreasing the price of gasoline at the pump, decreasing the cost of oil, and in the long term, give us continued independence and a long-term energy policy that would allow us to do the research to grow wind, and water, and solar, and other forms of energy so that we would have not only a growing supply of energy but one that would be cleaner made available to us in a different way. We can grow it rather than always pulling it out of the ground.

Well, our section number 3 of this bill had the plan of modernizing the Strategic Petroleum Reserve. Right now we have about 700 million barrels of oil, like sweet crude oil, in storage in the Strategic Petroleum Reserve, and we wanted to propose that 10 percent of

that be taken and turn it into or replace it with a heavy crude which was of a lesser price. And the difference there would generate a profit, if you will, for the people of the United States.

And that money would be dedicated to the research, development, and implementation of a number of different areas of energy sources including advanced research projects, wind energy research, solar energy research, low-income weatherization, low-income home energy assistance program, marine and hydrokinetic renewable energy, advanced research vehicles development, industrial energy efficiency research and development, building/lighting energy efficiency research and development, geothermal energy development, smart grid technology development, nonconventional natural gas production and environmental research, hydrogen research and development, energy storage for transportation and electric power.

And those are the things that we know are some of what we have to do in order to expand our sources of energy.

We have great knowledge. We are a long way on our way toward having the knowledge to be able to implement so many of these different sources of energy and grow our ability to take care of ourselves, be dependent on us, us as America and the United States of America instead of other places in the world.

So it's wonderful when we have the opportunity to come together as colleagues and when we respectfully have discussions, as the one that we're having tonight, to be able to put the ideas that we can discuss, maybe compromise on because there's not everything in this bill that I like. I know there's not everything in this bill that other of my colleagues like.

But I believe it was our Founding Fathers who wanted us not to have polarization and partisanship but to have compromise through debate. That's why this Congress has been the strong body that it has been for so very long.

And to hear such finger pointing that we are not able to get the solutions that we need and want to make America great again, that's what has to end. That's what this coalition is about. That's what this bill is largely about.

I'm proud to be a part of the National Conservation Environment and Energy Independence Act, H.R. 6709. I hope many people will look at it and encourage Members of Congress from all over the country to sign on as cosponsors.

So I thank you, Mr. ROSS, for the work that you're doing with our Blue Dog Coalition, for promoting these energy matters that are so critically important to the people of the United States. And I'm proud to be able to join my colleagues tonight.

I yield back my time.

Mr. ROSS. I thank the gentleman from Texas.

And Mr. Speaker, when I committed to doing this hour this evening on our

need for energy, including drilling here at home as well as investing in alternative renewable fuels, I wasn't sure if I would be spending an hour here by myself or not. The reality is that we've got Democrats that keep filing on to the floor of the United States House of Representatives, so many so that we may not be able to get to them all in this hour.

These are Democrats that are demanding a new energy policy for this country, and we can only hope the Republicans will join us in passing one in a bipartisan way. We're here to reach out to the Republicans and say, This is not a Democrat or Republican energy crisis, it's an American energy crisis. Let's solve it together.

I'm pleased now to yield to a brand new Member of Congress, all the way from Mississippi, who's brought a good dose of commonsense and fresh air to Washington with him, and that's my friend TRAVIS CHILDERS.

Mr. CHILDERS. Thank you, Congressman ROSS.

I am pleased to join my fellow Blue Dogs together in a discussion about this energy crisis that America finds itself in.

For far too long, the United States has not had any tangible national energy policy to address our continued dependence on foreign energy sources. As a matter of fact, it was a Democrat in the White House the last time that this country even had an energy policy. His name is Jimmy Carter, and he's still alive and well in the State of Georgia tonight.

It is my belief that we need both immediate and long-term solutions to ease the burden on the citizens of the First Congressional District of Mississippi, the citizens of Mississippi as a whole, and, yes, the people all across this great Nation tonight in the United States, all of us who make up the United States of America, who, on a daily basis, face increasing costs at the gas pump and in their households.

This is a reason that I was proud to be an original cosponsor with my fellow Blue Dog Congressman MIKE ROSS on the American-Made Energy Act of 2008.

And incidentally, I had introduced a six-point energy plan just prior to this, and I realize that many people share my ideas. Many people share my ideas of drilling. Many people share my ideas on America's renewable resources, just as Congressman ROSS did. And in order to move a large portion of my energy plan into law, I was pleased to sign on as a cosponsor to then-recently introduced legislation, the American-Made Energy Act of 2008, H.R. 5437. It has won considerable bipartisan support.

And so much has been said, as has even been said in this hour prior tonight, that just because we're Democrats, we're opposed to drilling. Let me just say this for the record: I'm very much in favor of drilling, and I join many of these fine Blue Dogs tonight who join me in that. And we're pleased

to be a part of that, even though, as the infamous or famous T. Boone Pickens just said, "We can't drill ourselves out of this mess that we've gotten ourselves in, and we didn't get into it overnight."

□ 2145

Across America tonight—please hear me on this—we got into it because we don't have an energy policy. We haven't had an energy policy since the 1980s, really the late 1970s.

As a member of the Blue Dog Coalition, I have been committed to working toward immediate relief to American consumers by supporting legislation in this wonderful body, the United States House of Representatives, that responsibly increases domestic drilling capacity, while holding the oil industry accountable to the enormous profits being collected on a quarterly basis.

I have continually advocated for open drilling in the Outer Continental Shelf of the eastern Gulf of Mexico, along with the Arctic National Wildlife Refuge. When I am back home in north Mississippi visiting these small counties and small towns, I routinely tell those crowds that if they find oil in my backyard, they are welcome to put an oil derrick down right behind my house in Booneville, Prentiss County, Mississippi. And if the noise is too much, I will move, but I'm for drilling.

I mentioned above that our energy crisis is not all about short-term or immediate quick fixes. Personal accountability is a huge step toward getting Americans to purchase vehicles that are capable of traveling at ranges that exceed the current CAFE standard which is presently 27.5 miles per gallon.

I introduced legislation before the August break, H.R. 6773, which provides a \$100 tax credit for every mile per gallon a vehicle goes over the nationally mandated fuel economy standard to a family and/or individual who purchases an automobile that qualifies under H.R. 6773.

Let me use, for example, the Prius, Toyota Prius, which I am so pleased to say will be made in a very short time in northeast Mississippi at the intersection of three great counties: Pontotoc, Union and Lee counties. I passed by during the break, and I saw the steel going up. Within a couple of years, Toyota and north Mississippians will be manufacturing a hybrid automobile that presently gets 46 miles per gallon.

Using my numbers and the legislation that I introduced, 46 miles per gallon minus 27.5, which is the present CAFE standard, that's 19.5 miles per gallon that automobile will get over the present CAFE standard. Using my numbers of \$100 per mile per gallon, if you bought an automobile, a Toyota Prius, you will be entitled to a \$1,950 tax credit. I think this is an appropriate step to incentivize Americans to start buying automobiles that are less dependent on foreign oil.

But let me say, it's not just about the Toyota Prius. I'm very pleased and

very proud to say that we're going to be making those Toyotas in north Mississippi, but I want Ford Motor Company to take advantage of that. I want General Motors to take advantage of that. I want Chrysler and Nissan and so forth, I want all of these. It's not just a Toyota thing.

Thank you for allowing me to speak tonight. I appreciate the opportunity. I am pleased to be a part of this great body. I am further pleased to be part of the Blue Dog Democrats, Democrats who are about the business of fixing the mess that we have gotten ourselves in over a period of almost 30 years. I'm proud to be a member of a body that is willing to take a stand, try to develop an energy policy for this country, one we've not had since the days of Jimmy Carter.

Mr. ROSS. I thank the gentleman from Mississippi, and at this time, I will yield to the gentleman from Georgia, DAVID SCOTT, my friend.

Mr. SCOTT of Georgia. Thank you very much, Mr. Ross. Good to be with you again.

I thought I would just start for a few moments on the fact that we are going to vote on a ban to lift the ban on offshore drilling. Democrats are taking the lead and Democrats are moving forward in a very responsible way to take the ban off offshore drilling and drill.

What is important here are two points. One is that we need to make sure—and I understand that we are making sure—that whatever oil we are able to get from offshore drilling stays in America. This is a very tricky maneuver. Right now, as I understand it, all oil goes on the world market, but I do understand that we have the Continental Lands Act, and in that Act of 1953, as amended, it states that all oil that is discovered or pulled out of waters in the United States coastal areas will be American and will stay in America. That's very important.

That's the question that a lot of my constituents want to know, if we go, we get this oil, are we going to be able to keep this oil in America, because fundamentally, that's what's at issue. This is more than just a just basic energy crisis as we've had before. This is a national security issue of the highest regard.

I spent this afternoon for about 3 hours in our Foreign Affairs Committee talking with the Under Secretary of the Secretary of State and discussing the ramifications of Russia invading Georgia and what that was all about, and I hasten to add that this was all about, in many respects, energy and about Russia's position in that.

Europe gets 31 percent of its oil—I mean, we get a lot of ours from foreign sources, but right now, Europe gets 31 percent of its oil and gas from one Nation, Russia. There is a lot at stake that is going on in that part of the world, and underneath it all is oil and gas and energy and who's going to remain in control.

We need to understand that our basic charge is to get American dependent.

So that part of the question has to be answered, and I think we've done that.

The other part is, and I think and I hope in this legislation, as we have worked and crafted—I might add that this legislation that's being crafted that we will vote on before we go back home on many, many sources. We're pulling in many ideas because no one has a monopoly on these ideas. Some of these ideas that we'll be voting on are contained in what the Senate calls the "Gang of 10." That is very important.

But I think one aspect of that—and I've been very supportive of that—is that we will allow four to five States on the eastern seaboard, Georgia being one of them, to decide and opt in to whether they want to drill. We are going to have to come up with what the mileage is offshore, whether it's 3, 5, 10, 50 or 100 miles offshore. But I think we ought to entertain the possibility of allowing it open to every State, that every State may make that choice so that you're not deciding one or the other. Perhaps we will go in that direction, to allow the entirety of America, the United States of America, wherever we can get oil that we can keep, that is American dependent oil, we must do so, and wherever that drilling needs to take place, we must do so. And hopefully, that will be incorporated into the bill.

But we must not stop there. What we have more than any other country, we have the greatest amount of technology. Nobody's smarter than we are. We've got to unleash our technology, our scientists, our chemists, our engineers to go and hurry up and get alternative sources of fuel away from fossil fuels. We can't drill our way out, no matter what it is. There's just so much oil there. We've got to grow our way out of it.

And that's why we hope that this bill will be multifaceted, but drilling will be an important component on it, and we're excited for the future. I think the American people can be proud of what the Congress is about to do.

Mr. ROSS. I appreciate my colleague from Georgia, my dear friend, for working late on a Tuesday night here to help us address this energy crisis facing this country.

And at this time, I'm pleased to yield to another leader of the fiscally conservative Democratic Blue Dog Coalition, my good friend from the State of Tennessee, LINCOLN DAVIS.

Mr. LINCOLN DAVIS of Tennessee. Thank you, Mr. Ross.

Certainly, it's always a pleasure to be here to speak when the Blue Dogs have a special session and an opportunity to come and speak before the Members of Congress, as well as the American people. There are some facts that I believe all of us need to know. I think the American people need to know this.

When you look at the oil reserves, the proved oil reserves, that we have in the world, America has about 3 percent. When you look at the actual pro-

duction of the consumption of oil in the world, we produce about 10 percent of the world's consumption. Unfortunately, we consume almost 25 percent of all the production in the world, and in doing that, it makes us almost be a hostage to oil-producing countries.

Now, let's talk a little bit about how much oil that we use. We use over 7.5, almost 8 billion barrels of crude oil a year. We produce about 2.5 billion of that, and the rest we import, mainly from our hemisphere, some small amount from the Middle East, but mostly, from our hemisphere, whether it's Canada, Mexico, Venezuela. Different parts of our hemisphere comes to America.

Now, what does that tell me? If we have got 3 percent of the oil reserves, then we're always going to be held hostage. But where are those reserves located?

They tell us that we've got roughly 150 billion barrels of crude oil in the Outer Continental Shelf. That's the max. Good estimates say we probably have no more than 85 billion barrels of crude oil in the Outer Continental Shelf, add about 10 billion max up in ANWR or about 7.5 billion that we could actually take out of ANWR for a profitable margin for our oil companies.

That being the case, we have a 1-year supply in ANWR. We're hearing from folks who are making this a political issue that we just drill and drill our way out of it.

We import 5 billion barrels of crude oil a year, 5 billion barrels. If we, in fact, have 100 billion barrels of crude oil, which is the estimate that we would have probably in both ANWR, in the Outer Continental Shelf in Alaska, in the Outer Continental Shelf in the Pacific—about 24 billion in the Outer Continental Shelf in Alaska; 20 billion barrels in the Outer Continental Shelf in the Pacific; in the gulf about 44 billion; very little on the Atlantic Outer Continental Shelf, about 3 to 4 billion barrels; little over 100 billion barrels total. That's a 20-year supply of what we're importing today.

And we will use all that up, and if we have another war, by the time we have to defend ourselves and have the abundance of oil, are we going to go to Saudi Arabia or Iraq or Iran and ask them for oil so we can fight them with it?

I think we have got to look at alternatives more than we have ever looked. Ten years ago, in 1998, the average price of a barrel of oil was \$14 a barrel. Let me rephrase that. Just 10 years ago, \$14 a barrel. Volatile conditions in the world, over-consumption, and in many cases, an unplanned energy policy that will make us totally self-sustainable has not occurred.

I did some research on windmills. From 1850 to 1900 over 6 million windmills were sold in this country. They ground our corn with it to make cornmeal. They ground our wheat to make flour. In some cases, they even used it



for electricity. In 1880, this country had 50 million people in it: 9.5 million families, 8.5 million households. In that 50-year period of time, 6 million windmills. They were smarter than us because we've become dependent on the combustion engine. We've become dependent on foreign sources for our crude oil.

It is time that we take a serious look at all the alternatives, including wind and solar, including nuclear. I'm not sure I'd like to say this. T. Boone Pickens is one of those guys, Mr. Speaker, that helped fund Swift Boat Veterans for Truth. When that guy comes to the Democrat Caucus and says you are on the right track, a staunch Republican, it tells me we are doing something right.

I would love to spend about 20 minutes here.

□ 2200

Mr. ROSS. I thank the gentleman from Tennessee for coming out and joining us this evening.

Mr. Speaker, tonight, you've heard from Democrats from Texas, Ohio, Mississippi, California, Tennessee, Georgia, and yes, Arkansas. They are Democrats who share a common vision, a common plan to reduce our dependence on foreign oil, to create new jobs here at home, to drill here at home, to take the lease and royalty payments to invest in alternative and renewable fuels which will create new jobs here at home, all of which, of course, will lower the price we pay at the pump.

We invite Republicans to join us. It's H.R. 5437, the American-Made Energy Act. It's a bipartisan bill. I hope Republicans will support it as well as they will support these other bills mentioned this evening.

Mr. LINCOLN DAVIS of Tennessee. Would the gentleman yield?

Mr. ROSS. I would yield to the gentleman from Tennessee.

Mr. LINCOLN DAVIS of Tennessee. One last word.

This issue demands and requires leadership probably more than any other issue that we've addressed in this Congress, leadership on doing what's right, not fabricating an issue that we can solve it by just drilling our way out of it. It's going to take leadership to give us an energy policy that will sustain America's future.

Mr. ROSS. The gentleman from Tennessee is absolutely correct.

Mr. Speaker, we don't have a Democratic energy crisis. We don't have a Republican energy crisis. We've got an American energy crisis, and we're here asking Republicans to join us, the Democrats, in passing a bill that includes drilling here at home and in investing in alternative and renewable fuels. If the Republicans will do that, if they will come to the table and will sit down and will talk to us and with us instead of at us, I promise you, Mr. Speaker, we will pass a commonsense energy plan for America, a plan that will reduce the price we pay at the pump.

With that, I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SENSENBRENNER (at the request of Mr. BOEHNER) for today on account of his primary election.

#### 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.

Mr. SPRATT, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. BISHOP of New York, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Mr. HIGGINS, for 5 minutes, today.

Mr. KAGEN, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, September 16.

Mr. JONES, for 5 minutes, September 16.

Mr. DAVIS of Kentucky, for 5 minutes, September 15.

Mr. MORAN of Kansas, for 5 minutes, today and September 10, 11 and 12.

Mr. BACHUS, for 5 minutes, today and September 10, 11 and 12.

Ms. FOXX, for 5 minutes, today and September 10, 11 and 12.

Mr. SOUDER, for 5 minutes, today and September 10, 11 and 12.

Mr. WOLF, for 5 minutes, September 10.

Mr. PRICE of Georgia, for 5 minutes, September 10.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. PRICE of Georgia, for 5 minutes, today.

#### ADJOURNMENT

Mr. ROSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 1 minute p.m.) the House adjourned until tomorrow, Wednesday, September 10, 2008, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8142. A letter from the Secretary, Department of Agriculture, transmitting draft legislation, "To amend the Packers and Stock-

yards Act, 1921, to provide authority to collect license fees from persons participating in the Packers and Stockyards Programs, and for other purposes"; to the Committee on Agriculture.

8143. A letter from the Under Secretary of Defense, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 07-01, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8144. A letter from the Under Secretary of Defense, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 08-01, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8145. A letter from the Deputy Under Secretary of Defense, Department of Defense, transmitting the Department's report on the amount of purchases from foreign entities for Fiscal Year 2007, pursuant to Public Law 104-201, section 827 (110 Stat. 2611); to the Committee on Armed Services.

8146. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting a report entitled, "OJJDP Annual Report 2005," pursuant to 42 U.S.C. 5617; to the Committee on Education and Labor.

8147. A letter from the Assistant Secretary Electricity Delivery and Energy Reliability, Department of Energy, transmitting a report entitled, "A Preliminary Report on the Potential Impacts of Plug-in Hybrid Electric Vehicles on the U.S. Electric System"; to the Committee on Energy and Commerce.

8148. A letter from the Assistant Secretary Energy Efficiency and Renewable Energy, Department of Energy, transmitting the Department's semi-annual implementation report on energy conservation standards activities, pursuant to Section 141 of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

8149. A letter from the Chief Operating Officer, Environmental Justice and Climate Change Initiative and Redefining Progress, transmitting a report entitled, "A Climate of Change: African Americans, Global Warming, and a Just Climate Policy for the U.S."; to the Committee on Energy and Commerce.

8150. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting a proposed removal from the United States Munitions list of cancer drugs containing nitrogen mustards, pursuant to section 38(f) of the Arms Control Export Act; to the Committee on Foreign Affairs.

8151. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-496, "Health-Care Decisions for Persons with Developmental Disabilities Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

8152. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-494, "Tenant-Owner Voting in Conversion Election Clarification Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

8153. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-495, "Department of Transportation Establishment Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

8154. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-493, "Animal Protection Amendment Act of 2008," pursuant to D.C.

Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

8155. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-473, "Street and Alley Closing and Acquisition Procedures Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

8156. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-501, "Income Tax Secured Bond Authorization Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

8157. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-500, "Center Leg Freeway (Interstate 395) Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

8158. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-499, "Southwest Waterfront Bond Financing Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

8159. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-498, "Youth Council of the District of Columbia Establishment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

8160. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-497, "Clean and Affordable Energy Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

8161. 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.

8162. A letter from the Chairman, National Capital Planning Commission, transmitting the Commission's annual report for FY 2007 prepared in accordance with Section 203 of the Notification and Federal Employee Anti-discrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

8163. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting a letter detailing the activities undertaken by the Department to expand training efforts, improve coordination across jurisdictions, and deploy technology to more effectively respond to the threat posed by sex offenders using the Internet and other technology to abuse and exploit children, pursuant to Public Law No. 109-248; to the Committee on the Judiciary.

8164. A letter from the Secretary, Department of Transportation, transmitting a report entitled, "Rural Interstate Corridor Communications Study," pursuant to section 5507 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; to the Committee on Transportation and Infrastructure.

8165. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Stemme GmbH & Co. KG Model S10-VT Powered Sailplanes [Docket No. FAA-2008-0598; Directorate Identifier 2008-CE-031-AD; Amendment 39-15543; AD 2008-11-20] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8166. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Airworthiness Directives; Cirrus Design Corporation Model SR20 Airplanes [Docket No. FAA-2008-0284; Directorate Identifier 2008-CE-006-AD; Amendment 39-15541; AD 2008-11-18] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8167. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls Royce plc (RR) Trent 500 Series Turbofan Engines [Docket No. FAA-2007-27955; Directorate Identifier 2007-NE-15-AD; Amendment 39-15539; AD 2008-11-16] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8168. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc (RR) Models Trent 768-60, 772-60, 772B-60, and 772C-60 Turbofan Engines [Docket No. FAA-2008-0597; Directorate Identifier 2008-NE-12-AD; Amendment 39-15542; AD 2008-11-19] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8169. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757 Airplanes [Docket No. FAA-2007-28598; Directorate Identifier 2007-NM-036-AD; Amendment 39-15529; AD 2008-11-07] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8170. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-10-10F, DC-10-30F (KC-10A and KDC-10), DC-10-40F, MD-10-10F, and MD-10-30F Airplanes; and Model MD-11 and MD-11F Airplanes [Docket No. FAA-2007-28748; Directorate Identifier 2007-NM-115-AD; Amendment 39-15537; AD 2008-11-14] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8171. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes; Model DC-9-10 Series Airplanes; Model DC-9-20 Series Airplanes; Model DC-9-30 Series Airplanes; Model DC-9-40 Series Airplanes; Model DC-9-50 Series Airplanes; Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), and DC-9-87 (MD-87) Airplanes; Model MD-88 Airplanes; and Model MD-90-30 Airplanes [Docket No. FAA-2008-0032; Directorate Identifier 2007-NM-314-AD; Amendment 39-15538; AD 2008-11-15] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8172. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 0070 and Mark 0100 Airplanes [Docket No. FAA-2008-0231; Directorate Identifier 2007-NM-218-AD; Amendment 39-15534; AD 2008-11-12] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8173. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-100 and -300 Airplanes [Docket No. FAA-2008-0544; Directorate Identifier 2008-NM-099-AD; Amendment 39-15535; AD 2008-10-51] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8174. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200, -200LR, -300, and -300ER Series Airplanes [Docket No. FAA-2007-28389; Directorate Identifier 2006-NM-171-AD; Amendment 39-15536; AD 2008-11-13] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8175. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-200B, 747-200C, 747-200F, 747-300, 747SR, and 747SP Series Airplanes [Docket No. FAA-2008-0554; Directorate Identifier 2008-NM-100-AD; Amendment 39-15522; AD 2008-10-15] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8176. A letter from the Chairman, Social Security Advisory Board, transmitting the Board's report of the 2007 Social Security Technical Panel on Assumptions and Methods; to the Committee on Ways and Means.

8177. A letter from the Assistant Secretary Office of Legislative Affairs, Department of Homeland Security, transmitting a letter opposing the bill H.R. 5983 the "Homeland Security Network Defense and Accountability Act of 2008"; to the Committee on Homeland Security.

8178. A letter from the Assistant Secretary Office of Legislative Affairs, Department of Homeland Security, transmitting a letter opposing the bill H.R. 5531 "Next Generation Radiation Screening Act of 2008"; to the Committee on Homeland Security.

8179. A letter from the Assistant Secretary Office of Legislative Affairs, Department of Homeland Security, transmitting a letter opposing the bills H.R. 3815, H.R. 4806, H.R. 6193, and H.R. 6098; to the Committee on Homeland Security.

8180. A letter from the Secretary, Department of Health and Human Services, transmitting notification that the Centers for Medicare & Medicaid Services fully implemented section 422 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA); jointly to the Committees on Energy and Commerce and Ways and Means.

8181. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft of a bill, "To amend the Elwha River Ecosystem and Fisheries Restoration Act to provide certain authorities for dam removal and mitigation activities, and for other purposes"; jointly to the Committees on Energy and Commerce and Natural Resources.

8182. 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.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WAXMAN: Committee on Oversight and Government Reform. Supplemental report on H.R. 6322. A bill to amend the District of Columbia School Reform Act of 1995 to permit the District of Columbia government to exercise authority over the Public

Charter School Board in the same manner as the District government may exercise authority over other entities of the District government (Rept. 110-782 Pt. 2).

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 6608. A bill to provide for the replacement of lost income for employees of the House of Representatives who are members of a reserve component of the armed forces who are on active duty for a period of more than 30 days, and for other purposes (Rept. 110-832 Pt. 1). Ordered to be printed.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. 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 (Rept. 110-833). Referred to the Committee of the Whole House on the State of the Union.

Mr. WELCH: Committee on Rules. House Resolution 1419. Resolution providing for consideration of the bill (H.R. 3667) 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 (Rept. 110-834). Referred to the House Calendar.

Mr. FRANK: Committee on Financial Services. H.R. 6308. A bill to ensure uniform and accurate credit rating of municipal bonds and provide for a review of the municipal bond insurance industry; with an amendment (Rept. 110-835). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 4081. A bill to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes; with an amendment (Rept. 110-836). Referred to the Committee of the Whole House on the State of the Union.

#### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Standards of Official Conduct discharged from further consideration. H.R. 6608 referred to the Committee of the Whole House on the State of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. NORTON (for herself and Mr. WAXMAN):

H.R. 6842. A bill to require the District of Columbia to revise its laws regarding the use and possession of firearms as necessary to comply with the requirements of the decision of the Supreme Court in the case of District of Columbia v. Heller, in a manner that protects the security interests of the Federal government and the people who work in, reside in, or visit the District of Columbia and does not undermine the efforts of law enforcement, homeland security, and military officials to protect the Nation's Capital from crime and terrorism; to the Committee on Oversight and Government Reform.

By Mr. MAHONEY of Florida:

H.R. 6843. A bill to strengthen procedures regarding detention and removal of aliens; to the Committee on the Judiciary.

By Mr. McHUGH (for himself, Mr. KUHLE of New York, and Mr. PAUL):

H.R. 6844. A bill to amend the Internal Revenue Code of 1986 to suspend the taxation of unemployment compensation for 2 years; to the Committee on Ways and Means.

By Mr. CONYERS (for himself, Mr. ISSA, Mr. WEXLER, and Mr. FEENEY):

H.R. 6845. A bill to amend title 17, United States Code, with respect to works connected to certain funding agreements; to the Committee on the Judiciary.

By Ms. LEE (for herself, Ms. SCHAKOWSKY, Mr. McDERMOTT, Ms. MATSUI, Mr. FILNER, Ms. MOORE of Wisconsin, Ms. BALDWIN, Mr. CARSON, and Ms. WOOLSEY):

H.R. 6846. A bill to ensure that any agreement with Iraq containing a security commitment or arrangement is concluded as a treaty or is approved by Congress; to the Committee on Foreign Affairs, and in addition to the Committees on Armed Services, and Rules, 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. DEAL of Georgia (for himself, Mr. LEWIS of Georgia, Mr. BISHOP of Georgia, Mr. KINGSTON, Mr. LINDER, Mr. GINGREY, Mr. MARSHALL, Mr. SCOTT of Georgia, Mr. BARROW, Mr. PRICE of Georgia, Mr. WESTMORELAND, Mr. JOHNSON of Georgia, and Mr. BROUN of Georgia):

H.R. 6847. A bill to designate the facility of the United States Postal Service located at 801 Industrial Boulevard in Ellijay, Georgia, as the "First Lieutenant Noah Harris Ellijay Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. ELLISON (for himself, Ms. MCCOLLUM of Minnesota, Mr. OBERSTAR, Mr. WALZ of Minnesota, Mr. PETERSON of Minnesota, and Mr. RAMSTAD):

H.R. 6848. A bill to extend through April 1, 2009, the MinnesotaCare Medicaid demonstration project; to the Committee on Energy and Commerce.

By Mr. ETHERIDGE (for himself and Mr. MORAN of Kansas):

H.R. 6849. A bill to amend the commodity provisions of the Food, Conservation, and Energy Act of 2008 to permit producers to aggregate base acres and reconstitute farms to avoid the prohibition on receiving direct payments, counter-cyclical payments, or average crop revenue election payments when the sum of the base acres of a farm is 10 acres or less, and for other purposes; to the Committee on Agriculture.

By Mr. FORTENBERRY:

H.R. 6850. A bill to allow veterans to elect to use, with the approval of the Secretary of Veterans Affairs, certain financial educational assistance to establish and operate certain business, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HASTINGS of Florida:

H.R. 6851. A bill to authorize assistance to facilitate trade with, reconstruction efforts, and economic recovery in the Republic of Georgia, which are necessitated by the destruction of critical infrastructure and disruption of domestic and regional commerce during the August 2008 war between Georgia and the Russian Federation; to the Committee on Foreign Affairs, 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 Mrs. MALONEY of New York (for herself and Mr. SERRANO):

H.R. 6852. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to improve Federal response efforts after a terrorist strike or other major disaster affecting homeland security, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition

to the Committees on Energy and Commerce, and Education and Labor, 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. MEEK of Florida:

H.R. 6853. A bill to establish in the Federal Bureau of Investigation the Nationwide Mortgage Fraud Task Force to address mortgage fraud in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. SHIMKUS (for himself and Mr. TANNER):

H. Con. Res. 409. Concurrent resolution supporting the awarding of a Membership Action Plan to the Republic of Georgia and Ukraine at the meeting of the North Atlantic Treaty Organization (NATO) Foreign Ministers in December 2008; to the Committee on Foreign Affairs.

By Mr. HOYER:

H. Res. 1420. A resolution expressing the sense of the House of Representatives regarding the terrorist attacks launched against the United States on September 11, 2001; to the Committee on Oversight and Government Reform, and in addition to the Committees on Foreign Affairs, Armed Services, Transportation and Infrastructure, Homeland Security, the Judiciary, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JONES of North Carolina:

H. Res. 1421. A resolution solemnly commemorating the 25th anniversary of the tragic October 1983 terrorist bombing of the United States Marine Corps Barracks in Beirut, Lebanon and remembering those who lost their lives and those who were injured; to the Committee on Armed Services.

By Mr. KANJORSKI:

H. Res. 1422. A resolution recognizing and promoting awareness of Chiari malformation and expressing support for designation of a "National Chiari Malformation Month"; to the Committee on Energy and Commerce.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 154: Mr. CLEAVER.  
 H.R. 211: Mr. CARDOZA.  
 H.R. 241: Mr. ADERHOLT.  
 H.R. 549: Mr. HASTINGS of Washington.  
 H.R. 563: Mr. TIM MURPHY of Pennsylvania.  
 H.R. 743: Mr. SCALISE.  
 H.R. 871: Ms. BORDALLO.  
 H.R. 882: Mr. SMITH of New Jersey, Mrs. TAUSCHER, Mr. THOMPSON of California, and Mr. SIRE.  
 H.R. 1014: Mr. WALZ of Minnesota.  
 H.R. 1023: Mr. WALDEN of Oregon.  
 H.R. 1038: Mr. ROTHMAN.  
 H.R. 1110: Ms. DELAURO.  
 H.R. 1193: Mr. BRADY of Pennsylvania.  
 H.R. 1280: Mr. LANGEVIN and Mr. CASTLE.  
 H.R. 1283: Mr. MARCHANT and Mr. BAIRD.  
 H.R. 1293: Mr. SHULER.  
 H.R. 1380: Mr. LAHOOD.  
 H.R. 1386: Mr. WELCH of Vermont.  
 H.R. 1524: Mr. WEXLER, Mr. CARSON, and Mr. SARBANES.  
 H.R. 1655: Mr. BOUCHER and Mr. BAIRD.  
 H.R. 1671: Mr. MEEK of Florida, Ms. SCHWARTZ, and Mr. NADLER.  
 H.R. 1742: Mr. JONES of North Carolina and Mr. WILSON of South Carolina.  
 H.R. 1755: Mr. CAPUANO.  
 H.R. 1781: Mr. DONNELLY.

- H.R. 1820: Mr. SCHIFF, Mr. ISRAEL, Mr. CUMMINGS, Mr. MICHAUD, Mr. DAVIS of Illinois, Mrs. CAPPS, Mr. GUTIERREZ, Mrs. MALONEY of New York, Mrs. MCCARTHY of New York, Ms. WASSERMAN SCHULTZ, Mr. FARR, Mr. HASTINGS of Florida, Mr. OLVER, Mr. DELAHUNT, Ms. LEE, Mr. KENNEDY, Mrs. DAVIS of California, Ms. ESHOO, Ms. HARMAN, Mr. COURTNEY, Mr. BRALEY of Iowa, Mr. CLYBURN, and Ms. MATSUI.
- H.R. 1881: Mr. PAYNE, Mr. KUHL of New York, Mr. BACA, and Ms. EDDIE BERNICE JOHNSON of Texas.
- H.R. 1956: Mr. BACA.
- H.R. 1964: Mr. PATRICK MURPHY of Pennsylvania.
- H.R. 1992: Mr. CHILDERS.
- H.R. 2015: Mr. KIND and Mr. CASTLE.
- H.R. 2020: Mr. BARRETT of South Carolina, Ms. SUTTON, Mr. WILSON of Ohio, and Mr. STUPAK.
- H.R. 2054: Mr. ROSS.
- H.R. 2075: Ms. TSONGAS.
- H.R. 2131: Ms. EDDIE BERNICE JOHNSON of Texas.
- H.R. 2167: Mr. LINCOLN DIAZ-BALART of Florida.
- H.R. 2169: Mr. LARSEN of Washington and Mr. ABERCROMBIE.
- H.R. 2188: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. LOEBACK.
- H.R. 2208: Mr. KELLER and Mr. CULBERSON.
- H.R. 2221: Mr. DEFazio.
- H.R. 2244: Ms. BERKLEY.
- H.R. 2260: Ms. EDDIE BERNICE JOHNSON of Texas.
- H.R. 2329: Mr. HINCHEY, Mr. MILLER of North Carolina, Mr. ROGERS of Alabama, Mr. BISHOP of New York, Mr. SALAZAR, and Mr. LARSON of Connecticut.
- H.R. 2606: Ms. WOOLSEY.
- H.R. 2677: Mr. MICHAUD.
- H.R. 2802: Mr. LOEBACK.
- H.R. 2809: Mr. HOLT.
- H.R. 2833: Ms. BERKLEY.
- H.R. 2923: Mr. SHULER and Mr. CLAY.
- H.R. 3035: Mr. GONZALEZ and Mr. DENT.
- H.R. 3212: Mr. DICKS, Mr. REYES, Ms. BERKLEY, and Mrs. NAPOLITANO.
- H.R. 3257: Mr. ABERCROMBIE, Mrs. EMERSON, Mr. WALZ of Minnesota, and Mr. MCCRERY.
- H.R. 3326: Mr. WALZ of Minnesota, Ms. GIFFORDS, Mrs. MCCARTHY of New York, Ms. SUTTON, Mr. HOLT, Mr. SCOTT of Virginia, and Mr. KIND.
- H.R. 3334: Mr. MCCAUL of Texas.
- H.R. 3404: Mrs. MCCARTHY of New York and Mr. ABERCROMBIE.
- H.R. 3544: Mr. PAYNE.
- H.R. 3573: Mr. PAYNE.
- H.R. 3636: Mr. HOLT.
- H.R. 3652: Mrs. CAPPS.
- H.R. 3654: Mr. INGLIS of South Carolina.
- H.R. 3737: Mr. BROWN of South Carolina and Mr. MARKEY.
- H.R. 3834: Mr. HINCHEY, Mr. BOOZMAN, and Mr. CONYERS.
- H.R. 3846: Ms. SLAUGHTER.
- H.R. 3929: Mr. STARK, Mr. MCDERMOTT, Mrs. MALONEY of New York, Mrs. CAPPS, Mr. DOYLE, Mr. FARR, and Mr. CLAY.
- H.R. 4048: Mr. BISHOP of New York.
- H.R. 4206: Mrs. EMERSON and Mr. MARCHANT.
- H.R. 4248: Mr. ALLEN.
- H.R. 4449: Mr. FILNER.
- H.R. 4900: Mr. LARSEN of Washington.
- H.R. 5223: Mr. RODRIGUEZ and Mr. STUPAK.
- H.R. 5469: Mr. KUHL of New York.
- H.R. 5513: Mr. BARRETT of South Carolina and Mr. GRAVES.
- H.R. 5585: Mr. PLATTS, Mr. SMITH of New Jersey, Mr. DOYLE, and Mr. McNULTY.
- H.R. 5615: Mr. COBLE and Mr. TIERNEY.
- H.R. 5635: Mr. CONAWAY, Mr. RAMSTAD, and Mr. TOWNS.
- H.R. 5646: Mrs. SCHMIDT, Mr. BILIRAKIS, and Mr. SESSIONS.
- H.R. 5673: Mr. BOUSTANY and Mr. MARCHANT.
- H.R. 5713: Mr. NUNES.
- H.R. 5750: Mr. STARK.
- H.R. 5752: Ms. GINNY BROWN-WAITE of Florida.
- H.R. 5793: Ms. BEAN, Mr. MARCHANT, Mr. WILSON of South Carolina, and Mr. MICA.
- H.R. 5823: Mr. LARSON of Connecticut, Mr. MAHONEY of Florida, Ms. SUTTON, Mr. GRIJALVA, Mr. TIERNEY, Mr. FILNER, and Mr. MICHAUD.
- H.R. 5846: Mr. WATT.
- H.R. 5867: Mr. BROWN of South Carolina.
- H.R. 5882: Mr. WU, Mr. BLUMENAUER, and Mr. STARK.
- H.R. 5901: Mr. SERRANO, Ms. BALDWIN, and Mr. FARR.
- H.R. 5921: Mr. WU, Mr. BLUMENAUER, and Mr. STARK.
- H.R. 5924: Mr. BILBRAY.
- H.R. 5936: Ms. WOOLSEY.
- H.R. 5946: Mr. STARK.
- H.R. 5951: Mr. LEWIS of Georgia, Ms. BORDALLO, Mr. BRALEY of Iowa, and Mr. STARK.
- H.R. 5971: Mr. WELDON of Florida.
- H.R. 6039: Mr. WU and Mr. BLUMENAUER.
- H.R. 6126: Ms. SCHAKOWSKY and Mr. PAYNE.
- H.R. 6127: Mr. NADLER.
- H.R. 6143: Mr. BISHOP of New York.
- H.R. 6145: Mr. FRELINGHUYSEN.
- H.R. 6180: Mr. CAPUANO and Mr. MCGOVERN.
- H.R. 6201: Mr. POMEROY and Mr. BERRY.
- H.R. 6209: Mr. GORDON, Ms. LEE, and Mr. ELLSWORTH.
- H.R. 6210: Mr. CARNEY, Mr. WEXLER, Mrs. GILLIBRAND, and Mr. MICHAUD.
- H.R. 6283: Mr. BOUCHER.
- H.R. 6355: Mr. SHERMAN.
- H.R. 6407: Mr. YARMUTH and Mr. BRALEY of Iowa.
- H.R. 6411: Ms. SUTTON.
- H.R. 6434: Ms. MATSUI and Mr. HONDA.
- H.R. 6444: Mr. CASTLE.
- H.R. 6453: Mr. HUNTER.
- H.R. 6466: Mr. SCALISE.
- H.R. 6479: Ms. ZOE LOFGREN of California, Ms. ESHOO, and Ms. SPEIER.
- H.R. 6495: Mr. WU.
- H.R. 6508: Ms. SCHAKOWSKY, Mr. GRIJALVA, and Mr. BLUMENAUER.
- H.R. 6525: Mr. HONDA.
- H.R. 6528: Ms. WOOLSEY.
- H.R. 6534: Mr. SHADEGG.
- H.R. 6558: Mr. ROHRBACHER, Mr. MCCARTHY of California, and Mr. NUNES.
- H.R. 6559: Mr. SCOTT of Georgia.
- H.R. 6562: Mr. KUHL of New York, Mr. KAGEN, Mr. MICHAUD, Mr. PLATTS, Mr. STUPAK, Mr. TANCREDO, Mr. GRAVES, Mr. ALLEN, Mr. PASTOR, Mr. THORNBERRY, and Mr. CLEAVER.
- H.R. 6566: Mr. SAM JOHNSON of Texas, Mr. WELDON of Florida, Mr. MCHENRY, Mr. KINGSTON, Mr. WELLER, and Mr. RYAN of Wisconsin.
- H.R. 6568: Mr. RYAN of Ohio.
- H.R. 6597: Mr. BERMAN.
- H.R. 6598: Mr. ACKERMAN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LOBIONDO, Ms. BERKLEY, Mr. ELLISON, Mr. CASTLE, Ms. BORDALLO, Mr. SHAYS, Mr. PORTER, Ms. LEE, Mr. HALL of New York, Mr. BILBRAY, and Mr. PAYNE.
- H.R. 6630: Mr. LIPINSKI.
- H.R. 6632: Mr. REGULA.
- H.R. 6640: Mrs. MUSGRAVE.
- H.R. 6641: Ms. BALDWIN.
- H.R. 6652: Ms. JACKSON-LEE of Texas and Mr. CALVERT.
- H.R. 6692: Mr. SKELTON and Mr. KUHL of New York.
- H.R. 6702: Mr. PASTOR.
- H.R. 6709: Mr. DAVIS of Alabama, Mr. KAGEN, Mr. JONES of North Carolina, Mr. PETERSON of Minnesota, Mr. GORDON, Mrs. MYRICK, Mr. FALEOMAVAEGA, Mr. COBLE, Mr. DENT, Mr. RODRIGUEZ, Mr. KIRK, and Ms. JACKSON-LEE of Texas.
- H.R. 6742: Ms. WOOLSEY.
- H.R. 6749: Mr. HINGHEY.
- H.R. 6763: Mr. CHABOT, Mr. CHANDLER, Mr. HARE, Mr. MCCOTTER, and Mr. PLATTS.
- H.R. 6783: Mr. GOHMERT and Mr. POE.
- H.R. 6788: Mr. BUYER.
- H.R. 6789: Mr. GOODE.
- H.R. 6792: Mr. HARE, Mr. HINOJOSA, and Mr. MICHAUD.
- H.R. 6796: Ms. SCHAKOWSKY and Ms. NORTON.
- H.R. 6798: Mr. FRANK of Massachusetts and Mr. ROGERS of Alabama.
- H.R. 6832: Mr. PORTER.
- H.J. Res. 79: Mr. PAYNE, Ms. WOOLSEY, Mr. MCDERMOTT, Mr. HARE, and Mr. COHEN.
- H.J. Res. 89: Mr. WELDON of Florida.
- H.J. Res. 91: Mr. MORAN of Virginia.
- H. Con. Res. 253: Mr. STARK.
- H. Con. Res. 284: Mr. GOHMERT, Mr. PENCE, Mr. RADANOVICH, Mr. WELDON of Florida, and Mr. WOLF.
- H. Con. Res. 360: Mr. GUTIERREZ, Mr. STARK, Mr. THOMPSON of California, and Mr. SERRANO.
- H. Con. Res. 362: Mr. MCCRERY and Mr. HERGER.
- H. Con. Res. 393: Mr. FRANK of Massachusetts.
- H. Res. 102: Mrs. MYRICK.
- H. Res. 671: Ms. NORTON, Ms. JACKSON-LEE of Texas, Mr. LATHAM, Mr. WU, Mr. LEVIN, Ms. ZOE LOFGREN of California, Mr. FRANK of Massachusetts, and Mr. BISHOP of New York.
- H. Res. 985: Mr. ROSS.
- H. Res. 1000: Mr. MARKEY.
- H. Res. 1042: Mr. FEENEY, Mr. BOYD of Florida, Mr. CONYERS, Mr. GRAVES, Mr. MELANCON, Mr. WEXLER, Mr. MEEK of Florida, Ms. BERKLEY, and Mr. ROSS.
- H. Res. 1179: Mr. BUCHANAN and Mr. SHERMAN.
- H. Res. 1227: Mr. McNULTY.
- H. Res. 1232: Mr. McNULTY.
- H. Res. 1258: Mr. MCDERMOTT.
- H. Res. 1300: Mr. RUSH, Ms. ESHOO, and Ms. SCHAKOWSKY.
- H. Res. 1303: Mrs. MYRICK, Ms. ROYBAL-AL-LARD, and Mrs. BIGBERT.
- H. Res. 1306: Mr. SHAYS.
- H. Res. 1328: Mr. SHUSTER, Mr. SIRES, Mr. SESSIONS, Ms. NORTON, Mr. GORDON, Mr. FARR, Mr. BOUSTANY, and Mr. BARRETT of South Carolina.
- H. Res. 1329: Mr. SESTAK.
- H. Res. 1333: Mr. ENGEL, Mr. HILL, Mr. TOWNS, Ms. HOOLEY, Mrs. CAPPS, Ms. SCHAKOWSKY, Mr. CROWLEY, Mr. HIGGINS, Mrs. MALONEY of New York, Mr. KING of New York, Mr. HINCHEY, Ms. BALDWIN, Mr. WAXMAN, Mr. SERRANO, Mr. INSLEE, Mr. BUTTERFIELD, Mr. NADLER, Mr. LAMPSON, Mr. TAYLOR, Ms. LEE, Mr. DOYLE, Mr. SCHIFF, Ms. HIRONO, and Ms. SLAUGHTER.
- H. Res. 1369: Mr. HINOJOSA, Mr. DOGGETT, and Mr. CAPUANO.
- H. Res. 1386: Mr. HINCHEY, Ms. ZOE LOFGREN of California, Mr. MCDERMOTT, Mr. BACHUS, and Mr. MORAN of Virginia.
- H. Res. 1387: Mr. SCOTT of Georgia.
- H. Res. 1401: Mr. PAYNE, Ms. JACKSON-LEE of Texas, Mr. RADANOVICH, Mr. BERMAN, and Mr. HONDA.
- H. Res. 1402: Mr. MORAN of Virginia.
- H. Res. 1407: Mr. HINCHEY.
- H. Res. 1410: Ms. WOOLSEY.
- H. Res. 1411: Mr. MARKEY and Mr. BARTON of Texas.
- H. Res. 1416: Mr. DAVIS of Kentucky, Mr. MCCAUL of Texas, Mr. HINOJOSA, and Mr. MCCRERY.
- H. Res. 1418: Mr. McHUGH and Mr. PUTNAM.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks,

limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative Nick Rahall or a designee to H.R. 3667 the Missisquoi and Trout Rivers Wild and Scenic Study 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.

The amendment to be offered by Representative Rob Bishop or a designee to H.R. 3667 the Missisquoi and Trout Rivers Wild and Scenic River Study 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.

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#### PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

305. The SPEAKER presented a petition of the City Council of Cotati, Sonoma County, relative to Resolution No. 08-46 entitled, "A Resolution Of The City Council Of The City

Of Cotati Adopting A Petition To Impeach President George W. Bush And Vice President Richard Cheney"; to the Committee on the Judiciary.

306. Also, a petition of the Arizona Commission on Indian Affairs, relative to Resolution No. 2008-01 petitioning the Congress of the United States to obtain adequate funding for the single school concept to serve the students of Hopi Day School and Hotevilla-Bacavai Community School; jointly to the Committees on Natural Resources and Education and Labor.



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 110<sup>th</sup> CONGRESS, SECOND SESSION

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WASHINGTON, TUESDAY, SEPTEMBER 9, 2008

No. 142

## Senate

The Senate met at 10 a.m. 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 Father, give us this day love and reverence for Your Name. May we trust You so completely that no challenge will intimidate us. Remind us that You will never forsake us and will sustain us through life's storms.

Lord, continue to empower the Members of this body. Help them to grow in their respect and esteem for each other as they become more like You. Strengthen them to live expectantly, knowing that You will supply them with serendipities, wonderful surprises of Your grace. Let Your peace, which passes all understanding, keep their hearts and minds in the knowledge of Your love.

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 assistant legislative clerk read the following letter:

U. S. SENATE,

PRESIDENT PRO TEMPORE,

Washington, DC, September 9, 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.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, the distinguished Republican leader and I are going to shortly have a conversation that will hopefully help us as a body to determine which direction we are going to go over the next few days. We have before us the Defense authorization bill; 30 hours postcloture is running now. We have our regular caucuses this afternoon, as we always do, and hopefully this afternoon we will start legislating.

Following the statement I just completed, there will be a period of morning business, with Senators allowed to speak for 10 minutes each, with the Republicans controlling the first half and Democrats controlling the second half. Following that, we will resume consideration of the motion to proceed to S. 3001, the Defense authorization bill. The Senate will recess, as I have indicated before, from 12:30 until 2:15 today to allow for the weekly caucus luncheons to occur.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there

will now be a period for the transaction of morning business for up to 1 hour, with the time equally divided and controlled and with the Republicans controlling the first half of the time and the majority controlling the second half of the time.

The Senator from Texas is recognized.

### TAKING ACTION

Mr. CORNYN. Mr. President, as we return from the August recess, we return to the same problems Congress left unresolved when we left in July.

As I traveled around the State of Texas, I continued to hear people express concerns not only about high energy prices but high food prices. They are concerned that Congress is not doing enough to deal with this crisis. Frankly, I have to say that as I talked to Republicans and Democrats and Independents in my State, it was hard to find anybody who felt as though Congress is doing its job. That is right. I don't care whether they were Republican or Democrat or Independent, there is a reason Congress has a historically low congressional approval rating, according to most public opinion polls, and that is because people look at Congress and they see not a genuine attempt to roll up our sleeves and try to solve problems but too much partisanship, too much point-scoring, too much posturing for the upcoming election.

I don't know any Member of this Senate who actually ran for election and hoped to serve in this distinguished body who anticipated coming up here and being stuck in the same old replay day after day, month after month, where Congress has essentially become dysfunctional in dealing with the concerns of the American people. Rather, I think most of us hope to come up here and actually make a difference, actually get something done. I know there is concern that if something gets done,

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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somebody is actually going to get credit for having solved a problem. I think that is a risk we ought to take because if Democrats and Republicans were actually working together to try to solve problems, I think both sides would get credit and the American people would feel better about their elected officials and feel as though maybe Congress and Washington are somehow a little less disconnected from the rest of the country.

For example, we know that when we left here in August, one of the things we had hoped to do was to get a vote on more domestic drilling to be able to produce American energy rather than depend, as we do—\$700 billion worth—on importing that energy from other sources. I am glad there have been some continuing discussions, and I am hopeful that ultimately we will be able to actually do something—do something relevant, do something responsive, do something significant to deal with these high prices. We know there are several things we can do—yes, conservation is part of it, using less, but also producing more American energy so we are less dependent on importing oil from dangerous and unfriendly regions of the world.

Now, it is interesting, because I think the majority of the American people look at Congress and they don't necessarily distinguish between Republicans and Democrats and who is in charge and who is not in charge. I have to say congratulations to our Democratic friends who won the majority in the Senate and in the House in the 2006 election. That is the good news. The bad news is the Democrats are actually in charge of setting the agenda. When Congress is stalemated over something as important to the average American as Texas family as high energy prices and we are unable to get it teed up so we can actually have a meaningful debate and a vote, an up-or-down vote on more domestic production of American energy, it is because our friends on the Democratic side control the agenda and they so far have refused to allow us that vote. I hope, after traveling their States and listening to the American people over this last month, their position will have softened a little bit and they will be open to this idea of producing more American energy so we are less reliant on imported energy from other countries.

We are going to have a couple of chances to do this. If presumably there were an energy bill that was allowed to come up, that would be one chance. There is another chance we know we are going to have because this is basically the vote we are going to have before we leave that is going to decide whether the Federal Government is going to continue a moratorium on offshore drilling.

For almost 30 years now, Congress has imposed an annual appropriation rider on appropriations bills that has banned exploration and production of oil from offshore sources. We are going

to have a shot at that regardless of what happens because we are going to have to renew that to keep the Government going forward. My hope would be that we would be a little more farsighted than that and we would be a little bit more willing to consider ideas on both sides of the aisle to do what I know the American people are desperate to see Congress do, and that is to actually work together to solve the country's problems on a bipartisan basis and not to continue to turn a deaf ear to people who are in some distress because of high energy prices and all of the consequences associated with it.

We know the economy has moved to the top of the Nation's priority list in the upcoming election, some 56 days from now. Of course, there is more to the economy than high energy prices, but I submit that is a significant—a very significant—part of it.

We need to deal with issues such as obstructing free trade. We have had the Colombia Free Trade Agreement which actually would create markets for American-produced agriculture and manufactured goods in a country that now—my State alone sells \$2.3 billion worth of goods a year to that country, but they are put at a disadvantage because there is a tariff added to the cost of those goods as they are imported into Colombia but not so when their goods are sent to the United States. So wouldn't it make sense, when our economy is softening and when people are concerned about jobs, as we all are, to say: Yes, we need to have more markets for American agricultural produce and for manufactured goods because that would create jobs here at home. To me, it just makes common sense, but we see nothing but obstruction there.

Then, when it comes to suggestions about how to deal with so many issues, our friends on the other side of the aisle—and including, frankly, some Republicans in the so-called Gang of 10 regarding the Energy bill—have proposed raising taxes on domestic oil and gas production by \$30 billion. We tried that before. There is going to be some division, some difference of ideas on both sides of the aisle. We tried that before during the Carter administration, and, because of a windfall profits tax, rather than increasing our independence, increasing our self-sufficiency, we actually depressed domestic production of oil and gas because those taxes were put disproportionately on American-based, shareholder-owned companies when, in fact, you cannot impose those taxes on Saudi Arabia or Canada or Mexico. By Congress, in a discriminatory fashion, imposing those taxes on American shareholder-owned oil companies, it actually depressed domestic production, which is opposite of what we have all said that we want to do, which is to decrease our dependence on foreign oil.

So we have some huge challenges, there is no doubt about it, and the American people are crying out for a

Congress that is actually going to respond to those issues.

We also know that in the national security debate that is so much a part of this Presidential race but ought to be a part of what we focus on—job No. 1: the national security of the American people—they want to make sure there is responsible leadership in place dealing with an ever-dangerous world. If there was any doubt about it, the Russian invasion of the Democratic Republic of Georgia should have reminded people that this is a dangerous world. We cannot let our guard down. We need to remain strong because only from a position of strength will the United States be able to maintain peace. When our enemies see us let our guard down and do things such as try to micromanage the troops and set an arbitrary timetable on when they come home rather than based on conditions on the ground, they see that not as a sign of strength, they see that as a sign of weakness, which emboldens bullies and emboldens nations that would like to take advantage of that.

The last thing I wish to mention in my 10 minutes is that the American people want fiscal responsibility. They want to see Congress actually doing the job we get elected to do and get paid to do. For us to be here now in September having not yet passed a single appropriations bill out of 13 appropriations bills is not fiscal responsibility. It is simply kicking the can down the road and more of the same. Frankly, what the American people do not want to see is more of the same. They want change all right. But I submit to you they want the right kind of change. They wish to see a Congress that is actually functioning, actually addressing their concerns, and actually working together to solve problems.

So far, with this Congress that is controlled by our friends on the other side of the aisle, we have been unable to tee up many of these important issues. I hope in the short period of time we have in the month of September, where we are actually going to be in session, we will have a productive session and work together to try to solve some of these problems because, frankly, our record so far under the Democratic leadership is dismal.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, would the Chair let me know when 9 minutes has elapsed.

The ACTING PRESIDENT pro tempore. The Chair will do so.

#### CLEAN ENERGY INDEPENDENCE

Mr. ALEXANDER. Mr. President, I thank the Senator from Texas for his wise comments. As usual, he is right on the mark. I want to talk about the same subject, which is on the mind of almost every Tennessean I saw in the last 5 weeks, and I am sure it is on the

minds of most Americans. During this work period, all during August and part of September, in Tennessee, I did what I imagine most of us from the Senate did. In my case, I visited a producer in Knoxville who delivers tomatoes and vegetables to schools and restaurants. He was talking about the triple whammy that high energy prices cause when they have to pay extra for fuel to bring them to Knoxville, and pay extra to deliver them; and then the farmer, in the first place, had to pay extra to grow them because of energy costs. For the trucking company in Jackson, TN, and the food banks in Nashville and Memphis, it is all the same story about how high energy prices are hurting people and affecting the lives of Tennesseans.

I wasn't surprised to find that Tennesseans and most Americans know there is no silver bullet and they know we cannot solve this problem tomorrow. But they expect us to start today, not tomorrow, to deal with the problem. That is why last May I went to Oak Ridge, TN, to say what I thought we ought to do about high energy prices. I proposed a new Manhattan project for clean energy independence. I said, to begin with, we should do the things we know how to do, and that is to drill offshore environmentally for oil and gas that we know we have and that we can use to increase our supply and reduce the price at home. That is in the case of transportation, primarily.

In the case of electricity, we should pursue much more aggressively the technology we invented, which is nuclear power. It is only 20 percent of our electricity, but if you care about global warming and clean air, it is 70 percent of our clean electricity. My proposal was that we borrow a page from history, from World War II, when President Roosevelt created a secret plan to build a bomb before Germany did, because if Germany got the bomb, it would have blackmailed the United States and the world. We succeeded due to that Presidential leadership, by the congressional leadership, and by drafting companies, literally, into the Manhattan project, by recruiting the best scientists in the world, by stating a clear objective and using American know-how to do it. I suggested we should do that same thing—maybe seven mini-Manhattan projects with seven grand challenges:

No. 1. We should make electric cars and trucks commonplace. That is getting to be a little more accepted. I talked to the head of the Austin, TX, utility district. He said they have a million cars in his district—and light trucks—that he guesses maybe 10 percent of them could be run by electricity instead of gasoline within 5 years, and maybe half of them within 15 to 20 years. That is 120 million vehicles if that percentage applied to the whole country. I asked how many more powerplants would you have to build so half of your cars and light trucks could

be run on electricity instead of gasoline. "Zero" is the answer, because if you plug in at night, his utilities, and the Tennessee Valley Authority, and most utilities have plenty of excess electricity unused at night that they can sell to us at cheaper rates to plug our cars and trucks into. So that is one way to use less gas and oil—by using more electric cars. So over 5 years we should make that commonplace.

A second grand challenge that I offered was to make carbon capture—the capturing of carbon out of coal plants—a reality within 5 years. We talk a lot about this, taking carbon out of coal plants' pollution—that produces about half of our electricity—and make it a reality. We have not done it yet. We do it a few places by putting carbon back down into the ground for oil. But over 5 years, if we made a crash program out of it, as we did with the Manhattan project, we might find a way to get rid of that carbon, help global warming, use the powerplants, which is home-grown electricity, and it would set an example for China, India, and other places that are building dirty coal plants that will affect our air as well.

Third, making solar power cost competitive with fossil fuels. Wind is useful in some places, and it has a subsidy. More widespread and promising is solar power. Solar thermal powerplants are solving the problem we have with wind, which is that we cannot store electricity made from it yet. It blows when it wants to. With these solar thermal plants, they make steam, which can be put in the ground and use it when needed to create electricity.

Fourth, safely reprocess and store nuclear waste. We should do that.

Fifth, make advanced biofuels cost competitive with gasoline. There is a limit to what we can do with corn to make fuel, but there are plenty of crops, such as switchgrass, which, with further research on a crash program, we could use less gas and oil.

Sixth, we should make new buildings green buildings. Over the next 30 years, we should make new buildings green buildings.

Finally, participate in the international research for fusion. I know that is a long shot. But the United States should participate in trying to recreate on Earth the way the Sun creates energy.

If we had a new Manhattan project for clean energy independence that began by doing what we already know how to do—drill offshore, create more nuclear power, and do the seven things I mentioned—that would be the kind of policy we should adopt and people would respect us for. But what happened? We didn't take it up. When we left in August, despite the fact that, according to surveys by Dave Winston, 81 percent of the American people agree with the idea of a new Manhattan project for clean energy independence, we were still arguing about whether we ought to be discussing high gasoline prices.

Unfortunately, the Democratic leader didn't want to allow us to bring up legislation that we wanted to bring up, which would find more American energy. Apparently, that has changed a little bit, and I am glad to see that. We may have some choices this month.

The question is: What can we do in the next 3 weeks? We are having an energy summit on Friday. That is good. The Democratic and Republican leader and the Democratic and Republican head of the Energy Committee will organize it. It would have been better if we had it in June or July. But that is good. Apparently, we will have legislation to consider, perhaps from the House, and perhaps Senator BINGAMAN will have legislation. And there is the legislation that the group called the Gang of 10, 16, or 20, a group working in a bipartisan way to solve the problem, is working on. We Republicans offered the Gas Price Reduction Act, which includes drilling offshore, encouraging electric cars, dealing with speculation and oil shale in the Western States. That would be a start.

As the Senator from Texas said, we have to deal with the question in the appropriations process that has restricted all these years our ability to drill offshore. You see, we stick it in the appropriations bill every year and say you cannot drill offshore. So we are going to have to deal with that by the end of the month. The responsible way to do that is to bring it up and vote on it. Let everybody stand up and say whether they think it is a good idea to give every single American State the opportunity to drill for oil and gas at least 50 miles offshore, and for that State to keep 37.5 percent of the proceeds. If I were the Governor of a State with a coastline, which I am not, I would be doing that quickly and using those revenues for higher education, keeping taxes down, and improving the environment.

At the very least, we should make certain in these next 3 weeks that we do job one, which is, to me, making sure that we drill offshore to produce American energy. That would keep \$50 billion or \$60 billion more at home and send a signal that the third largest producer of oil in the world is willing to produce, and it would at least get us started down the road to finding more American oil and using less foreign oil.

I ask unanimous consent that my remarks in Oak Ridge in May about a new Manhattan project for energy independence be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:



United States Senator Lamar Alexander,  
Oak Ridge National Laboratory, May 9th,  
2008

A NEW MANHATTAN PROJECT FOR CLEAN  
ENERGY INDEPENDENCE  
SEVEN GRAND CHALLENGES FOR THE NEXT FIVE  
YEARS

*Plug-in electric cars and trucks, carbon capture,  
solar power, nuclear waste, advanced  
biofuels, green buildings, fusion*

HISTORY

In 1942, President Franklin D. Roosevelt asked Sen. Kenneth McKellar, the Tennessee who chaired the Appropriations Committee, to hide \$2 billion in the appropriations bill for a secret project to win World War II.

Sen. McKellar replied, "Mr. President, I have just one question: where in Tennessee do you want me to hide it?"

That place in Tennessee turned out to be Oak Ridge, one of three secret cities that became the principal sites for the Manhattan Project.

The purpose of the Manhattan Project was to find a way to split the atom and build a bomb before Germany could. Nearly 200,000 people worked secretly in 30 different sites in three countries. President Roosevelt's \$2 billion appropriation would be \$24 billion today.

According to New York Times science reporter William Laurence, "Into [the bomb's] design went millions of man-hours of what is without doubt the most concentrated intellectual effort in history."

THE GOAL: VICTORY OVER BLACKMAIL

I am in Oak Ridge today to propose that the United States launch a new Manhattan project: a 5-year project to put America firmly on the path to clean energy independence.

Instead of ending a war, the goal will be clean energy independence—so that we can deal with rising gasoline prices, electricity prices, clean air, climate change and national security—for our country first, and—because other countries have the same urgent needs and therefore will adopt our ideas—for the rest of the world.

By independence I do not mean that the United States would never buy oil from Mexico or Canada or Saudi Arabia. By independence I do mean that the United States could never be held hostage by any country for our energy supplies.

In 1942, many were afraid that the first country to build an atomic bomb could blackmail the rest of the world. Today, countries that supply oil and natural gas can blackmail the rest of the world.

NOT A NEW IDEA

A new Manhattan Project is not a new idea—but it is a good idea and fits the goal of clean energy independence.

The Apollo Program to send men to the moon in the 1960s was a kind of Manhattan Project. Presidential candidates John McCain and Barack Obama have called for a Manhattan Project for new energy sources. So have former House Speaker Newt Gingrich, Democratic National Committee chairman Howard Dean, Sen. Susan Collins of Maine and Sen. Kit Bond of Missouri—among others.

And, throughout the two years of discussion that led to the passage in 2007 of the America COMPETES Act, several participants suggested that focusing on energy independence would force the kind of investments in the physical sciences and research that the United States needs to maintain its competitiveness.

A NEW OVERWHELMING CHALLENGE

The overwhelming challenge in 1942 was the prospect that Germany would build the bomb and win the war before America did.

The overwhelming challenge today, according to National Academy of Sciences president Ralph Cicerone, in his address last week to the Academy's annual meeting, is to discover ways to satisfy the human demand for and use of energy in an environmentally satisfactory and affordable way so that we are not overly dependent on overseas sources.

Cicerone estimates that this year Americans will pay \$500 billion overseas for oil—that's \$1,600 for each one of us—some of it to nations that are hostile or even trying to kill us by bankrolling terrorists. Sending \$500 billion abroad weakens our dollar. It is half our trade deficit. It is forcing gasoline prices toward \$4 a gallon and crushing family budgets.

Then there are the environmental consequences. If worldwide energy usage continues to grow as it has, humans will inject as much CO<sub>2</sub> into the air from fossil fuel burning between 2000 and 2030 as they did between 1850 and 2000. There is plenty of coal to help achieve our energy independence, but there is no commercial way (yet) to capture and store the carbon from so much coal burning—and we have not finished the job of controlling sulfur, nitrogen, and mercury emissions.

THE MANHATTAN PROJECT MODEL FITS TODAY

In addition to the need to meet an overwhelming challenge, other characteristics of the original Manhattan Project are suited to this new challenge:

It needs to proceed as fast as possible along several tracks to reach the goal. According to Don Gillespie, a young engineer at Los Alamos during World War II, the "entire project was being conducted using a shotgun approach, trying all possible approaches simultaneously, without regard to cost, to speed toward a conclusion."

It needs presidential focus and bipartisan support in Congress.

It needs the kind of centralized, gruff leadership that Gen. Leslie R. Groves of the Army Corps of Engineers gave the first Manhattan Project.

It needs to "break the mold." To borrow the words of Dr. J. Robert Oppenheimer in a speech to Los Alamos scientists in November of 1945, the challenge of clean energy independence is "too revolutionary to consider in the framework of old ideas."

Most important, in the words of George Cowan as reported in the excellent book edited by Cynthia C. Kelly, ". . . The Manhattan Project model starts with a small, diverse group of great minds."

I said to the National Academies when we first asked for their help on the America COMPETES Act in 2005, "In Washington, D.C., most ideas fail for lack of the idea."

THE AMERICA COMPETES MODEL FITS, TOO

There are some lessons, too, from America COMPETES.

Remember how it happened. Just three years ago—in May 2005—a bipartisan group of us asked the National Academies to tell Congress in priority order the 10 most important steps we could take to help America keep its brainpower advantage.

By October, the Academies had assembled a "small diverse group of great minds" chaired by Norm Augustine which presented to Congress and to the President 20 specific recommendations in a report called "Rising Above the Gathering Storm." We considered proposals by other competitiveness commissions.

Then, in January 2006, President Bush outlined his American Competitiveness Initiative to double over 10 years basic research budgets for the physical sciences and engineering. The Republican and Democratic Senate leaders and 68 other senators spon-

sored the legislation. It became law by August 2007, with strong support from Speaker Pelosi and the President.

NOT ELECTED TO TAKE A VACATION THIS YEAR

Combining the model of the Manhattan Project with the process of the America COMPETES Act has already begun. The National Academies have underway an "America's Energy Future" project that will be completed in 2010. Ralph Cicerone has welcomed sitting down with a bipartisan group to discuss what concrete proposals we might offer earlier than that to the new president and the new Congress. Energy Secretary Sam Bodman and Ray Orbach, the Energy Department's Under Secretary for Science, have said the same.

The presidential candidates seem ready. There is bipartisan interest in Congress. Congressman Bart Gordon, Democratic Chairman of the Science Committee in the House of Representatives—and one of the original four signers of the 2005 request to the National Academies that led to the America COMPETES Act—is here today to offer his ideas. Congressman Zach Wamp, a senior member of the House Appropriations Committee who played a key role in the America COMPETES Act, is co-host for this meeting.

I have talked with Sens. Jeff Bingaman and Pete Domenici, the chairman and senior Republican on the Energy Committee who played such a critical role in America COMPETES, and to Sen. Lisa Murkowski, who likely will succeed Sen. Domenici as the senior Republican on the Energy Committee.

Some say a presidential election year is no time for bipartisan action. I can't think of a better time. Voters expect presidential candidates and candidates for Congress to come up with solutions for \$4 gasoline, clean air and climate change, and the national security implications of our dependence on foreign oil. The people didn't elect us to take a vacation this year just because there is a presidential election.

SO HOW TO PROCEED?

A few grand challenges—Sen. Bingaman's first reaction to the idea of a new Manhattan Project was that instead we need several mini-Manhattan Projects. He suggested as an example the "14 Grand Challenges for Engineering in the 21st Century" laid out by former MIT President Chuck Vest, the president of the National Institute of Engineering—three of which involve energy. I agree with Sen. Bingaman and Chuck Vest.

Congress doesn't do "comprehensive" well, as was demonstrated by the collapse of the comprehensive immigration bill. Step-by-step solutions or different tracks toward one goal are easier to digest and have fewer surprises. And, of course, the original Manhattan Project itself proceeded along several tracks toward one goal.

Here are my criteria for choosing several grand challenges:

Grand consequences, too—The United States uses 25 percent of all the energy in the world. Interesting solutions for small problems producing small results should be a part of some other project.

Real scientific breakthroughs—This is not about drilling offshore for oil or natural gas in an environmentally clean way or building a new generation of nuclear power plants, both of which we already know how to do—and, in my opinion, should be doing.

Five years—Grand challenges should put the United States within five years firmly on a path to clean energy independence so that goal can be achieved within a generation.

Family Budget—Solutions need to fit the family budget, and costs of different solutions need to be compared.

Consensus—The Augustine panel that drafted the "Gathering Storm" report wisely

avoided some germane topics, such as excessive litigation, upon which they could not agree, figuring that Congress might not be able to agree either.

#### SEVEN GRAND CHALLENGES

Plug-in electric cars and trucks, carbon capture, solar power, nuclear waste, advanced biofuels, green buildings, and fusion.

Here is where I invite your help. Rather than having members of Congress proclaim these challenges, or asking scientists alone to suggest them, I believe there needs to be preliminary discussion—including about whether the criteria are correct. Then, Congress can pose to scientists questions about the steps to take to achieve the grand challenges.

To begin the discussion, I suggest asking what steps Congress and the Federal government should take during the next five years toward these seven grand challenges so that the United States would be firmly on the path toward clean energy independence within a generation:

1. Make plug-in hybrid vehicles commonplace. In the 1960s, H. Ross Perot noticed that when banks in Texas locked their doors at 5 p.m., they also turned off their new computers. Perot bought the idle nighttime bank computer capacity and made a deal with states to manage Medicare and Medicaid data. Banks made money, states saved money, and Perot made a billion dollars.

Idle nighttime bank computer capacity in the 1960s reminds me of idle nighttime power plant capacity in 2008. This is why:

The Tennessee Valley Authority has 7,000–8,000 megawatts—the equivalent of seven or eight nuclear power plants or 15 coal plants—of unused electric capacity most nights.

Beginning in 2010 Nissan, Toyota, General Motors and Ford will sell electric cars that can be plugged into wall sockets. FedEx is already using hybrid delivery trucks.

TVA could offer “smart meters” that would allow its 8.7 million customers to plug in their vehicles to “fill up” at night for only a few dollars, in exchange for the customer paying more for electricity between 4 p.m. and 10 p.m. when the grid is busy.

Sixty percent of Americans drive less than 30 miles each day. Those Americans could drive a plug-in electric car or truck without using a drop of gasoline. By some estimates, there is so much idle electric capacity in power plants at night that over time we could replace three-fourths of our light vehicles with plug-ins. That could reduce our overseas oil bill from \$500 billion to \$250 billion—and do it all without building one new power plant.

In other words, we have the plug. The cars are coming. All we need is the cord.

Too good to be true? Haven't U.S. presidents back to Nixon promised revolutionary vehicles? Yes, but times have changed. Batteries are better. Gas is \$4. We are angry about sending so many dollars overseas, worried about climate change and clean air. And, consumers have already bought one million hybrid vehicles and are waiting in line to buy more—even without the plug-in. Down the road is the prospect of a hydrogen fuel-cell hybrid vehicle, with two engines—neither of which uses a drop of gasoline. Oak Ridge is evaluating these opportunities.

Still, there are obstacles. Expensive batteries make the additional cost per electric car \$8,000–\$11,000. Smart metering is not widespread. There will be increased pollution from the operation of coal plants at night. We know how to get rid of those sulfur, nitrogen, and mercury pollutants (and should do it), but haven't yet found a way to get rid of the carbon produced by widespread use in coal burning power plants. Which brings us to the second grand challenge:

2. Make carbon capture and storage a reality for coal-burning power plants. This was one of the National Institute of Engineering's grand challenges. And there may be solutions other than underground storage, such as using algae to capture carbon. Interestingly, the Natural Resources Defense Council argues that, after conservation, coal with carbon capture is the best option for clean energy independence because it provides for the growing power needs of the U.S. and will be easily adopted by other countries.

3. Make solar power cost competitive with power from fossil fuels. This is a second of the National Institute's grand challenges. Solar power, despite 50 years of trying, produces one one-hundredth of one percent of America's electricity. The cost of putting solar panels on homes averages \$25,000–\$30,000 and the electricity produced, for the most part, can't be stored. Now, there is new photovoltaic research as well as promising solar thermal power plants, which capture the sunlight using mirrors, turn heat into steam, and store it underground until the customer needs it.

4. Safely reprocess and store nuclear waste. Nuclear plants produce 20 percent of America's electricity, but 70 percent of America's clean electricity—that is, electricity that does not pollute the air with mercury, nitrogen, sulfur, or carbon. The most important breakthrough needed during the next five years to build more nuclear power plants is solving the problem of what to do with nuclear waste. A political stalemate has stopped nuclear waste from going to Yucca Mountain in Nevada, and \$15 billion collected from ratepayers for that purpose is sitting in a bank. Recycling waste could reduce its mass by 90 percent, creating less stuff to store temporarily while long-term storage is resolved.

5. Make advanced biofuels cost-competitive with gasoline. The backlash toward ethanol made from corn because of its effect on food prices is a reminder to beware of the great law of unintended consequences when issuing grand challenges. Ethanol from cellulosic materials shows great promise, but there are a limited number of cars capable of using alternative fuels and of places for drivers to buy it. Turning coal into liquid fuel is an established technology, but expensive and a producer of much carbon.

6. Make new buildings green buildings. Japan believes it may miss its 2012 Kyoto goals for greenhouse gas reductions primarily because of energy wasted by inefficient buildings. Many of the technologies needed to do this are known. Figuring out how to accelerate their use in a decentralized society is most of this grand challenge.

7. Provide energy from fusion. The idea of recreating on Earth the way the sun creates energy and using it for commercial power is the third grand challenge suggested by the National Institute of Engineering. The promise of sustaining a controlled fusion reaction for commercial power generation is so fantastic that the five-year goal should be to do everything possible to reach the long-term goal. The failure of Congress to approve the President's budget request for U.S. participation in the International Thermonuclear Experimental Reactor—the ITER Project—is embarrassing.

#### ANYTHING IS POSSIBLE

This country of ours is a remarkable place. Even during an economic slowdown, we will produce this year about 30 percent of all the wealth in the world for the 5 percent of us who live in the United States.

Despite “the gathering storm” of concern about American competitiveness, no other country approaches our brainpower advan-

tage—the collection of research universities, national laboratories and private-sector companies we have.

And this is still the only country where people say with a straight face that anything is possible—and really believe it.

These are precisely the ingredients that America needs during the next five years to place ourselves firmly on a path to clean energy independence within a generation—and in doing so, to make our jobs more secure, to help balance the family budget, to make our air cleaner and our planet safer and healthier—and to lead the world to do the same.

Mr. ALEXANDER. Mr. President, I yield the floor.

Mr. KYL. Mr. President, is there 10 minutes remaining on our side?

The ACTING PRESIDENT pro tempore. There is 9 minutes 20 seconds.

#### GRIDLOCK

Mr. KYL. Mr. President, the American people sent us here to get things done, and they are obviously very frustrated with the fact that this has been a do-nothing Congress, a do-nothing Senate. We have not gotten much done. In fact, the problem has been identified by both of the Presidential candidates, Senators McCain and Obama, who have railed about the fact that we need reform in this body because nothing is getting done on behalf of the American people.

The Democrats have been in charge of the Senate and House for the last 2 years. So one wonders why haven't we been able to get things done? For example, to fund the Government for next year, we are supposed to by now have passed 13 appropriations bills to fund all of the departments of the U.S. Government. Not one appropriation bill has been passed and sent to the President. We are going to have to bundle everything up in a giant ball at the end of September and, instead of carefully considering each individual department, we are going to have to adopt a continuing resolution so the Government can continue to operate. That is not the way to do business.

With rare exception, the majority leader in the Senate has been less interested in enabling the Senate to work its will and finding consensus than simply pushing an agenda of the majority in a sort of my-way-or-the-highway kind of approach. This has led to gridlock and, as I said, not much getting done.

Let me illustrate this by a simple statistic that says it all. In 2008 alone, so far, 28.4 percent of all rollcall votes have been cloture votes. That is a record historic high. Over 28 percent of our votes—over a fourth of them—have been cloture votes. Last year set the all-time record at 14 percent, and the average is 4.3 percent.

Why is this important? Because cloture stops debate, and it stops Republicans, in this case, from offering our solutions, alternatives, or amendments to what the Democratic leader puts on the floor. He says it is either this way

or nothing. You either vote on this or we are not going to let you have amendments and we are going to have a cloture vote. Again, 28.4 percent of the votes have been cloture votes.

I remember several years ago when my colleague John McCain stood on the Senate floor fighting for the right of a Democratic Senator to get a vote on an amendment. He said something we all agreed with, which is that a Senator has a right to get a vote on his or her amendment. That was then and this is now: Sorry, Republicans, no votes on amendments. We are going to fill the legislative tree—a parliamentary tactic—or file cloture and stop anything from being debated or voted on. We don't want to take tough votes or give Republicans a chance to win one of the votes.

What have been some of the results? Well, in 2007, some very important tax provisions expired. The research and development tax credit, for example, and the ability to fix the alternative minimum tax so it doesn't apply to most taxpayers. We have to pass what is called a tax extender bill to extend these expiring provisions and make sure the AMT doesn't get 23 million to 26 million American families this year. We have not gotten it done so far. Why? There is an obvious way to do this. The ranking member on the Finance Committee pretty well figured out how this could occur. No, we cannot get that done.

On energy production, both of my colleagues have talked about that issue. The majority leader called up the so-called antispeculation bill. We all agree we could add resources to the Commodity Futures Trading Commission and make sure it has the ability to regulate this futures trading in a way that would prevent manipulation and speculation in the market. But we also appreciate the fact that supply and demand is a much larger factor with regard to the price of gasoline, for example. So Republicans wanted to offer amendments that created some alternatives to the Democratic bill that would assist in nuclear energy production, coal to liquids, and allow offshore drilling as one of the key elements of it. We need relief from high gasoline prices. The Democratic leader said no.

The only thing the President could do was to at least remove an Executive moratorium, which he did. That moratorium no longer exists. What happened to gas prices? Oil prices have dropped, I should say, by \$40 a barrel, and gas prices have dropped somewhat off of the high above \$4 because of the market's belief now that when the President withdrew the Executive moratorium, it was the first step. The second step would be Congress doing something, and that would increase production, and therefore reduce the cost of the oil, and therefore enable the American consumer to pay less at the pump. But Congress still has not done anything.

Now we hear that next week the majority leader is going to allow a bill to

come to the floor, but it is not going to provide the kind of offshore drilling that Republicans have been advocating. The ability to debate it is going to be very circumscribed. We are not going to be able to present the kind of amendments we would like to present and have this debated and amended so we can come up with real solutions.

Another example is free trade. The Colombia Free Trade Agreement is one that almost everybody acknowledges is a good thing. It is critical for our relationship with this important country in our hemisphere, which is standing against the likes of Hugo Chavez of Venezuela. Yet the Democrats, because of their concern about the reaction of labor unions, have said, no, we are not going to take up this Colombia Free Trade Agreement.

These are the kind of issues—and let me add one more: judges. These are the kinds of issues Americans expect us to get done. We have only confirmed four circuit court judges this year, four in the entire year, less than the average of all of the last Presidents, certainly less than Bill Clinton. Yet the majority says we don't have time to do that.

Clearly, this is a do-nothing Congress. Clearly, our Presidential candidates, both of them, recognize reform is necessary.

Let me mention the last issue. I mentioned appropriations bills. We are going to have to ball them up into one giant bill called a continuing resolution. Mark my words, one of the things somebody is going to try to do is attach a rider to the appropriations bill—maybe in the middle of the night, I don't know—but it is going to be to continue a moratorium on offshore drilling. Mark my words, somebody is going to try to do that. We cannot allow that to happen. Will Republicans be cut off from our ability to prevent that rider from going on the appropriations bill or to allow us to vote it off, to have an amendment to say, no, moratorium and offshore drilling is not going to be on that continuing resolution? This is critical to the American future. Are we going to have this right?

These are the kinds of questions I think are going to be necessary for us to resolve before Congress is going to be able to get anything done. But I will suggest this as well: Republican Senators can only do so much in the minority when Democrats are in charge. As my colleague, Senator MCCAIN, said at the Republican Convention, if he is elected, change is on the way. And one of the big changes is going to go right back to what he said several years ago. As I said, whether it is a Democrat wanting a vote on an amendment or a Republican, they are going to get that vote, and we are not going to have so many cloture motions filed to cut off amendments, to cut off debate, and say it is my way or the highway.

The American people want something done. We still have time—even in the short time remaining in this year—to do something about the energy crisis in

this country, and that means to get offshore drilling. That has to be at the top of our agenda. Secondly, we have to get the Government funded so it can continue operating next year without, as I said, a moratorium on more offshore drilling.

I am hopeful that in the next 3 weeks we will be able to do some things we have not been able to do in the last 6 months. But if we get cooperation from the majority, the minority stands ready to try to work out these issues, to conclude this session on a positive note in a way we can finally say we accomplished something this session for the American people. After all, that is what they sent us here to do.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have been listening with great interest to my colleague from Arizona. I might say, before he leaves the floor, my hope is that after trying eight times and failing to pass a bill to extend the tax incentives for renewable energy, we will get a little cooperation from the other side in the coming weeks to begin the first step of what we ought to have been doing easily, and that is pass the tax extenders to encourage renewable energy.

One of the reasons they have opposed it is because we actually pay for it. One of the ways we pay for it is to say to hedge fund managers, who are only paying a 15-percent income tax rate anyway, that they cannot be running their income through foreign tax-haven countries as deferred compensation to avoid paying U.S. taxes. Because the other side is upset with that as a payoff for the tax extenders for renewable energy, eight times they have blocked our ability to extend renewable energy tax credits, which is a way of substantially expanding our country's home-grown energy.

It is interesting for people to comment on the floor and say we need more cooperation, when eight times we have tried to extend these tax incentives for renewable energy, and eight times we have been blocked by those who are concerned about protecting the ability of wealthy hedge fund managers to avoid paying Federal income taxes. Enough about that.

With respect to drilling, I was one of four Senators—two Republicans, two Democrats—who opened the 8.3 million acres called lease 181 in the Gulf of Mexico. I have other legislation I have had in for a year and a half to increase substantial drilling. It is a canard for a number of them to come to the Senate floor to say Democrats don't support drilling. It is simply factually wrong. That is a debate perhaps for tomorrow or another day.

(The remarks of Mr. DORGAN pertaining to the introduction of S. 3454 and S. 3455 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

## ENERGY AND SPECULATION

Mr. DORGAN. Mr. President, since the Congress left in early August, much more has been written and much more explored with respect to the role of speculation in the oil futures market and what it has done to this country. The price of oil has come down some, which is good—from \$147 a barrel to \$106 a barrel yesterday. It is still very high. Clearly, the role of speculators in running this price up in a year needs more investigation.

There are some who say: Well, there is no speculation. We have people who come to the floor of the Senate and say there is no speculation here. Well, of course, what has happened from July to July, last year to this year, is the price of oil and gasoline doubled in this country. And there is nothing that has happened with respect to the supply and demand for oil and gas that justifies the doubling of the price.

A Washington Post story by David Cho says: Financial firms speculating for their clients or for themselves account for about 81 percent of all the oil contracts on NYMEX. A few speculators are dominating the vast market for oil trading.

Wall Street Journal: Speculator in oil market is key player in real sector.

We are now beginning to understand what has been happening in that market. The Commodity Futures Trading Commission, which is supposed to be the regulatory body on behalf of the public interest, has been steadfastly proclaiming now for over a year that there is no speculation here, or at least speculation is minimal. Nothing is happening that is untoward. Don't worry, be happy. In my judgment, this is the work of a regulatory body that has decided it doesn't wish to regulate. Regulators are supposed to be referees. Let the market work, but when there is a foul, call the foul. The Commodity Futures Trading Commission not only doesn't wear a striped shirt, it doesn't have a whistle and it is not even at the game. It isn't even interested. They say: Well, there is no problem. Yet the evidence is all around us that there is a problem.

The investigative reports by the Washington Post and the Wall Street Journal confirm that a vast majority of the trading in the oil futures market is done by profiteering speculators with the market power to drive up oil and gas prices. These aren't people who want to ever have any oil. They don't want to buy a quart of oil or a 30-gallon drum of oil. All they want to do is trade paper and make money on oil futures contracts. As a result, I believe intense speculation has driven up the price of oil, double in a year, in a manner that was not at all justified.

In July, the Commodity Futures Trading Commission reclassified a very large trading firm from commercial to non-commercial. This fact was hidden deep inside the bowels of the Commodity Futures Trading Commission Web site. But for a couple of enter-

prising reporters, the American public would still be unaware of that. They reclassified a very large trader. My understanding is that trader, I believe, had somewhere in the neighborhood of 300 million barrels of oil in its contracts. The same trader on June 6 reportedly held oil futures contracts that were triple the amount of oil that consumers in this country use every day. By the end of July, 4 swaps dealers held one-third of the speculative oil futures contracts traded on NYMEX.

This information confirms what many of us already knew—that the CFTC was dead wrong—has been repeatedly dead wrong—when it was telling Congress this past year that supply and demand, not excess speculation in the oil futures market, was driving up oil and gasoline prices to record highs.

Now, in light of this, I believe Congress has a responsibility to address speculation. I know there are various groups forming around here to bring forth certain kinds of energy proposals, and I commend them all. I think they make a lot of sense. I think we ought to do all of or most of that which is being discussed—drill more, conserve more, produce much more in renewables, and address speculation. But there are some who are putting together proposals that decidedly leave out the issue of speculation. They leave it out. Why? Because they are getting pressure from the same special interests that have been speculating. The same big interests that helped drive up the price of oil and gas double in a year have prevailed upon some in this Congress not to touch them. Don't do anything.

We have a responsibility when we consider energy policy next week and beyond to talk about position limits that would wring the excess speculation out of these markets. The oil futures market is an important market. It is important for legitimate hedging of a physical product between producers and consumers. I fully understand that. But it is a broken market. It has been broken by excess, relentless speculation by those who are not hedging risk of a physical product. And we have a responsibility, I believe, to understand that the regulators, the Commodity Futures Trading Commission, and the assurances by these regulators have been discredited.

I think the conclusions trumpeted by the head of the CFTC, Mr. Lukken, that the wild increases in energy prices we have seen this past year are solely based on supply and demand is not the case. A study by an MIT economist this summer rebuts the claims of the CFTC that it is world demand, including demand by China and India, driving up prices. That is not true.

Since 2005, the rates of growth in world demand and Chinese demand have dropped some. Richard Eckaus, MIT Professor of Economics Emeritus, found in his study, which was published in June of this year, that the growth rate for world demand is less than 2

percent annually. He suggests the assertion by some that the drop in value of the U.S. dollar has played a big role in skyrocketing price is simply wrong. I believe the drop in the value of the dollar has played a role, but it is not a big role, and the MIT study demonstrates that.

Another study to be released this week looks at the flow of money into and out of the S&P Goldman Sachs commodity index in recent months, and that study has interesting conclusions. It finds that WTI crude oil future prices have risen and fallen almost directly related to the flow of investment money in and out of the energy futures market. When institutional investors poured more than \$60 billion into the commodities market in January to May, the WTI price, West Texas Intermediate crude price, increased by \$33 a barrel. When \$39 billion was taken out by these investors, starting on July 15 through the end of August, the price began to drop. When speculators invest, the WTI price goes up; when they take money out, the price goes down.

One of the interesting things I wish to understand is where are the substantial losses from these speculators? Mr. Lukken, the head of the CFTC, suggests speculation isn't happening, against all the evidence that has now been published. But we know there is a dramatic amount of speculation. This chart shows the oil futures market taken over by speculators. In 2000, speculators accounted for just thirty-seven percent of the trades in the oil futures market, and now we are told it is 81 percent today 2008. The CFTC still says oil excess speculation isn't a problem.

My point this morning is simple: We should have, and will have, a debate on energy. The debate can be about yesterday or tomorrow. Those who say you can drill your way out of this, well, I think we ought to drill. I am all for drilling. But I think that is yesterday forever. If every 10 or 15 or 20 years we have folks around here in their loafers and suspenders bloviating about where we drill next, there is not much of a future in that, in my judgment.

What we need to do is change the whole game on energy and make us far less dependent on foreign sources of energy. Why should this country, with the strongest and best economy in the world, have its economic opportunity in the future dependent on whether Saudi Arabia, Kuwait, Iraq, Venezuela, or others will give us, or sell us oil? Sixty-five percent of the oil we need to run this economy comes from off our shores. That makes us unbelievably dependent. So, yes, let's drill here, but we are not going to drill our way out of this. T. Boone Pickens, who has been in the oil business for 40 years, says we are not going to drill our way out of this problem. I agree with that. But let me end where I started. He talks about solar and wind. I think we ought to do all those things. I think solar and wind have the capability to provide a substantial amount of additional energy

for this country. In order to do that we have to continue with the tax incentives for solar and wind. But we have had eight votes on it, and eight times the other side has blocked us in providing the incentives to provide dramatic new approaches for renewable energy. It makes no sense to me.

We said in 1916 that we want you to go looking for oil, and in fact we want you to look for oil and gas sufficiently that we will give you big tax breaks as you look and find oil and gas. So we put tax incentives in place. I wasn't here, of course, but we put tax policies in place nearly a century ago to say look for oil and gas and we will give you big tax breaks. Now, let's look at what we did for renewable energy. We put in place in 1992, 16 years ago, tax incentives for wind and solar and other renewable energy. They were short-term, fairly shallow tax incentives. They have been extended, short term, five times, and they have been allowed to expire three times. It is a pathetic response.

Even now, the current incentives die at the end of this year. They expire. We tried eight times to renew them and so far we have been blocked. Why? Because some of our colleagues are upset that one of the ways we pay for those is to shut down the tax scam being used by hedge fund managers to move their income through tax haven countries in something called deferred compensation to avoid paying even the minimal compensation to the Federal Government in taxes that they now pay. They get to pay already some of the lowest tax rates in America, at 15 percent, which I think makes no sense. But even so, many of them are trying to avoid U.S. taxes by using deferred compensation techniques to run it through offshore tax havens.

Our colleagues on the other side are so protective of that and believe, apparently, they should be able to continue doing that. They appear willing to shut down our ability to extend the tax credits for renewable energy in the long term for this country.

The plea for a little cooperation runs both ways around here. When I took the floor this morning, we had several colleagues talking about an interest in cooperation. I think there ought to be a lot of cooperation on everything. Let's start first with something that is going to shut down on December 31 of this year, and that is the incentives to continue and be more aggressive on developing renewable, homegrown energy, which reduces our need for foreign oil. Let us at least start to do that.

Mr. President, I believe my colleague is here to take the remaining portion of our time, so let me at this point yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, as I understand it, we are about to run out of time for morning business; is that correct?

The PRESIDING OFFICER. We have 6 minutes 40 seconds.

Mrs. BOXER. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business until 11:15 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ENERGY AND THE HIGHWAY TRUST FUND

Mrs. BOXER. Mr. President, I note that Senator MURRAY will be coming, and I am hopeful she will arrive shortly and then I will yield, after 5 minutes, my remaining time.

Senator DORGAN is very eloquent on the issue of energy and the issue of renewables. We have no more excuses. How many filibusters do we have to have around this place before we get the other side to relent?

In my State, we are on the cutting edge of alternative energies. We have part of our coastline that is drilled upon, but part of it is preserved because it supports a very robust tourist and recreation industry. So we have found a balance in our State. But we are going to lose a lot of momentum if we don't get on with at least going after the speculators and renewing these important tax breaks to alternative energies, and also, if I might say, tell the oil companies they need to drill.

Mr. President, I note Senator MURRAY has come to the floor, and I want to inform her that I took 15 minutes and I am going to take 5 and leave her 10, if that is all right with her, unless she needs more time.

All right. So, Mr. President, if you will tell me when 5 minutes has expired from this point.

I am so pleased Senator MURRAY has come to the floor. She works so hard to fund the transportation priorities of our Nation over in the Appropriations Committee, and my work is at the Environment and Public Works Committee, where we authorize the highway bill every 5 years.

We know today, because we have been informed by Secretary of Transportation Peters, that there is a dangerous shortfall in the Federal fund that helps our States pay for critical highway construction. We have tried to fix this problem many times—unfortunately, without the help of the Bush administration. Now we get an SOS: Thursday they are going to start reducing the funds to the States.

Happily, they have awakened to the reality, but, unhappily, they have not talked to Republican Senators because last night, when Senator REID tried to solve this problem so we can keep our construction going, keep our funds flowing to the States, there was an objection from the Republican side. Mind you, we are talking about an \$8 billion sum of money that was taken from the fund years ago—in 1992, I believe it was; is that right? Or later than that? I am sorry, 1998. We borrowed \$8 billion

from the trust fund. Now all we are saying is we need to pay it back so we can make sure we can continue to build these important highways, fix our bridges, and help our transit systems. The fact is, if we do not do this, we are looking at tens of thousands, if not millions, of jobs lost.

Mr. President, I know you come from a State that is struggling economically, desperately needing change. I come from a State that is in a recession. We have horrible problems. The housing bust has affected us, and what is keeping us going, frankly, are solar energy projects, the wind energy projects, the highway projects. If, in fact, the Republicans continue to stand in the way of replenishing the highway trust fund, my State will be in big trouble. What will happen is that funds that were set aside for my State for important projects will not be forthcoming. My State of California, with more than 35 million people, receives more than \$3 billion for Federal funding for highways per year. According to the California Department of Transportation, if no action is taken to avert the shortfall, California would experience a potential revenue reduction of \$930 million. We are talking almost \$1 billion to my State.

California is not alone. My Republican colleagues who come here and say: No, don't worry, forget it, who cares—I don't hear one word about any trouble spending American taxpayer dollars overseas. I never heard one of them say: We are spending \$5,000 a second in Iraq on the war, let's bring some of that home—oh, no. But they are willing to make our people suffer here at home.

Enough is enough is enough. The other day, the President announced he is sending \$1 billion to Georgia. For a minute, I thought: Gee, Atlanta is in need of some help. Oh, no, it is the country of Georgia. Why? They had a war, as we all know, and we are compassionate toward them. But the war cost them \$1 billion. I ask rhetorically, are there countries in Europe that can help the country of Georgia? I don't mind doing our part. We say we had nothing to do with the war that started there. We are certainly angry at Russia for the way it responded to the incursion of Georgian troops. We believe it was overkill. We all agree on that. We all want to help. But \$1 billion to the country of Georgia while Atlanta, GA, and Los Angeles, CA, and all our other cities and towns and States are struggling and suffering and losing jobs? Enough is enough.

I am going to work with my colleague and my dear friend, Senator MURRAY, who is such a leader on the funding of these programs we painstakingly authorize every 5 years. We are going to be on this floor as often as we can to move this, to ask unanimous consent. We will let our Republican friends know. This is not a sneak attack. We are not going to do it when they are not aware of it. We are going

to move to fix this problem every day, maybe several times a day, until our Republican friends relent.

I have used the 5 minutes. This is just the start of a battle I am happy to be engaged in on behalf of the American people.

I yield my time to Senator MURRAY, the remaining 10 minutes.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I thank the Senator from California for coming and talking about an absolutely critical issue this Congress should be focused on like a laser beam, and that is the issue of our highway funding for construction projects across this country and the highway trust fund. I and my Democratic colleagues have been telling the Bush administration repeatedly that we face a looming disaster across this Nation. We have proposed a solution that would enable this trust fund to stay solvent. We have warned that without action this year, we are going to face a financial disaster. We warned that it was coming very fast. But, as we have seen with a lot of problems in this country this year, President Bush and our Republican colleagues have, unfortunately, chosen to hide their heads in the sand and just avoid the problem. They told us earlier this year that the trust fund would have more than \$3 billion in the bank at the end of this month. They have worked to block our proposed solution.

I rise today because last Friday, President Bush's Transportation Secretary, Mary Peters, finally acknowledged what we have been warning about for months now, and that is that the highway account of our highway trust fund is broke. The administration has taken a closer look at the real receipts they are getting in from the Federal gas tax and discovered that their estimates have been off by some \$3 billion just since May. The Bush administration is now preparing to default on its bills to every one of our States. Right now, instead of reimbursing our States twice a day, as the Federal Government has always done, Secretary Peters has told the States that they are only going to get paid now once a week. That is happening right now in every State in this country.

This coming Thursday, 2 days from now, may be the last time the Federal Government will be able to reimburse 100 percent of their expenses. The Department of Transportation has told my Transportation and Housing Appropriations Subcommittee that on Thursday, September 18—just 9 days from now—reimbursements could drop to as little as 64 percent of the funds that our States are due. They will have to offer our States an IOU for the rest of that money. The result of the administration's failure to act on this is that we are now faced, in this country, across every single State, with an emergency situation. If we do not pass a solution very fast right here in the

Senate, our States, every one of them, are going to be forced to cancel critical highway construction and repair projects that are ongoing right now that ensure our roads and our bridges are safe and secure.

Not only does this threaten the safety of our transportation infrastructure, it could bring about massive layoffs in the construction sector in this country. That is an area of our economy that has suffered one of the biggest hits in recent months, and this is going to have a huge impact across the country.

As we all know, this news is coming just as the unemployment rate has now reached the highest it has been in nearly 5 years. We are talking about a scenario in which ongoing highway projects could be stopped dead in their tracks if we do not take action in the next day or two. Across the country, thousands upon thousands of workers are going to be told to go home and not to come to work the next morning. These are critical safety and congestion relief projects that are ongoing right now across the country, and they could be halted—by the way, right in the heart of the construction season.

Fortunately, we do have a solution. It is ready to go, if only the Republicans would put their partisan ideology aside just for this event and work with us to get this passed. Earlier this year, we proposed returning, as the Senator from California talked about, \$8 billion that was taken out of the highway trust fund back in 1998. Contrary to what some people have said about our proposal, it is not a bailout from the general fund of the Treasury. That \$8 billion was collected from gas taxes for the purpose of being deposited into the highway trust fund. At the end of 1998, that money was taken from the trust fund because at the time the fund was flush and we didn't think we needed it. We definitely need it now, so we have proposed restoring to the trust fund the \$8 billion that was borrowed and not a penny more. All the money that was borrowed, we propose putting it back into the highway trust fund.

This situation is extremely serious. After months of blocking our legislative solution, the Bush administration did a 180 and is now asking all of us please to get this bill on the President's desk by the end of this week. You would think that would be enough for his Republican allies. You would think they would finally see how dire this problem is and work with us to avoid the thousands of layoffs that are coming across the country if we do not act. Instead, last night, as we saw, they blocked our efforts to bring this bill to the floor and get it to the President.

Senator BOND and I—he is my ranking member on the Appropriations Transportation Subcommittee—included this proposed transfer in our Transportation, Housing and Urban Development appropriations bill this year. Democrats tried to press this pro-

posal in June, in fact, as part of the FAA bill. Democrats included it in the tax extender package. We were blocked. We tried to pass it as part of the stimulus bill. We were blocked. We have seen this blocked by Republicans at every turn as this crisis has gotten larger and larger. Now it is on us.

The final effort we needed was just 60 votes. Do you know how many we got? We got 51. Only 5 Republicans voted to move that bill forward, while 42 Republican Senators voted against it. Now we are here in a crisis mode. But we have another chance, a final chance. The House has passed a similar bill by a 10-to-1 margin. It is not partisan over there. They know the emergency. That bill is here in the Senate. We could pass it by unanimous consent today. But, as we saw last night, Republicans are blocking it.

We literally cannot afford to tread water like this. I came to the floor yesterday to urge my Republican colleagues to see how important this legislation is. We are here again today making the case. I hope our colleagues across the aisle will listen and work with us. The obstruction and failure to take action has now gotten our country into a crisis, and we do not need another one. We have a housing and mortgage crisis. We have an economic crisis. We cannot afford, in this country right now, to have a transportation construction crisis in every one of our cities and communities across the country.

Within just a few days—take note—we are going to be seeing consequences across the country. This Thursday, as I said, could be the last day our States will be fully reimbursed by the Federal Government for the construction work that is ongoing. By this time next week, States are going to have to start doing without.

The stakes could not be higher. Mr. President, 84,000 jobs in this country were lost last month alone. We cannot put another American job at risk, and we cannot afford to play Russian roulette with our country's highway construction effort. That is what is happening right now. We have to act. We need to act now. I plead with our Republican colleagues, put your partisanship aside. When it comes to our country's safety, infrastructure, construction jobs, economy—all at risk—can we take care of that today, please? Can we move forward and fix this emergency that is upon us?

Mrs. BOXER. If the Senator will yield, I would like to engage in a colleague.

I ask for an additional 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, the reason I want to engage my friend in a colloquy—I know she has other important hearings and so on—is I want to be specific here. I have just looked at a chart of loss of jobs if we do not fix this shortfall. I wanted to make sure my friend in the chair understands that if

we do not fix this, the State of Arkansas will lose almost 5,000 jobs.

I say to my friend, Senator MURRAY, I looked at Washington and if we do not fix this problem, 7,211 jobs—in the State of California, given our size, 32,315 jobs—will be lost if we do not fix this problem.

Now, as I calculated, that is six times more people than who live in Wasilla, AK, who would lose their jobs in California alone. So we are talking families, families who need good-paying jobs. I wanted to ask my friend a question, because I see that she has her chart that says, “Democrats sounded alarm, Republicans pressed snooze.”

This was true in the early days. But I would urge her to change what they have done. Now they have turned the alarm into a siren in our State. I mean, my friend knows the calls that are coming into our committee, to her committee. People are concerned that these jobs will be stopped midway through or slowed down. And when you slow down the work, it is terrible for everybody. It is inconvenient, it is money lost to corporations, it is jobs lost. There is no excuse.

I say to my friend, does she agree now that, yes, in the beginning they snoozed, they also, according to my records, launched five filibusters against fixing this problem? So even then it was a little more aggressive than snoozing. And if we put that into the context of five filibusters, that is 5 of 92 filibusters the Republicans have launched this Congress.

So when we come back and we debate change versus the status quo, I say to the American people and ask my friend if she agrees: Are not we facing more of the same on obstruction, more of the same filibusters, more of the same: I do not really care about middle-class workers, you lose your job, too bad, as we spend our money abroad?

I ask my friend if she has this deep sense of where we are?

Mrs. MURRAY. Mr. President, I share with my colleague from California a real sense of frustration. The people across the country know we are in political season. They understand politics. They understand all of that. But this is beyond politics. This is about severe consequences. I do not understand putting partisan politics, more filibusters, an effort to not let anything happen, on the backs of every single community across this country.

These are specific dollars that go to keeping our construction projects moving along. Now, I get frustrated like everyone in the summer when you come across a project in progress and you have to wait. But I want that construction process done because I know that highway needs to be repaired.

We saw a bridge collapse not that long ago. Not that long ago deaths occurred. A huge community in Minnesota was impacted. That can happen across the country. We are attempting to fix those construction projects and they are going to be halted if we do not fix this trust fund problem.

This has dire consequences.

This is not about politics. It is not about a Presidential election. It is not about who is going to stop what. This is about real consequences in our community, jobs lost in the construction sector to families who will not have a paycheck next month in the middle of an economy that is already struggling.

In some of our States, as we know well, the construction season is short; it ends in a few short months. And those projects, if they are halted now, will not begin again until next March or April. The long-term consequences are real.

Our Governors had better wake up and start calling all of our Republican colleagues. Our community leaders

who want these projects completed had better start calling our Republican colleagues. We have a solution in hand. It is easy to do. We can do it today. The President now has turned around, finally, and asked for this solution.

I do not understand why it is being blocked. It makes no sense to me. I can tell you, to those families who wake up 2 weeks from now without a job, and to those families who are trying to drive to get to work and all of a sudden they see a critical construction project stopped in their State, they are going to be asking all of us: What are you doing back there?

I heard Senator MCCAIN say recently: Watch what happens in Congress over the next several weeks. Well, I hope the American people are watching. What we see is obstruction and filibusters with dire consequences. It is going to be felt in every one of our communities if we do not put this aside for once and at least get this highway trust fund fixed.

Mrs. BOXER. In the remaining time we have, I want to thank my friend. We work very closely, because I am the Chair of the committee that authorizes these programs and she is the one who funds them. We work very closely with our ranking members. Those are bipartisan measures.

I want to be clear one more time, because pretty soon we are going to come back here and we are going to ask unanimous consent to fix this problem. We are going to be back here pretty soon.

I ask unanimous consent to have printed in the RECORD a document called “State Federal Highway Funds in Jeopardy.”

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE FEDERAL HIGHWAY FUNDS IN JEOPARDY—SUPPORT BAUCUS-GRASSLEY TRUST FUND FIX TO PREVENT 34 PERCENT CUT

State	Actual FY 2008	Projected FY 2009 without fix	FY09 funding cut	Projected job loss
Alabama	\$703,608,862	\$490,508,434	-213,100,427	-7,416
Alaska	392,336,871	290,793,680	-101,543,191	-3,534
Arizona	667,147,856	438,664,311	-228,483,545	-7,951
Arkansas	456,190,231	320,021,084	-136,169,147	-4,739
California	3,241,415,426	2,312,797,348	-928,618,078	-32,315
Colorado	483,871,715	336,831,459	-147,040,256	-5,117
Connecticut	482,654,710	322,178,744	-160,475,967	-5,584
Delaware	151,330,042	105,505,130	-45,824,912	-1,595
Dist. of Col.	144,672,395	98,449,152	-46,223,243	-1,609
Florida	1,743,482,571	1,170,330,313	-573,152,259	-19,945
Georgia	1,254,148,068	854,334,154	-399,813,914	-13,913
Hawaii	161,397,489	108,732,842	-52,664,647	-1,833
Idaho	265,659,540	186,583,127	-79,076,413	-2,752
Illinois	1,226,941,903	860,514,023	-366,427,880	-12,751
Indiana	883,116,254	613,381,711	-269,734,544	-9,386
Iowa	422,814,986	275,671,959	-147,143,027	-5,120
Kansas	364,702,387	246,228,246	-118,474,141	-4,123
Kentucky	614,997,743	424,872,735	-190,125,008	-6,616
Louisiana	577,720,798	388,222,990	-189,497,808	-6,594
Maine	178,953,421	124,718,277	-54,235,144	-1,887
Maryland	578,678,880	388,200,419	-190,478,461	-6,628
Massachusetts	609,422,307	398,142,135	-211,280,172	-7,352
Michigan	1,007,665,781	762,900,607	-244,765,175	-8,518
Minnesota	575,827,393	433,242,592	-142,584,801	-4,962
Mississippi	433,794,557	300,588,496	-133,206,061	-4,635
Missouri	829,306,795	577,297,558	-252,009,237	-8,770
Montana	338,011,659	239,506,863	-98,504,796	-3,428
Nebraska	271,341,203	184,454,956	-86,886,247	-3,024
Nevada	274,821,219	173,608,407	-101,212,812	-3,522
New Hampshire	160,957,601	108,790,657	-52,166,944	-1,815
New Jersey	933,422,014	627,578,740	-305,843,274	-10,643
New Mexico	331,049,059	237,065,570	-93,983,489	-3,271
New York	1,652,187,126	1,082,942,105	-569,245,020	-19,809
North Carolina	982,279,233	690,898,439	-291,380,795	-10,140
North Dakota	226,404,974	155,931,552	-70,473,422	-2,452
Ohio	1,251,880,095	900,869,616	-351,010,479	-12,215
Oklahoma	542,557,073	369,868,439	-172,688,634	-6,009

STATE FEDERAL HIGHWAY FUNDS IN JEOPARDY—SUPPORT BAUCUS-GRASSLEY TRUST FUND FIX TO PREVENT 34 PERCENT CUT—Continued

State	Actual FY 2008	Projected FY 2009 without fix	FY09 funding cut	Projected job loss
Oregon .....	434,153,577	294,969,678	-139,183,898	-4,843
Pennsylvania .....	1,607,827,381	1,064,325,708	-543,501,672	-18,913
Rhode Island .....	200,252,272	131,121,237	-69,131,035	-2,406
South Carolina .....	572,462,981	390,280,157	-182,182,824	-6,340
South Dakota .....	245,963,474	174,549,231	-71,414,243	-2,485
Tennessee .....	768,763,258	533,198,427	-235,564,831	-8,197
Texas .....	2,802,411,108	1,942,990,215	-859,420,893	-29,907
Utah .....	273,508,721	188,070,215	-85,438,506	-2,973
Vermont .....	161,725,931	114,413,876	-47,312,055	-1,646
Virginia .....	907,625,718	636,053,577	-271,572,141	-9,450
Washington .....	623,821,456	416,592,681	-207,228,775	-7,211
West Virginia .....	391,319,504	271,937,690	-119,381,814	-4,154
Wisconsin .....	676,542,465	480,036,649	-196,505,816	-6,838
Wyoming .....	229,637,435	166,470,893	-63,166,542	-2,198
Subtotal .....	\$35,312,785,520	\$24,406,237,107	-10,906,548,414	-379,537
Allocated Programs .....	4,127,089,170	1,909,255,590	(2,217,833,580)	
Undesignated High Priority Projects .....	1,513,574	1,061,467	(452,108)	
Projects of National & Regional Sig. ....	410,949,000	230,558,400	(180,390,600)	
National Corridor Infrastructure Program .....	449,988,000	252,460,800	(197,527,200)	
Transportation Projects .....	590,259,516	331,158,586	(259,100,930)	
Bridge (Sec. 144(g)) .....	92,400,000	64,800,000	(27,600,000)	
Transfer to Sections 154 & 164 .....	231,066,579	4,468,050	(226,598,529)	
Total .....	41,216,051,359	27,200,000,000	(14,016,051,359)	

Source: Federal Highway Administration. Data include apportioned programs plus High Priority Projects. Transportation Construction Coalition analysis of job impact.

Mrs. BOXER. This shows in the State of New Hampshire, of Senator GREGG, who was the one who objected yesterday, a loss of 1,800 jobs. It shows in the State of South Carolina, the State of Senator DEMINT, a loss of 6,300 jobs.

I say to my friend from Montana, who I know supports repaying the highway trust fund that he is working to support, 3,428 jobs in the State of Montana would be lost. That is big. That is larger than some towns.

Think about more than 30,000 families in my case, 32,000 families being hit by layoffs in the middle of a recession because Republicans continue to filibuster and to filibuster and to do nothing. It is not going to go down well.

I am glad you mentioned that Senator MCCAIN says for the people to watch the Senate. I urge the people to watch the Senate this week where we are going to try to fix this highway trust fund, and we are going to get this done if we can. If we cannot, we know who is stopping us.

We are also going to work on a Defense authorization bill that is so important while there are two wars going on. I hope Senator MCCAIN will keep saying that on the stump: Watch the Senate. And this issue is going to be as clear as a bell. I urge you to go change that sign now, because, yes, the Republicans snoozed earlier, but now they are in fighting mode and they have raised the alarm to a siren.

And all of our Governors, you are right, ought to be calling, and our State legislators as well.

I want to thank you very much for your patience.

I yield the floor.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. 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.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business for 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, the Senator from California and I have been on the Senate floor this morning talking about the dire straits we are in in terms of the construction trust fund, the highway trust fund, that provides the money across the country for construction projects and the fact that within a few short days our States are not going to be getting the checks they need to pay for those construction projects, resulting in layoffs across this country and construction projects literally coming to a halt very quickly.

We are going to offer a unanimous consent request to bring up that bill again and pass it and get it to the President, as he requested. We understand, unfortunately, now there is an objection on the Republican side, and we will not be able to do this request at this time. I respect our Republicans' request to be able to discuss this issue at their weekly meeting they are going to be having shortly to determine how to move forward. But I want everyone on notice this is a critical issue, it is not going to go away, and we are going to be asking again this afternoon to move this legislation forward because we believe we have a responsibility as leaders in this country to get this trust fund emergency problem fixed and moving. We hope our Republican colleagues, upon reflection, will join us and we can quietly pass this legislation this afternoon and move on to other major issues of the day.

But to me this is the most important critical issue facing us right now in the Senate, and I hope we can move it this afternoon.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, let me say, I agree with everything my friend said. We are talking about highway construction. We are talking about fixing dangerous bridges. We have all seen

what happens when there is neglect there. We are seeing all of this happen in the middle of a recession, where last month alone 84,000 jobs were lost. As we look at the list, we see if our Republican colleagues and friends do not join us in this effort, and they do not fix this shortfall problem, which, by the way, is a reimbursement to the highway trust fund of moneys that were borrowed from it—it is a reimbursement—we are looking at a loss of 379,537 jobs.

Mr. President, I ask you in rhetorical fashion, is this the time where this country can afford to see 379,537 jobs disappear when we are already at the worst unemployment rate we have seen in 5 years? We have to stop business as usual around here. We need to start the change now—the change away from confrontation, everything is political, filibuster after filibuster. The time is now.

So we will be back after the caucuses have their meetings this afternoon in the hopes that they have resolved this issue, that they step out of the way and let us get this work done so our families—our families all across this country who work in the construction trades—can breathe a sigh of relief. They have enough on their plate. They cannot get good health care; they have problems sending their kids to school; the price of gas. We all know what has happened to our families. This would be one additional slap they simply do not deserve. They do not deserve any of this.

We say to our Republican friends, leave your politics outside the Chamber for this one.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WEBB. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.



Mr. WEBB. Mr. President, I ask unanimous consent to speak for up to 10 minutes in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### DEFENSE AUTHORIZATION

Mr. WEBB. Mr. President, today I am going to offer an amendment to the Defense authorization bill that will do two things. The first is it will extend the mandate or, shall I say, direct the President to negotiate the extension of the mandate we now operate under inside Iraq under the rubric of the United Nations. The second would be to place a restriction on the implementation of the strategic framework agreement that is now being negotiated inside Iraq to bring it inside the Constitution of the United States and require that the Congress of the United States approve this strategic framework agreement before it is actually put into motion.

The reality right now is, our justification for operating inside Iraq under international law will expire at the end of this year. For almost a year, this administration has been negotiating two separate agreements with the Government of Iraq. One is a strategic framework agreement; the other is a status of forces agreement that would take place under the umbrella of the strategic framework agreement.

This period of negotiation has been done largely without the involvement of the Congress. It will, if implemented, shape and direct the policy of the United States in Iraq for a good period of time—our security framework, all these sorts of things that traditionally have taken place only inside a treaty. Under the Constitution, a treaty is required to be approved by a two-thirds vote in the Senate.

So we have two realities that have come together, that by the end of this year we need to address in some form or another. The first is we have to be operating under some proper international legal structure in order to maintain our forces in Iraq after December 31. The other is we need to be negotiating the right kind of bilateral future relationship between our country and the country of Iraq.

This amendment intends to resolve both of these situations in a way that is not disruptive, that is within the constraints of the Constitution, and it will allow us some time to get the right kind of strategic framework in place rather than our having to rush it, as we are seeing right now, to get something in place by the end of the year that is arguably not within the Constitution.

The first portion of this amendment basically says the President will direct the U.S. Special Representative to the United Nations to seek an extension of the multinational agreement that already is in place under the rubric of the Security Council of the United Na-

tions. It also states it is the sense of Congress that this extension should expire within a year or earlier. It should expire at the end of next year, unless we have a strategic framework agreement in place, at which time it will expire earlier.

The second goes to the notion that this agreement must be approved with the consent of the Congress. I have not gone so far in this amendment as to say we should treat this agreement as we would treat a longer, more formal treaty, with the recognition that treaties sometimes get tied up for years, but that we should have a law by the Congress, a vote by a majority of the Congress, approving this major step forward in our relationship with the country of Iraq.

As it stands right now, I am a member of the Armed Services Committee. I am also a member of the Committee on Foreign Relations. We have not been shown one word of the actual document that is being negotiated. There are members of the Iraqi Parliament that have been shown portions of this document, if not all of it.

I think it is very important for us to give this agreement the time we can give it if we extend the mandate of the United Nations for a year but also to get the proper involvement of the Congress in this most important step into the future of our relationship with Iraq.

I hope my colleagues will support this amendment. I hope we can have bipartisan support on it. This is an amendment that goes to the propriety of the constitutional process and also is intended to take the time constraints out of the negotiation of this agreement with Iraq.

I yield the floor.

#### RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:28 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

The PRESIDING OFFICER. The Senator from Missouri.

#### COLOMBIA

Mr. BOND. Mr. President, I rise today to talk about the remarkable success story in the fight against terrorism and narcotrafficking that I believe very strongly needs to be told. It is a story that has largely gone unnoticed because it has not taken place in the Eastern Hemisphere or east of here, where most of the world's attention is focused today. It comes, rather, from the Southern Hemisphere in a country where protagonists have surged ahead of narcoterrorists militarily, while simultaneously improving the overall security and safety of the civilian population. What is most important is they

have done so while ensuring that protection of human rights and adherence to international humanitarian law are fully integrated into the daily life of every member of the security forces.

I am speaking about Colombia, of course. I visited there just a couple of weeks ago. I visited Bogota. I also visited Ecuador to find out what was going on in Latin America. I was greatly encouraged by the tangible evidence I saw in Colombia of a country in complete transformation. Most of us probably realize that just about 6 years ago, in 2002, as much as 40 percent of the area of Colombia was controlled by terrorist groups and ruthless narcotics trafficking. Many of my colleagues visited Colombia at the time and brought back grim reports, as they should have, of a country apparently descending into chaos, with a dim future, as Colombia was on the verge of becoming a failed state. The security situation was bleak, the economic outlook was decidedly negative, and drug trafficking threatened the very culture of Colombia and its people.

The situation had been slowly deteriorating in Colombia for decades. Even before the United States experienced the dramatic acts of terrorism of 2001 that would change our national perceptions forever, Colombians were dealing with an increasingly dangerous, deadly, and brutal form of terrorism that threatened to tear the country apart. Drug cartels were controlling larger and larger swaths of territory and had turned Colombia into the world's leading exporter of cocaine. Much of the cocaine was finding its way into the United States. Insurgent groups we have come to know as the FARC or the ELN were turning Colombia into a war zone, negatively affecting the economy and threatening the very stability of the nation.

That was the situation in 1998 when former Colombian President Pastrana conceived Plan Colombia, a 6-year plan to end long-armed conflict, to eliminate drug trafficking, and promote economic and social development. As you may recall, the United States agreed to take a gamble and invest in Colombia. President Clinton, a Democrat, led the way, and he was followed by President Bush. Both were strong supporters. The good news is that since 1998, the United States has continued to be the principal contributor to the plan, mostly through the Andean Counterdrug Initiative but also through foreign military financing and the central counter-narcotics account of the Department of Defense.

Today, our mutual objectives in support of Plan Colombia have evolved from a strict counternarcotics focus to encompass counterterrorism activities as well. Our investment appears to have paid off with dividends. I am happy to report that with U.S. aid to Colombian security forces and assistance in trade preferences under the Andean Trade Preferences Agreement, or the ATPA, the Colombian people have

been positively transforming their nation. We owe a great debt of gratitude, as the people of Colombia do, to President Alvaro Uribe because his programs and policies have dramatically improved the security situation in Colombia and demonstrated his personal commitment to being a strong and capable partner in fighting drugs, crime, and terror.

Since Uribe took office in 2002, the Colombian Government reports that homicides have dropped by 40 percent, murders of union representatives have been reduced by 80 percent, kidnappings have declined by more than 80 percent, and terrorist attacks are down by more than 70 percent. That is a pretty amazing set of numbers, Mr. President. They are evidence of nothing less than a complete turnaround that has given the people of Colombia hope and a new country to live in, one free from constant fear of killings and kidnappings.

Now, in July of this year, the world watched with admiration and amazement as President Uribe and his administration, with their security forces, scored an impressive triumph against the Marxist terrorists of the Revolutionary Armed Forces of Colombia, the full name of the FARC. Members of the Colombian military successfully rescued 15 hostages, including 3 Americans, being held by FARC. They did it through guile, without any armed combat, and with great boldness and risk to the members of the participating team. Weeks later, more than 1 million Colombians marched in their nation's streets, calling on the FARC to release its remaining hostages and stop practicing terror.

Today, President Uribe's approval rating has soared above 90 percent, and the FARC, still holding 700 hostages, is now faced with increasing evaporation of its now limited popular support base.

As their security has improved, so has their economy. Last year, Colombia's economy saw the largest growth rate in nearly three decades, and unemployment and poverty are at the lowest levels in a decade. Improvements in security, stability, and economic development are adding to Colombia's reputation as a vibrant democracy with a history of free elections and solid opposition political parties.

Americans can be proud that U.S. assistance has been at the center of this historic turnaround. Americans can be prouder still of our partners in the Colombian Government who have ensured that while Colombian military and police forces have made significant strides against the FARC and taken back much of the territory once held by them, they have done so while completely overhauling their human rights programs, policies, and enforcement mechanisms.

In January of this year, the Colombian Minister of Defense released the integrated policy of human rights and international humanitarian law, a comprehensive policy that directs the

integration of human rights and international law into all military instruction, stronger compliance and controls, legal defense of military personnel, specialized treatment of vulnerable groups, better integration with the civilian judiciary, and closer consultation with civil and international groups on human rights issues. The U.N. High Commissioner for Human Rights in Colombia called this a key step in promoting respect for human rights in the military.

I was told by members of our U.S. country team, at our embassy in Bogotá, that this policy is a written encapsulation of the remarkable changes that have been made over the past several years in the Colombian security forces.

For example, the Defense Minister, Juan Manuel Santos, assigned seven colonels as inspector delegates for each division of the Army with authority to oversee investigations of human rights abuses committed by military personnel in their divisions, including the commanders. As a result, U.S. Embassy officials report impressive signs of progress in the suspension, arrest, or conviction of military and former military violators of human rights, including several general officers and greater civilian access and handling of human rights cases involving the military.

In addition, the Colombian Army has now installed judicial coordination offices as well as operational legal advisers in all units to advise commanders on human rights and international humanitarian law, to coordinate with civilian judicial authorities, and to conduct liaison with national and international organizations about ongoing cases. These legal advisers are present during the planning of any military operation to ensure that the targets are legitimate, that civilian casualties are avoided, and that the human rights of any captured terrorists are protected. The armed forces have designated human rights officers in all their battalions to support human rights training and instruction at the lowest level of the military. Operationally, I am told the Colombian armed forces have changed the nature of their missions on the ground against the FARC. What may have once been pure military operations conducted to kill terrorists and seize territory have become surgical operations specifically designed to protect lives and gather evidence for prosecution of terrorists in the Colombian judicial system. Legal advisers and prosecutors are present during every operation to begin, at the earliest possible time in the operation, the difficult task of evidence collection and prosecution under the law.

Mr. President, this is nothing short of an amazing turn of events. I have to stress, however, the message our people on the ground and the Colombians themselves have delivered to me. They emphasize that while the turnaround is dramatic, they are not out of the woods just yet, and critical challenges remain.

The terrorist and paramilitary groups are weakened but not yet defeated. Violence still threatens all sectors of Colombian society and continues to cause displacement and economic hardship. Defense Minister Santos told me they have already come a long way, but they have a little ways yet to go until they can stand fully on their own two feet. In other words, in the season of football this fall, we would say they are on the 10-yard line, and they need our continued support to cross the goal.

As a result of our investment in and support of President Uribe and the Colombian Government, Colombia has emerged as possibly our most successful bilateral partner in Latin America. It would be hard to find a greater friend, a bolder leader, and one who has made more progress than President Alvaro Uribe. The Colombians have worked hard in fighting against terrorists and drug traffickers, and they have done everything we have asked of them.

Mr. President, since Plan Colombia began in 1999, the United States has given nearly \$6 billion in assistance to Colombia. Yet there is one more thing we can do to help them cross the goal line and ensure their success for the future. The Senate can and must cement America's long-term strategic partnership with Colombia by approving the one thing every Colombian official, every U.S. Embassy official, everybody we talk to who is in America—the U.S. businessman or others have told me that they must get—the free-trade agreement. This would be a great deal on several accounts for America.

Our two-way trade with Colombia reached \$18 billion last year, making Colombia our fourth largest trading partner in Latin America and the largest export market for U.S. agricultural products in South America. As a representative of an agricultural exporting State, we need to get into that country. We need to get into that country without tariffs making our products less competitive. Exports to Colombia, despite the tariffs that they impose, reached \$8.6 billion in 2007. The United States-Colombia Free Trade Agreement would open this growing economy further to U.S. goods and services. U.S. companies are already doing business with and in Colombia. There are 112 U.S. companies operating there. All seven of America's largest employers have active commercial relations with Colombia. The Colombia Free Trade Agreement would definitely benefit U.S. businesses. Upon entry into force of the agreement, over 80 percent, close to 90 percent, of U.S. exports of consumer and industrial goods to Colombia would enter duty free. U.S. farmers and ranchers would benefit by the immediate elimination of Colombia's duties on high-quality beef, cotton, wheat, soybeans, key fruits, and many processed foods.

Exports diversify our economy, shield it from shock in the domestic

market, and help to close the trade deficit which we continue to hear so much about. According to the U.S. Chamber of Commerce, U.S. exports to free-trade countries are at twice the rate of non-free-trade countries.

Frankly, Mr. President, through the ATPA we already offer Colombia the advantages, the trade advantages, coming in largely duty free. The FTA with Colombia is one-sided. It knocks down their tariff barriers to our exports and I am at a loss to explain why we would not quickly approve it when our exporters, our farmers, our workers in manufacturing sectors, our people in the IT industry, and people working in the food industry, all have so much to gain. One might ask why the Colombians want this FTA when America would see most of the benefit. They gave me the answer to that question when I was in Bogota a few weeks ago. They believe the FTA will send a strong signal that the United States remains committed to its friends and is supportive of a continuation of positive reforms in Colombia, such as those I have already mentioned.

On the flip side, they believe—and I am afraid from everything I have seen it is true—if we fail to do it, if we send an adverse message, if we do not approve the FTA, it would be bad news, for we would be, in effect, telling our best ally we are not as close a strategic partner as they thought, and Hugo Chavez, Raoul Castro, and other Marxists in the region will have their heyday ridiculing the Colombians for having turned to the United States. To continue to delay the United States-Colombia free trade agreement would be a refutation of our strong friendship of the Colombian people, a dismissal of the blood and treasure spent over the last decade to help Colombia and eliminate terrorism and improve its economy, and a signal to our allies that no matter how hard you cooperate with the United States you will be abandoned in the end. As the Colombians told me, if we do not approve the FTA, Hugo Chavez and Raoul Castro will rub their noses in it, saying: This is the way the devil pays his friends.

We saw another side of that yesterday in a good op-ed piece in the Wall Street Journal by Mary Anastasia O'Grady, "Latin Americans Want Free Trade." In that op-ed piece she pointed out what happened the last time we imposed tariffs, and when we cracked down on trade with Latin America. She quoted Sebastian Edwards that "protectionist policies based on import substitution were well entrenched and constituted, by far, the dominant perspective" in the downturn of Latin America. It:

. . . made a mess out of the region, and not only because spiraling tariffs and nontariff barriers blocked imports and destroyed the export sector. They also . . . had a deleterious effect on politics too, as closed economies spawned powerful interests which seized not only on economic but political control and grew entrenched.

That is one of the reasons we have so many problems with so many countries in Latin America that are not realizing their full potential.

In sum, a Colombia FTA seems a simple but effective way to help solidify our image as a nation committed to helping our strategic allies in the world, in the Western Hemisphere, and standing shoulder to shoulder with us fighting those who attack our freedom. I urge my colleagues to consider seriously the importance of passing a Colombia FTA before this Congress ends in a few short weeks. This may be one of the few strongly bipartisan actions in the Senate before this session ends and, for our Colombian friends who know how important it is, this action would be unforgettable.

I ask unanimous consent that a copy of the Wall Street Journal op-ed piece to which I referred as part of my remarks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 8, 2008]

LATIN AMERICA WANTS FREE TRADE

(By Mary Anastasia O'Grady)

Of the two U.S. presidential candidates, one promises to expand international trading opportunities for American producers and consumers. The other pledges to raise the barriers that Americans already face in global commerce.

For Latin America, this is the single most important policy issue in the campaign. If Republican candidate John McCain wins, he says he will lead the Western Hemisphere toward freer trade. Conversely, Democratic candidate Barack Obama has promised that he will craft a U.S. trade policy of greater protectionism against our Latin neighbors. The former agenda will advance regional economic integration, the latter will further Latin American isolation.

Anyone who has read 20th-century history knows the seriousness of this policy divide. The last time Washington adopted a protectionist stance toward our southern neighbors was in 1930, when Congress passed the Smoot-Hawley tariffs. It took more than 50 years to even begin to climb out of that hole.

Many economists blame Smoot-Hawley for the depths of the U.S. depression. But Latin Americans have suffered even more over a longer period. Their leaders chose to retaliate at the time with their own protectionist tariffs, but the damage didn't end there.

In his 1995 book "Crisis and Reform in Latin America," UCLA professor Sebastian Edwards writes that though there was a brief period of liberalization in Argentina, Brazil and Chile in the late 1930s, it didn't last long. Adverse conditions brought about by World War II prompted the region's policy makers to restore tariffs, in the hope that protectionism would stimulate economic development.

"By the late 1940s and early 1950s," writes Mr. Edwards, "protectionist policies based on import substitution were well entrenched and constituted, by far, the dominant perspective." The U.N.'s Economic Commission on Latin American and the Caribbean, he adds, provided the "intellectual underpinning for the protectionist position."

Protectionism made a mess out of the region, and not only because spiraling tariffs and nontariff barriers blocked imports and destroyed the export sector. They also provoked an intellectual isolation as the infor-

mation and new ideas that flow with trade dried up, along with consumer choice and competition. This had a deleterious effect on politics too, as closed economies spawned powerful interests which seized not only economic but political control and grew entrenched.

According to Mr. Edwards, it was only in the late 1980s and early 1990s that U.S. and Latin leadership (not counting Chile, which liberalized earlier) began to recognize the twin unintended consequences of this model—poverty and instability—and decided to act. "Tariffs were drastically slashed, many countries completely eliminated import licenses and prohibitions and several countries began negotiating free trade agreements with the United States."

Mexico and Canada signed the North American Free Trade Agreement with the U.S. in 1993, but the regional opening process continued well into this decade. A U.S.-Chile bilateral agreement kicked off in 2004. Five Central American countries and the Dominican Republic signed their own FTA (CAFTA) with the U.S. in 2006. Peru's FTA with the U.S. was finalized in 2007. Colombia and Panama have signed agreements with the U.S. that are awaiting ratification by the U.S. Congress.

It is true that unilateral opening would have been a superior path. Yet for a variety of reasons—not the least the political attraction of reciprocity—FTAs have become fashionable. And there is no doubt that the agreements, warts and all, have aided in the process of dismantling trade barriers, strengthening the rule of law, and moving the region in the direction of democratic capitalism.

Mr. McCain wants the U.S. to continue its leadership role in opening markets in the region. He favors ratification of the Colombia and Panama FTAs, which the Democratic-controlled Congress is blocking. He also wants to lift the U.S.'s 54-cent tariff on Brazilian ethanol, and he wants to preserve NAFTA.

Mr. Obama would reverse regional trade progress. He supports House Speaker Nancy Pelosi's opposition to the Colombia FTA, even though it will open new markets for U.S. exporters. He promises to "stand firm" against pacts like CAFTA and proposes to force a renegotiation of NAFTA, which is likely to disrupt North American supply chains and damage the U.S. economy. By heaping new labor and environmental regulations on our trading partners, his "fair trade" proposal will raise costs for our trading partners and reduce their competitiveness.

Perhaps worst of all, his antitrade bias will signal the region that protectionism is back in style in the U.S., and encourage new trade wars. No good can come from that, for the U.S. or for Latin America.

Mr. BOND. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we now close morning business.

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 3001, which the clerk will report by title.

The bill clerk read as follows:

Motion to proceed to the bill (S. 3001) 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.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that all postcloture time be considered expired and that the Senate now proceed to the consideration of Calendar No. 732, which is S. 3001, the Defense Department authorization bill, and that once the bill is reported, it be considered under the following limitations: that the only first-degree amendments in order be those that are germane to S. 3001 or to H.R. 5658, and that the first-degree amendments be subject to second-degree amendments which are germane to the amendment to which it is offered; that there be up to 10 additional amendments which are relevant to S. 3001 or to H.R. 5658 and have been agreed upon by the leaders—the leaders being Senators MCCONNELL and REID—with up to 5 amendments per side; that those 10 relevant amendments also be subject to second-degree amendments which would be relevant to the first-degree amendment to which offered; that upon the disposition of all amendments, the bill be read a third time and the Senate vote on passage of the bill; that upon passage, it then be in order for the Senate to consider en bloc the following calendar items: Nos. 733, 734, and 735; that all after the enacting clause of each bill be stricken and the following divisions of S. 3001, as passed by the Senate, be inserted as follows: Division A: S. 3002; Division B: S. 3003; Division C: S. 3004; that these bills be read a third time, passed, and the motions to reconsider be laid upon the table en bloc; further, that these items appear separately in the RECORD; provided further that the Senate then proceed to the consideration of Calendar No. 758, H.R. 5658, the House companion; that all after the enacting clause be stricken and the text of S. 3001, as amended and passed by the Senate, be inserted in lieu thereof; the bill be read a third time, passed, and the motion to reconsider be laid upon the table; that the title amendment, which is at the desk, be considered and agreed to; that upon passage of H.R. 5658, as amended, the Senate insist on its amendments, request a conference with the House on

the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, with the above occurring without further intervening action or debate, and that no points of order be considered waived by virtue of this agreement.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, I object, and if I could just take a moment to explain why. As we have been discussing, we would like to proceed to the bill under a regular order. In discussing the proposed amendments we have ready to offer, I think it is clear they are relevant, if not germane. In fact, the first few we have suggested I know are germane.

I think we would be better served to just begin the process of bringing up amendments and having debate and votes on those amendments than trying to get the approvals that would be necessary to agree to this rather cosmic unanimous consent request. That is why we object to it at this time, but I assure the majority leader that based upon the amendments we have already indicated we wish to bring forth, I would hope there would be a clear understanding of good faith on both sides that that is the way we intend to proceed. I do appreciate that the majority leader then would presumably set up a parliamentary procedure by which the majority would have to approve the offering of any Republican amendment thereafter, so the majority certainly would be protected in doing that. It would still be our intention to bring forth the right kind of amendments to deal with this legislation.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, maybe we can do indirectly what we can't do directly. That is, we are going to go through the procedure here to—and when I finish the procedural issues I am going to bring before the Senate, then the two managers, Senator LEVIN and Senator WARNER, will be, in effect, the gatekeepers. They won't be under the control of Senator MCCONNELL or Senator REID. These two very professional, experienced legislators will move through these amendments as quickly as they can. We all relish the time we used to move to this bill and other bills to have an old-fashioned legislative battle. I don't think—with all that is going on around the country today, including the Presidential election being in effect and all the other things going on politically—we can do that.

I hope, as I said, we can do indirectly what we can't do directly. It would be good for the country if we could finish this bill this week. It is so important. It has extremely important elements in it, including a pay raise for our troops, a good pay raise for our troops. This bill has things that are done to improve our military that only these two managers of this bill could lead based

on their experience. I believe I am right when I say I think this has been—this is the 30th bill Senators LEVIN and WARNER have worked on together, the 30th bill. It would be a shame, as Senator WARNER leaves this great career in the Senate, that in his final year we don't do something that is as much of his legislative history as anything he has done in his career, and that is the Defense authorization bill. So I hope for his sake, the Senate's sake, and the country's sake, we can complete this legislation sometime this week.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

Mr. President, I ask unanimous consent that all postcloture time be considered expired and the Senate now proceed to the consideration of S. 3001.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

A bill (S. 3001) 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. 5290

Mr. REID. Mr. President, I have an amendment at the desk and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 5290.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

The provision of this bill shall become effective in 5 days upon enactment.

Mr. REID. Mr. President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 5291 TO AMENDMENT NO. 5290

Mr. REID. Mr. President, I have a second-degree amendment at the desk and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 5291 to amendment No. 5290.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the amendment strike "5" and insert "4".

MOTION TO RECOMMIT

Mr. REID. Mr. President, I now move to recommit the bill to the Armed

Services Committee with instructions to report back to the Senate with an amendment.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to recommit the bill S. 3001 to the Committee on Armed Services with instructions to report back with an amendment numbered 5292.

AMENDMENT NO. 5292 TO MOTION TO RECOMMIT

Mr. REID. I have an amendment at the desk, and I ask that it be considered.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 5292 to the instructions of the motion to recommit.

Mr. REID. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

This section shall become effective 3 days after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second on the motion?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 5293

Mr. REID. Mr. President, I have an amendment at the desk and I ask that it be considered.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 5293 to the instructions of the motion to recommit the bill S. 3001.

Mr. REID. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the amendment, strike "3" and insert "2".

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 5294 TO AMENDMENT NO. 5293

Mr. REID. Mr. President, I have a second-degree amendment at the desk and I ask that it now be considered.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 5294 to amendment No. 5293.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the amendment strike "2" and insert "1".

Mr. REID. Mr. President, finally, I now ask unanimous consent that no motion to proceed to any calendar item be in order during the pendency of S. 3001.

The PRESIDING OFFICER. Is there objection?

The Senator from Arizona is recognized.

Mr. KYL. Mr. President, for the time being, I would object to that.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair clarifies for the Senate that pursuant to the previous unanimous-consent agreement, the motion to proceed to S. 3001 was agreed to.

The Senator from Michigan.

Mr. LEVIN. Mr. President, on behalf of the majority leader, I ask unanimous consent that no motion to proceed to any legislative or Executive Calendar item be in order during today's session of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, on behalf of the minority leader, no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. 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. CASEY. 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. CASEY. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

GLOBAL WAR ON TERROR

Mr. CASEY. Mr. President, I rise today to speak on where America stands in the global war on terror. This week, of course, marks the seventh anniversary of the 9/11 attacks on our country. While our allies in Europe have suffered terrible acts of terrorism in subsequent years since September 11, 2001, our Nation has been blessed with no attacks since that time. Yet that single fact should not obscure the reality that America remains dangerously vulnerable to future attacks and that the very policies pursued by

President Bush have made our Nation less secure.

Today, the President announced that he will redeploy 8,000 soldiers out of a total of 146,000 U.S. troops in Iraq over the remainder of this year and early next year. The scheduled replacements for those 8,000 forces will instead head to Afghanistan to respond to the sharply deteriorating circumstances there. I am pleased the President has started to come to grips with the severity of the threat we face in Afghanistan and the need to devote more U.S. troops and resources to what remains the central front in the war on terror. But let's be serious. Shifting 8,000 American troops to Afghanistan is wholly inadequate when we see Taliban extremists using sanctuary bases in Pakistan to increase attacks on U.S. and NATO forces there, when we see the Karzai government struggling to maintain the confidence of the Afghan people, and when we see the Taliban gaining new recruits by the day.

Against all evidence, President Bush continues to view Iraq as the central front on the war on terror. We have heard him say that over and over again. He refuses to acknowledge al-Qaida established a presence in Iraq only as a by-product of our invasion in 2003. He ignores recent intelligence reports that al-Qaida leaders are sending senior level commanders and new recruits into Afghanistan, not Iraq. President Bush disregards the fact that al-Qaida has reconstituted its global headquarters to plan future worldwide attacks of terrorism in the frontier territories that remain off-limits to Pakistani military. After September 11, 2001, this President vowed al-Qaida would never again enjoy sanctuary to target the American people. Yet we are seeing it happening again before our very eyes.

So, unfortunately, President Bush will end his Presidency in the same manner he started—with a disastrous miscalculation of the threat posed by al-Qaida and the necessary tools to combat Islamic extremism. When the President took office in January of 2001, he and his senior advisers dismissed the focus on terrorism held by the preceding administration, refusing to believe a superpower such as the United States could be threatened by nonstate actors. That mindset allowed the administration to ignore repeated warnings by the intelligence community that al-Qaida was preparing for a major attack on the United States.

Following the 9/11 attacks, the President rightfully moved to topple the Taliban regime in Afghanistan after they refused to turn over senior al-Qaida leaders. Yet the administration failed to recognize that only a long-term investment of troops, developmental assistance, and economic benefits was essential if Afghanistan was to not once again collapse into a failed state. Instead, the President shifted his focus to Iraq, redeploying such critical

assets as Special Forces units and unmanned aircraft to the Persian Gulf to prepare for what was an inevitable war.

Five years later, we are still living with the consequences of this administration's rush to war in Iraq. Afghanistan teeters on collapse, with the drug trade resurgent and Taliban forces controlling more and more territory. Pakistan remains dysfunctional, with a difficult transition of power occurring now and an extremist insurgency taking root in its border regions. Iran has grown immeasurably stronger over the past 5 years, taking advantage of America's inattention to move forward on its nuclear program and support extremist groups throughout the Middle East. And what we can never forget, the men who perpetrated the most deadly attacks on American soil remain free 7 years after the fact. This is not only a slap in the face to the families of the 3,000 Americans murdered on September 11, it remains a continuing danger as al-Qaida plots new attacks on our Nation.

In his speech today at the National Defense University, the President made the following assertion:

Together, with our allies, we made substantial progress towards breaking up terrorist networks—and we will not rest until they are destroyed.

We have heard similar statements from President Bush and senior administration officials dating back to 2002—that America is taking the fight to al-Qaida and winning the war on terrorism. The only problem is the administration has never defined what victory means nor provided a set of benchmarks to allow the American people to judge whether we are making real progress.

For that reason, I am joined today by Senator HAGEL in introducing an amendment to the Defense authorization bill to require the executive branch to produce, on a semiannual basis, a comprehensive report on the status of our Nation's efforts and the level of resulting progress to defeat al-Qaida and related affiliates in the global war on terrorism. The Congress receives numerous reports on the status of our efforts in individual theaters, such as Iraq and Afghanistan, but we have never received a basic update from the administration on what the United States is doing to ensure that al-Qaida never again succeeds in launching the type of devastating attacks such as those we suffered 7 years ago this week. This amendment, if adopted, would allow the Congress and the American people to hold administration officials—this or future administration officials—accountable when they claim we are winning against al-Qaida.

Let me briefly conclude by returning to a topic on which I have spoken previously on this floor—the danger of nuclear terrorism. Tomorrow, a high-level panel convened by the Partnership for a Secure America, consisting of some of the men and women who

served on the 9/11 Commission, will release a report card on America's efforts to combat the proliferation of weapons of mass destruction and prevent a catastrophic act of terrorism involving such weapons on American soil. Press reports indicate the final grades will not be good. Our Government will receive an overall grade of C, with sharp criticism focused on our lack of a coherent governmentwide strategy, our acute vulnerability to an act of bioterrorism, and our continuing failure to secure loose fissile materials and nuclear stockpiles around the world.

Four years ago, this President declared in a campaign debate that he agreed with his opponent that the prospect of a nuclear weapon destroying an American city is the single greatest threat to U.S. national security. Yet while there have been useful efforts in recent years, it remains clear the U.S. Government has not marshaled all of its resources to combat this threat. For instance, we have spent more funds securing our aviation system against another hijacking than preventing a future act of nuclear terrorism. However, I fear when al-Qaida strikes our Nation the next time, they will not be using their old playbook.

America stands today less secure than it should be. Our massive military presence in Iraq, now approaching its seventh year, has strained our most precious resources—our men and women in uniform. It has reduced our flexibility to respond to various other threats throughout the world, including Russia's recent military incursion into Georgia, and emboldened other enemies—Iran most notably. We have failed to finish the job we started in Afghanistan. For too long, we tolerated a dictator in Pakistan on the basis that he was best equipped to serve as an ally in the war on terrorism, only to find out al-Qaida had reconstituted its central headquarters in that very nation.

The President and those who seek to continue his policies indefinitely will make speeches all week long that we are winning the war on terror. But they make those statements in direct contradiction to the assessments of our intelligence community, and they fail to offer the evidence to back up their assertions. Enough is enough. We cannot afford to continue the same misguided policies that have made America less safe for another 4 years.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. MCCASKILL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

Mr. LEVIN. Mr. President, with the consent of the Republican leader, I ask unanimous consent that the motion

and pending amendments be set aside so the Senate may consider the following first-degree amendments; that no amendments be in order to the amendments prior to a vote; and that any debate time provided under the agreement be equally divided and controlled in the usual form; that if a sequence of votes is established under the provisions of a separate consent, then there be 2 minutes equally divided and controlled prior to any vote; and that in any sequence the succeeding votes be 10 minutes in limitation:

Leahy amendment regarding statute of limitations, the Vitter amendment regarding missile defense with 2 hours of debate, the Nelson of Florida amendment regarding SBP-DIC offset, and the Kyl amendment regarding X-ban radar.

Further, that during Wednesday's session, the ban on motions to proceed continue to be in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 5323

Mr. LEVIN. And now, Mr. President, I call up the Leahy amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. LEAHY, for himself, and Mr. BYRD, proposes an amendment numbered 5323.

Mr. LEVIN. Mr. President, I ask unanimous consent that the reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a suspension of certain statutes of limitations when Congress has authorized the use of military force)

At the end of subtitle G of title X, add the following:

**SEC. 1083. SUSPENSION OF STATUTES OF LIMITATIONS WHEN CONGRESS AUTHORIZES THE USE OF MILITARY FORCE.**

Section 3287 of title 18, United States Code, is amended—

(1) by inserting “or Congress has enacted a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)),” after “is at war”;

(2) by inserting “or directly connected with or related to the authorized use of the Armed Forces” after “prosecution of the war”;

(3) by striking “three years” and inserting “5 years”;

(4) by striking “proclaimed by the President” and inserting “proclaimed by a Presidential proclamation, with notice to Congress,” and

(5) by adding at the end the following: “For purposes of applying such definitions in this section, the term ‘war’ includes a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)).”

Mr. LEVIN. Mr. President, for Members' information, in view of the agreement we have received, there will be no further votes today.

MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that we now go

into a period of morning business, with Senators permitted to speak therein for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. 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. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I ask unanimous consent to be recognized for 15 minutes, if I could.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Thank you, Mr. President.

### IRAQ

Mr. GRAHAM. Mr. President, I rise in support of S. Res. 636 that Senator LIEBERMAN will be trying to introduce tomorrow. It is a resolution of the Senate, and he will be trying to introduce it tomorrow. I am going to speak on it tonight. I am a coauthor of it. It speaks about the phenomenal success of the surge, of troops into Iraq. But it is more than just a surge of 30,000 troops. It has been a surge on many fronts: political, economic, and militarily. The resolution would be a statement by the Senate recognizing that the surge has worked, that those who executed the strategy are recognized for being the great leaders they are, it is a compliment to our troops, and it is also a recognition that the Iraqi people have stepped to the plate and changed the tides that existed in their country of extremism and Iraq now is becoming a stable government, a country where people are working out their differences through the rule of law and representative democracy, and al-Qaida has been delivered a dramatic blow.

To put this in perspective, at the end of 2006, it was clear the old strategy was not working, that the troops we had in Iraq were not being used in a way to counter the insurgency and were not enough in number. All this came to a head in late 2006 when Senator MCCAIN, myself, and Senator LIEBERMAN, among others, were arguing for a change in strategy.

We had, I think, seven visits to Iraq; at the time about four. During our visits—Senator MCCAIN, myself, and Senator LIEBERMAN—every time we went, it was worse than the time before, up until the surge became the new strategy. The sergeants, the colonels, and captains were very blunt with us, saying this was not working. It was clear to us we did not have the right number of troops or the right strategy. In January of 2007, President Bush, much to his credit, announced a new strategy,

an infusion of, I think, 30,000 new combat brigades into Iraq to bring about security.

It has always been our belief—Senator MCCAIN, myself, and Senator LIEBERMAN—that without security, it is hard to have a representative democracy. It is one thing to talk about political compromise and the difficulty of talk radio and MoveOn.Org. But it is another thing to talk about political compromise when your family is being murdered. It is very hard to administer the rule of law when the judges and the prospective participants in the trial are under siege and under attack. So without better security, there was no hope.

I have always believed that a security environment is required before you can have political compromise, economic progress, or any forgiveness. The economic progress in Iraq is pretty stunning: 5 percent growth. The oil revenues have almost doubled. Oil production has almost doubled. The economy is doing very well in Iraq compared to a year ago. The availability of energy and power is dramatically up. So the everyday life of the Iraqi people is still a struggle and difficult but far better than it was a year ago. There are a lot of people purchasing refrigerators and televisions and other electronic devices. The availability of power is at an all-time high. But demand is also at an all-time high.

Economically, inflation is down and the Iraqis have a surplus. People say: Well, should they pay us back? I would like to get some of our money back. They are certainly paying more. They are paying for all major reconstruction projects now, and they are paying for the operation of their army, for the most part.

But the best way to pay us back as a nation is for Iraq to be a place that embraces democracy, rejects al-Qaida, would be a buffer to Iranian ambitions, would be a place where a woman would have a say about her child. All that, to me, is priceless. For Iraq to go from a Saddam Hussein dictatorship to a representative government where Sunnis, Shias, and Kurds live in peace with each other, at peace with their neighbors is a major sea change in the overall war on terror and is a priceless event as far as I am concerned.

To have an Arab nation in the heart of the Mideast, a Muslim nation that rejected al-Qaida, is exactly what we need more of. The Iraqi people need to be acknowledged as to their sacrifice. What they have done has been tough. Their casualty rate has been about three times ours. The political reconciliation progress is moving forward now in Iraq. Fifteen of the 18 political benchmarks have been met by the Iraqi Government. The deBaathification law was passed. That allows members of the Baath Party under Saddam to come back into the Government and get some of their old jobs back.

The amnesty law was passed. That means Sunni insurgents who were cap-

tured a year or 2 years ago as part of the insurgency to topple the Government in Baghdad will be let go and go back home and become part of the new Iraq.

Forgiveness is required before you have reconciliation. You see throughout Iraq a level of forgiveness that I think is encouraging. For the Shias and the Kurds to pass the amnesty law, telling their Sunni brothers and sisters: Let's start over, is a major step forward. For the Sunnis to embrace new elections after they boycotted them in 2005 is a recognition by the Sunni factions in Iraq that democracy is the way to go: Go to Baghdad through representation, not through violence. The Kurds have created stability in the north, and they are working with their partners in the south and in the west with the Sunnis and the Shias.

Maliki has stepped to the plate. I was not so excited about his leadership a year ago, but he has turned things around. The Shia-dominated Government in Iraq is taking on Shia militias in the southern part of Iraq, in the Basra area, that have been supported by Iranian special groups. The knock on Maliki was: Well, he is a sectarian leader. The fact that he would take on al-Sadr and Shia-backed militias from Iran—Iranian-backed militias in his own country—is a sign that he does not want to be dominated by Iranian theology.

So I am hopeful more so now than ever that Iraq has turned a corner economically, politically, and militarily. Their army is 100,000 stronger than it was before the surge, and they performed well after a slow start in the southern part of Iraq against the Shia militias, and they are fighting very well in Mosul.

One of the most stunning events and turnarounds, I believe, has been the recent handing over of Anbar Province back to the Iraqis. About 2 years ago, Anbar was declared lost. It was an al-Qaida stronghold—the Sunni part of Iraq—where al-Qaida was going up and down the streets of Ramadi holding a parade. And it was a very tough situation in Fallujah.

What happened was a combination of events. The Sunni Iraqis in that part of Iraq, in Anbar, tasted al-Qaida life and did not like it. They joined with the coalition forces and, with the addition of more troops, made a strong stand against al-Qaida. About a week ago, Anbar was turned back over to the Iraqis, and al-Qaida has been delivered a very punishing blow. They are not yet completely defeated, but structurally they are in disarray, and you see the message traffic among al-Qaida operatives that Iraq has been a nightmare for them, and it has turned out to be their Vietnam. At the end of the day, anything that will diminish al-Qaida is good for us. There is no more diminishing event when it comes to al-Qaida than to have fellow Sunni Muslims turn on them.

I am proud of the Iraqi people. They need to do more. I think they will. The surge has worked beyond my expectation—not just militarily. Politically and economically the surge has worked, and we are on the road now to what I would say is victory in Iraq.

People ask me: What is winning? Winning is being able to leave Iraq and have behind an ally in the overall war on terror. Winning would be having a partner in the heart of the Arab world, the Iraqi Government, that will reject al-Qaida and deny al-Qaida a safe haven or a foothold. Winning would be having a Shia-led government that will stand up to Iran, be a good neighbor but not allow Iran to become stronger. Winning would be a place in the heart of the Middle East where a woman would have a say about her children through democracy. Winning would be the rule of law replacing the rule of gun. All of that makes us safer. The consequences of losing in Iraq would be enormous and would have been enormous to our national security interests. Al-Qaida would have claimed victory over the United States. Iran would be dominating the southern part of Iraq. The sectarian violence that was widespread, in my view, would have spread throughout the region. There would have been Sunni-Shia battles throughout the Middle East and Turkey, and the Kurds would have had a real problem among themselves. So a failed state in Iraq would have been a nightmare for our security interests. Winning in Iraq means a stable government aligned with us that rejects al-Qaida, and means a buffer to Iranian ambitions; a nation that accepts democracy and would be a peaceful partner to its neighbors. That is a major victory in the war on terror because it was a place where al-Qaida was defeated by Muslims.

This resolution in great detail lays out what happened over the last year and a half regarding the surge. It is a statement by the Congress acknowledging success on the battlefield and in other areas. I hope this is one area where Republicans and Democrats can come together and recognize the great success of our troops and acknowledge the Iraqi people themselves looked chaos in the eye and turned it away. I know it has been difficult for this country; we spent a lot of money and lost a lot of lives. But this war we are involved in is not a place, it is not about taking your eye off the ball; it is about fighting the enemy wherever the enemy goes. I would argue that the world is better off without Saddam Hussein being in power. The big mistake we made after the fall of Baghdad is not having enough troops and letting the situation get out of hand. I don't believe it was a mistake at all to go after Saddam's regime after 17 U.N. resolutions were ignored. So I think the world is much better off without Saddam Hussein being in power.

I would argue we are now on the road to victory in Iraq where we are going

to have a stable, functioning, representative government to replace a dictatorship—that will be our ally. This has come about with a lot of sacrifice on behalf of the men and women in uniform, their civilian counterparts, and Ambassador Crocker and General Petraeus have been great teammates over in Iraq. Here we are—a year ago tomorrow General Petraeus testified before the Congress. I wish to let him and all of those under his command, as well as Ambassador Crocker and all of those civilians who have been helping him, know that they have done an enormous good for the world, that they have protected our country from what I thought would have been a humiliating defeat. They have prevented that defeat. They have turned things around so that if we have the right exit strategy now, we are going to secure a major victory on the war on terror. Senator McCain: Hats off to him. He has always been about winning. We are coming home, but we are going to come home winners, with honor, and a more secure America because of what has happened in Iraq in the last year and a half due to the surge.

I hope and pray we can have a vote on this resolution. It would be a good thing for the Senate to do. Whether you agree with us going into Iraq, that is an honest, genuine debate. Once there, we couldn't lose. We were about to lose. Thank God the surge was implemented, and more than anything else, thank God for good leadership, brave young men and women representing our Nation who took the fight to the enemy, and God bless the Iraqi people. I wish them nothing but the best in the future. I do believe the best days lie ahead for the Iraqi people, and that 20 years from now, long after many of us are gone, here in the Senate we will look back on this period and understand what was at stake better than we do today. We will be looking at an Iraq that is part of the solution, not the problem, in the Mideast. History will say that the surge was a monumental event in the course of the war on terror, that the change in strategy was necessary work. I think militarily they will be studying this Petraeus plan for decades to come, and economically and politically, the courage that has been shown by the Iraqi people to step to the plate should be acknowledged by all of us.

At the end of the day, if we had continued with the old strategy, I think we would have lost. Iraq would have been a failed state and it would have been a mighty blow to this country and the overall war on terror. Now I think we can say with confidence we have turned a corner. Nothing is irreversible. However, I think the gains made on the political, economic, and military front are going to be hard to roll back if we will stay the course and end this fight. We are very close now to having our troops come home in a way that will make us all safer. I have al-

ways believed this one thing about Iraq: Our national security interests in history will judge us not by the date we left Iraq but by what we left behind. I think we are very close to being able to say in the coming months that we are going to leave behind a new nation that is part of the solution, not the problem; a place where Muslims said no to al-Qaida; a place where different groups chose the rule of law over the rule of gun; a place where the woman can finally have a say about her child and her children's future in the heart of the Mideast; and that truly makes us all safer.

I do hope Senator LIEBERMAN will be allowed to introduce his resolution and we will have a vote on that.

With that, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MENENDEZ). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HIGHWAY TRUST FUND

Mr. REID. Mr. President, in July, the House of Representatives responsibly passed legislation to prevent the highway trust fund from running out of money. They put the date that the \$8 billion would be transferred at October 1, the end of the fiscal year, the beginning of the new fiscal year. That legislation passed by an overwhelming bipartisan vote of 387 to 37.

The reason the bill receives such strong support is Democrats and Republicans in the House recognize that funding for these critical transportation projects is extremely important. This is infrastructure. For every billion dollars we spend in infrastructure, there are 47,500 high-paying jobs, and a lot of other jobs spin off from that amount. So this \$8 billion is about half a million jobs. Yes, that is a lot when you think about the problems we have in the country today economically.

But when that bill reached the Senate before we left for the convention recesses, Republicans objected to it. Since that time, the legislation has even taken on more urgency. Gas prices have skyrocketed. Fewer Americans are driving, which has decreased the flow of the money into the trust fund.

Second, the Bush-McCain economy has plunged America further into economic peril. Just last month, 84,000 jobs were lost, bringing to the total this year during the Bush-McCain era over 600,000 jobs lost this year alone. And today it was announced that this year will be the largest deficit in the history of our country. So we have an economy that is in deep trouble, we have 84,000 jobs lost just last month and more than 600,000 this year, and it



has just been announced that the deficit is the largest we have ever seen as a country.

The investments in this highway trust fund make our transportation safe. It is not just roads, it is mass-transit projects that are so important to this country. As I told the distinguished ranking member of the Budget Committee who was here objecting yesterday, maybe two or three decades ago, my being from Nevada, I may not have been concerned about mass transit, but we are now. Las Vegas is a metropolitan area with traffic congestion. We have to do something with mass transit. It cannot be handled on the highways.

With this new urgency in mind, the Bush administration joined us in calling for a transfer of these funds immediately. I received a call from the Secretary of Transportation saying this needs to be done. I said: Why didn't you help us before? Basically, the Bush-McCain crew was just hoping they could squeeze through before the new President is elected before anything would happen. But even this President has acknowledged that we have to do something.

Democrats and Republicans in the House, I repeat, have already voted to have this money transferred, and they did it last July. We want to follow suit. Yet some in the President's own party continue to refuse this economically vital legislation that is so important.

We have had 92 filibusters led by the Republicans so far. I am not sure if we counted the last one. Anyway, we will say 92. I have expressed many times my disappointment about the Republicans blocking legislation supported by a majority of Senators—a majority of Senators. They have blocked legislation not only that we Democrats support but a majority of Senators, Democrats and Republicans.

Here we have an interesting thing now. This is new. Republicans are blocking a bill supported by an overwhelming majority of both parties in the House and in the Senate and supported by the President of their own party. They are even blocking that. They are doing everything within their power to maintain the status quo. Yesterday, Republicans prevented us from passing this bill. It is so important that it be done. I have trouble understanding why the Republicans are objecting to a bill that Democrats and Republicans in the House support, Democrats and Republicans in the Senate support, and the President supports. They are objecting to their own best interests, it seems to me. But that is what they are doing. I think we should send this bill to the President's desk, as the President has requested.

The people who are objecting are using all kinds of excuses. Yesterday, they said they had a few amendments. Tonight, I guess they have a few more amendments. They think it is really not right to take the money to replenish the highway trust fund from the

general fund, but they haven't objected to almost spending a trillion dollars of borrowed money going to Iraq. They haven't objected to taking tens of billions of dollars from the general fund to give tax breaks to big oil companies. That didn't seem to bother them. But when it comes to \$8 billion to maintain our highways and our mass-transit projects that create jobs at a time when we have about 10 million Americans out of work, they are even blocking that. This legislation is prudent and necessary. It is a prudent and necessary investment in the economic well-being of our struggling Nation. I hope our Republican colleagues answer the call of President Bush and Secretary Chertoff. Judge Chertoff said the lack of investment in U.S. infrastructure is "kind of like playing Russian roulette with our citizens' safety." That is what President Bush's Secretary of Homeland Security has said. So this is no time for games such as that.

So, Mr. President, here is my unanimous consent request: That the Finance Committee be discharged from its consideration of H.R. 6532 and the Senate proceed to its consideration; that the amendment at the desk be considered agreed to, the bill, as amended, be read a third time, passed, the motion to reconsider be laid on the table, and any statements relating to this matter be printed at the appropriate place in the RECORD, with no intervening action or debate.

But we don't have a Republican here to object, and so I am not going to take advantage of their not being here. But I hope the American people see what is going on. It is another day gone by with our not having the ability here because of the Republicans refusing to approve legislation that is extremely urgent. It is emergency legislation. We have been told so by the President and his Secretary of Treasury, and they still would not let us do this.

I wonder where JOHN MCCAIN is. What is his idea on this? Should we let the fund go belly up? Where is JOHN MCCAIN? Couldn't he send a statement, a message from somebody saying: I agree with President Bush, or does he disagree, for one of the rare, 10 percent of the times when he disagrees? The word out is he supports the President 90 percent of the time. It is really 95 percent of the time.

But is he now going to be part of the 5 percent where he says: I disagree with the President; I don't think that money should be replenished.

Where is JOHN MCCAIN? Let us hear from JOHN MCCAIN.

#### TRIBUTE TO LAURA SANDERS

Mr. McCONNELL. Mr. President, I rise today to pay tribute to a remarkable teacher from my home State of Kentucky, Laura Sanders, who was recognized on August 19 as Kentucky's 2008 No Child Left Behind American Star of Teaching.

Sanders, a kindergarten teacher at Cumberland Trace Elementary School in Bowling Green, KY, has based her teaching career on the belief that all children can achieve and holds high expectations for each and every one of them.

She looks at each child's strengths and weaknesses and works with them individually or in small groups to ensure their success. She is the recipient of numerous awards recognizing her contributions to education.

For the 2006-2007 school year, her students' reading scores went from the 52 percent benchmark in the fall to 91 percent in the spring. For the 2007-2008 school year, her kindergarteners started with a 58 percent benchmark and by mid-year, 85 percent had met the benchmark scores.

However, it is her love of teaching, and the love she has for her students, that defines her effective and creative teaching style that gives students a willingness to learn.

"Love. Love the children that come in your door every day," Sanders advises other educators.

Patrice McCrary, who has been a colleague and friend of Sanders for over a decade, nominated Sanders for this year's award.

"I've had the honor and privilege of team teaching with her. This is our 11th year together, and I have never seen anybody who puts more into their teaching or loves their students more than Ms. Sanders does," McCrary said.

Each year since 2004, teachers across all grade levels and disciplines are honored in the fall as American Stars of Teaching based on their success in improving academic performance and making a difference in their students' lives.

Margaret Spellings, the Secretary of Education, acknowledged the outstanding teaching style that Sanders brings to her students.

"Teachers like Laura Sanders combine a passion for teaching with high expectations that every child can learn," Spellings said. "We at the U.S. Department of Education are proud to recognize these dedicated, hard-working professionals, who are committed to closing the achievement gap and challenging every child to achieve his or her potential."

Her former students are walking examples of her success and her passion for teaching. Mr. President, I ask my colleagues to join with me in recognizing Laura Sanders's unwavering dedication to education, her community, and Kentucky.

#### EXPANSION OF THE VERDE VALLEY MEDICAL CENTER

Mr. KYL. Mr. President, I am pleased to relate some good news from my State of Arizona. It is good news for Arizonans who live in the Verde Valley, which lies between Phoenix and Flagstaff.

The Verde Valley Medical Center, a 99-bed, full-service hospital, has recently completed a \$35 million expansion project. The project, which took nearly 3 years to complete, increases the size of the facility and updates a portion of the existing space.

The expansion and renovation will add new medical services and help the center serve patients more efficiently. For instance, the medical imaging department will be moved to a centralized location, and more beds will be added to the telemetry unit, which serves patients who need to be monitored, but do not require intensive care. The updated facility also includes improvements and additions to serve women and children. The perinatal unit will move to a new location with a C-section operating room and a recovery room. The increase in the facility's size will also allow the creation of a pediatrics unit.

This recent project is only the latest expansion in the history of the Verde Valley Medical Center. For the past 70 years, the center has adapted to meet the needs of the growing community.

The origins of the Verde Valley Medical Center can be traced to 1939, when a small, outpatient facility brought xray equipment and an operating room to Cottonwood. At that time, the Marcus J. Lawrence Memorial Clinic, as the center was then known, served a small, rural population. In 1940, Yavapai County, which contains Cottonwood, was home to just over 26,000 Arizonans. Today, the county has a population of over 167,000.

The Verde Valley Medical Center has grown just like the region. Just 6 years after opening, the Marcus J. Lawrence Memorial Clinic added more beds and became a hospital. Two decades later, the hospital moved to its current location and opened a new 50-bed facility.

Then, in 1995, the medical center began extending its services into neighboring communities with the opening of a facility in Sedona. Later, new facilities would open in Camp Verde and Oak Creek. In 1998, the hospital became known as it is today, as the Verde Valley Medical Center, and 8 years later, the expansion project that has just been completed would begin.

With the opening of the expansion, Verde Valley Medical Center is ready to build on its record of serving the north-central Arizona community. During the 2008 fiscal year, the center served about 77,000 patients. This recent expansion will help to ensure that the medical center continues to meet the health care needs of Arizonans, just as it has for the past 70 years.

#### NEW MARKETS TAX CREDIT

Mr. KERRY. Mr. President, today I would like to speak about the new markets tax credit, NMTC—a vital development financing tool for low-income communities that is set to expire at end of this year unless Congress takes action.

The NMTC was signed into law 8 years ago in order to attract private investment to economically distressed communities by offering a modest Federal tax credit as an incentive for investors. Since its inception, this program has proven remarkably effective.

According to the Treasury Department, as of the first of July, the NMTC has been responsible for \$11 billion of new investment in economically distressed communities across the country, including \$600 million for community development entities based in Massachusetts. A January 2007 General Accountability Office report indicates that 88 percent of NMTC investors would not have made a particular investment in a low income community without the credit, and 69 percent had never made such an investment prior to working with the NMTC.

The NMTC program has successfully generated private investment in low-income communities. Community development entities, CDEs, that administer the program funds are frequently involved with communities with poverty rates higher than 30 percent and unemployment rates significantly greater than the national average. This program, by merging public and private investments, is infusing these communities with the resources to begin new businesses, create new jobs, build new homes, and jumpstart their economies.

In Massachusetts, six community development entities have been awarded credit allocations. One such entity in Massachusetts, the Rockland Trust Company, is a commercial bank that has been serving Cape Cod, southeastern Massachusetts, and Rhode Island for over 100 years. In an effort to serve areas with high employment and low income, Rockland Trust applied for an NMTC allocation to expand its capacity to offer financing products that could effectively serve these communities. Since 2004, the Rockland Trust has received \$75 million in credits, which have been used to finance 70 different non-real estate and real estate business loans ranging in size from \$50,000 to \$8 million. The NMTC loans made by Rockland Trust have been instrumental in financing the acquisition and redevelopment of over 2.1 million square feet of real estate and thus far have contributed to the creation of over 1,200 jobs.

The Massachusetts Housing Investments Corporation, MHIC, based in Boston, is another entity putting the tax credit to work in Massachusetts. MHIC has used the credit to finance a range of commercial and industrial real estate projects, large and small, that would not have been possible without the financing brought in by the credit. One such project, the Holyoke Health Center, HHC, is a federally qualified health center located in a community of 40,000 with a poverty rate of 27 percent and the highest per capita mortality rate and rate of teen births in the United States. After

many unsuccessful attempts to obtain financing for its expansion, the Holyoke Health Center approached MHIC and within months the project was approved, achieved closing, and began construction. MHIC helped finance the largest investment ever made in Holyoke, and created a financing structure that has become a national model for other community health care expansion projects nationwide. The new state-of-the-art Holyoke facility houses primary care and laboratory services, an on-site pharmacy, a dental clinic, counseling services, a day care facility accommodating 100 preschool children. The project created 210 construction related jobs as well as 239 permanent jobs principally for Holyoke residents.

I am a strong supporter of NMTC because I have seen it work in Massachusetts and I believe in its potential to revitalize communities and businesses that are too often left out of the mainstream market. I encourage my colleagues to join me in strong support of the extension of the NMTC.

#### PAYMENTS TO PHYSICIANS

Mr. GRASSLEY. Mr. President, several years ago I started looking at the financial relationships between physicians and drug companies. I first began these inquiries by examining payments from pharmaceutical companies to physicians serving on Food and Drug Administration advisory boards. More recently, I began looking at professors at medical schools and their financial relationships with pharmaceutical companies. In turn, I scrutinized the grants that these physicians may have received from the National Institutes of Health.

I first examined a psychiatrist at the University of Cincinnati. Then I looked at three research psychiatrists who took millions of dollars from the drug companies and failed to fully report their financial relationships to Harvard and Mass General Hospital.

I then discovered a doctor at Stanford who founded a company that is seeking the Food and Drug Administration's approval to market a drug for psychotic depression. The National Institutes of Health is funding some of the research on this drug, which is being led by this same Stanford scientist. If his own research finds that the drug is successful, this researcher stands to gain millions. The NIH later removed this researcher from the grant.

I would now like to address two doctors with the University of Texas System.

Dr. Augustus John Rush is a psychiatrist at the University of Texas Southwestern Medical Center. During 2003–2005, Dr. Rush received an NIH grant to conduct a clinical training program. This program helped trainees understand how to conduct proper clinical trials and also dealt with medical ethics.

However, just 2 years before getting this Federal grant, Dr. Rush failed to report all of the money that Eli Lilly paid him. Dr. Rush disclosed \$3,000 in payments from the company, but Eli Lilly tells me that they paid Dr. Rush \$17,802 in 2001.

I would also like to discuss Dr. Karen Wagner, a professor at the University of Texas Medical Branch at Galveston.

Dr. Wagner was one of the authors on a Paxil study known as Study 329. This study was published in 2001.

Study 329 was cited in a New York case where GlaxoSmithKline was charged with "repeated and persistent fraud." Part of the case against Glaxo was that the drug company promoted positive findings but didn't publicize unfavorable data.

In March 2006, Dr. Wagner was being deposed in a case on Paxil. During that deposition, Dr. Wagner was asked how much money she had taken from drug companies over the previous 5 years.

Her response? She said: "I don't know." In fact, she testified that she couldn't even estimate how much money she received from the drug companies.

According to Glaxo, they paid Dr. Wagner over \$53,220 in 2000. In 2001, when study 329 was published the company reported paying her \$18,255.

During many of these years, Dr. Wagner has led NIH-funded studies on depression. These studies involved Paxil and Prozac; an antidepressant made by Eli Lilly. Eli Lilly reported to me that they paid Dr. Wagner over \$11,000 in 2002. However, Dr. Wagner did not disclose this payment to the University of Texas.

Apparently, the University of Texas Medical Branch didn't require their physicians to disclose their financial relationships with the drug industry, until around 2002. But federal guidelines from 1995 are clear that researchers need to disclose this money when they take a grant from the NIH.

What makes this even more interesting is that from September 2003 through August 2004, Dr. Wagner was a voting member of the Conflict of Interest Committee at her university. That is right, she was one of the university's experts on conflicts of interest during the same time that she was not reporting her outside income.

Before closing, I would like to say that the University of Texas System has been very cooperative in this investigation. And I appreciate the continued cooperation of companies like GlaxoSmithKline and Eli Lilly.

I ask unanimous consent to have my letter to the University of Texas printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,  
COMMITTEE ON FINANCE,

Washington, DC, September 9, 2008.

MARK G. YUDOF,  
Chancellor, *The University of Texas System,*  
Austin, TX, 78701.

DEAR MR. YUDOF: The United States Senate Committee on Finance (Committee) has

jurisdiction over the Medicare and Medicaid programs and, accordingly, a responsibility to the more than 80 million Americans who receive health care coverage under these programs. As Ranking Member of the Committee, I have a duty to protect the health of Medicare and Medicaid beneficiaries and safeguard taxpayer dollars appropriated for these programs. The actions taken by recognized experts, like those at the University of Texas (University/Texas System) system's medical schools who are discussed throughout this letter, often have a profound impact upon the decisions made by taxpayer funded programs like Medicare and Medicaid and the way that patients are treated and funds expended.

Moreover, and as has been detailed in several studies and news reports, funding by pharmaceutical companies can influence scientific studies, continuing medical education, and the prescribing patterns of doctors. Because I am concerned that there has been little transparency on this matter, I have sent letters to almost two dozen research universities across the United States. In these letters, I asked questions about the conflict of interest disclosure forms signed by some of their faculty. Universities require doctors to report their related outside income, but I am concerned that these requirements are sometimes disregarded.

I have also been taking a keen interest in the almost \$24 billion annually appropriated to the National Institutes of Health (NIH) to fund grants at various institutions such as yours. As you know, institutions are required to manage a grantee's conflicts of interest. But I am learning that this task is made difficult because physicians do not consistently report all the payments received from drug and device companies.

To bring some greater transparency to this issue, Senator Kohl and I introduced the Physician Payments Sunshine Act (Act). This Act will require drug and device companies to report publicly any payments that they make to doctors, within certain parameters.

I am writing to assess the implementation of financial disclosure policies of the University of Texas system. In response to my letters of October 26, 2007, your University provided me with the financial disclosure reports that Dr. Augustus John Rush, Jr., at the University of Texas Southwestern Medical Center at Dallas (UTSW) and Dr. Karen Wagner at the University of Texas Medical Branch at Galveston (UTMB) filed during the period of January 2000 through June 2007. (the Physicians)

My staff investigators carefully reviewed each of the Physicians' disclosure forms and detailed the payments disclosed. I then asked that the University confirm the accuracy of the information. In February 2008 your counsel provided clarification and additional information from the Physicians pursuant to my inquiry.

In addition, I contacted executives at several major pharmaceutical companies and device manufacturers (the Companies) and asked them to list the payments that they made to Drs. Wagner and Rush during the years 2000 through 2007. These Companies voluntarily and cooperatively reported additional payments that the Physicians do not appear to have disclosed to the University.

Because these disclosures do not match, I am attaching a chart intended to provide a few examples of the data reported to me. This chart contains columns showing the payments disclosed in the forms the Physicians filed with the University and amounts reported by some of the Companies.

I understand that UTMB did not require that dollar amounts be reported in financial disclosures until 2002, despite federal re-

quirements which required such reporting for NIH grantees in 1995. I also understand that UTSW's disclosures do not disclose if payments were made during a calendar year or an academic year.

I would appreciate further information to see if the problems I have found with these two Physicians are systemic within the University System.

#### INSTITUTIONAL AND NIH POLICIES

The Texas System requires that all compensation (income or monetary value given in return for services) be reported. Its policies consider compensation in the aggregate that meet or exceeded \$10,000 for the current calendar year, or are expected to meet or exceed that amount in the next 12 months, to be a significant financial interest.

Further, federal regulations place several requirements on a university/hospital when its researchers apply for NIH grants. These regulations are intended to ensure a level of objectivity in publicly funded research, and state in pertinent part that NIH investigators must disclose to their institution any "significant financial interest" that may appear to affect the results of a study. NIH interprets "significant financial interest" to mean at least \$10,000 in value or 5 percent ownership in a single entity.

Based upon information available to me, it appears that each of the Physicians identified above received NIH grants to conduct studies. During the years 2003-2005, Dr. Rush received an NIH grant to conduct a clinical intervention training program that was to provide trainees with, among other things, "... knowledge and experience in the proper conduct of clinical intervention research, ethics, human subjects issues..." However, my inquiry discovered that Dr. Rush did not disclose all of the drug and device industry payments to the University. For example, in 2001, Dr. Rush disclosed \$3,000 in outside income for his work as an Advisory Board member for the Eli Lilly Company (Lilly). In contrast, Lilly reported to me that it paid Dr. Rush \$17,802 for advisory services that year.

For calendar years 2000 through 2008, Dr. Wagner led NIH-funded studies on depression. These studies involved drugs produced by Lilly (Prozac) and GlaxoSmithKline (GSK) (Paxil). Lilly reported to me that it paid Dr. Wagner over \$11,000 in 2002. However, and based upon the information in my possession, Dr. Wagner did not disclose this payment to the University in 2002 the first year that UTMB required financial disclosures from its faculty.

It seems that Dr. Wagner also did not report payments she received from GSK. GSK reported paying Dr. Wagner \$53,220 in 2000—the first year of the NIH grant. Further, GSK reported paying her \$18,255 in 2001, and \$34,961 in 2002 and \$31,799 in 2003. Between the years of 2000 through 2005, GSK reported paying Dr. Wagner \$160,404. The only report Dr. Wagner made of these payments was in 2005 when she reported \$600 from GSK.

In light of the information set forth above, I ask your continued cooperation in examining conflicts of interest. In my opinion, institutions across the United States must be able to rely on the representations of its faculty to ensure the integrity of medicine, academia, and the grant-making process. At the same time, should the Physician Payments Sunshine Act become law, institutions like yours will be able to access a database that will set forth the payments made to all doctors, including your faculty members.

Accordingly, I request that your respective institutions respond to the following questions and requests for information. For each response, please repeat the enumerated request and follow with the appropriate answer.

(1) For each of the NIH grants received by the Physicians, please confirm that the Physicians reported to the University of Texas System's designated official "the existence of [a] conflicting interest." Please provide separate responses for each grant received for the period from January 1, 2000 to the present, and provide any supporting documentation for each grant identified.

(2) For each grant identified above, please explain how the University ensured "that the interest has been managed, reduced, or eliminated." Please provide an individual response for each grant that each of the Physicians received from January 2000 to the present, and provide any documentation to support each claim.

(3) Please report on the status of the University's review of the discrepancies in the financial disclosures made by Drs. Rush and Wagner to the University, including what action, if any, will be considered.

(4) For Drs. Rush and Wagner, please report whether a determination can be made as to whether or not there is/was a violation of the guidelines governing clinical trials and the need to report conflicts of interest to an institutional review board (IRB). Please respond by naming each clinical trial for which the doctor was the principal investigator, along with confirmation that conflicts of interest were reported, if possible.

(5) Please provide a total dollar figure for all NIH monies received annually by the Texas System. This request covers the period of 2000 through 2007.

(6) Please provide a list of all NIH grants received by the University of Texas System. This request covers the period of 2000 through 2007. For each grant please provide the following:

- a. Primary Investigator;
- b. Grant Title;
- c. Grant number;

- d. Brief description; and
- e. Amount of Award.

Thank you again for your continued cooperation and assistance in this matter. As you know, in cooperating with the Committee's review, no documents, records, data or information related to these matters shall be destroyed, modified, removed or otherwise made inaccessible to the Committee.

I look forward to hearing from you by no later than September 23, 2008. All documents responsive to this request should be sent electronically in PDF format to Brian\_Downey@finance-rep.senate.gov. If you have any questions, please do not hesitate to contact Paul Thacker (202) 224-4515.

Sincerely,  
 CHARLES E. GRASSLEY,  
*Ranking Member.*

Attachment.

SELECTED DISCLOSURES BY DR. RUSH AND RELATED INFORMATION REPORTED BY PHARMACEUTICAL COMPANIES AND DEVICE MANUFACTURERS

Year	Company	Disclosure filed with institution	Amount company reported
2000	Bristol-Myers Squibb	\$4,000	\$2,576
	Eli Lilly	Not reported	7,718
	Merck	23,800	n/a
2001	Pfizer	No amount provided	1,000
	Bristol-Myers Squibb	Not reported	2,921
	Eli Lilly	3,000	17,802
2002	Merck <sup>1</sup>	30,000	n/a
	Merck <sup>2</sup>	30,600	n/a
	Bristol-Myers Squibb	No amount provided	5,000
2003	Eli Lilly	3,000	4,500
	Merck	70,000	n/a
	Pfizer	No amount provided	7,500
2004	Bristol-Myers Squibb	No amount provided	250
	Cyberonics	25,000	≤75,000
	Eli Lilly	3,000	0
2005	Merck	40,000	n/a
	Bristol-Myers Squibb	250	750
	Cyberonics	56,250	≤75,000
2006	Eli Lilly	2,000	2,000
	Forst Pharmaceuticals	5,000	n/a
	Telesessions (Forest Labs)	18,000	n/a
2007	Cyberonics	<sup>3</sup> ≤25,200	62,000 <sup>5</sup>
	Eli Lilly	2,000	0
	Merck <sup>4</sup>	≤14,000	n/a
2008	Telesessions (Forest Labs)	<sup>6</sup> ≤15,000	n/a
	Cyberonics	≥10,000	<sup>5</sup> 100,000
	Telesessions (Forest Labs)	<sup>7</sup> ≤25,000	n/a
2009	Pfizer	2,000	2,000

<sup>1</sup> Dr. Rush reported on 7/11/01 statement of financial interests for serving as advisory board member.  
<sup>2</sup> Dr. Rush reported in a request for prior approval of outside employment for services as consultant to U.S. Strategic Advisory Board for Substance P Antagonists.  
<sup>3</sup> Dr. Rush reported in a request for prior approval of outside employment for \$600 per hour (October 1, 2005 to October 1, 2007) for a maximum of 42 hours each calendar quarter. Payment for services as Chair of Depression Scientific Advisory Board and Consultant on issues related to clinical studies involving the use of vagus nerve stimulation therapy.  
<sup>4</sup> Dr. Rush reported in a request for prior approval of outside employment for \$3,500 per day (January 1, 2005 to December 31, 2006) for 4 days per year plus teleconferences. Payment for services as Insomnia Advisory Board Member.  
<sup>5</sup> Payments reported by Cyberonics for consultation services performed during the year shown, although some of the checks were issued in a different year.  
<sup>6</sup> Dr. Rush reported in a request for prior approval of outside employment for \$1,000 per call (15 hours per year). Payment for services as faculty speaker on a series of conference calls as an educational service to physicians.  
<sup>7</sup> Dr. Rush reported in a request for prior approval of outside employment for \$1,000 per call (25 calls about 50 minutes each). Payment for services as faculty speaker on a series of conference calls as an educational service to physicians.

Note 1: When a Physician named a company in a disclosure but did not provide an amount, the text reads "no amount reported." When a Physician did not list the company in the disclosure, the column reads "not reported." The Committee contacted several companies for payment information and the notation n/a (not available) reflects that a company was not contacted.  
 Note 2: The Committee estimated that the payments Dr. Rush disclosed totaled about \$600,000 during the period January 2000 through June 2007. Information reported by the pharmaceutical companies indicate that they made additional payments that are not reflected in his disclosures.

SELECTED DISCLOSURES BY DR. WAGNER AND RELATED INFORMATION REPORTED BY PHARMACEUTICAL COMPANIES AND DEVICE MANUFACTURERS

Year	Company	Disclosure filed with institution	Amount company reported
2000 <sup>1</sup>	GlaxoSmithKline	Not reported	<sup>2</sup> \$53,220
	Pfizer	Not reported	5,000
2001 <sup>1</sup>	Bristol-Myers Squibb	Not reported	4,194
	GlaxoSmithKline	Not reported	<sup>3</sup> 18,255
2002	Pfizer	Not reported	3,000
	Eli Lilly	Not reported	11,000
	GlaxoSmithKline	Not reported	34,961
2003	Pfizer	Not reported	2,500
	Eli Lilly	Not reported	9,750
	GlaxoSmithKline	Not reported	31,799
2004	Pfizer	Not reported	6,350
	AstraZeneca	Not reported	2,100
	Eli Lilly	Not reported	8,632
2005	GlaxoSmithKline	Not reported	17,371
	Pfizer	Not reported	1,000
	AstraZeneca	2,100	0
	Abbott Labs	14,000	n/a
2006	Eli Lilly	Not reported	300
	Pfizer	3,500	6,000
	GlaxoSmithKline	600	4,796
	Abbott Labs	10,000	n/a
2007	Bristol-Myers Squibb	5,400	7,204
	Eli Lilly	4,531	4,531
	Bristol-Myers Squibb	1,500	1,500
	Eli Lilly	3,281	3,281

<sup>1</sup>The University of Texas Medical Branch at Galveston's conflict of interest policy did not provide for annual disclosures until 2002.

<sup>2</sup>Payments for 19 talks on Paxil.

<sup>3</sup>Payments for 7 talks on Paxil.

<sup>4</sup>Honorarium and Expense. Paxil Psychiatry Advisory Board Member. Waldorf Astoria, 301 Park Ave., New York, NY. February 17, 2005.

Note 1: When a Physician named a company in a disclosure but did not provide an amount, the text reads "no amount reported." When a Physician did not list the company in the disclosure, the column reads "not reported." The Committee contacted several companies for payment information and the notation n/a (not available) reflects that a company was not contacted.

Note 2: The Committee estimated the payments Dr. Wagner disclosed totaled about \$100,000 during the period January 2000 through June 2007. Information reported by the pharmaceutical companies indicate that they made additional payments that are not reflected in her disclosures.

EXHIBIT A  
Speaker Event and Professional Programs Databases

SEQNUMB	PRODUCT	XTYPE	MTG DATE	TOPIC	FIRST NAME	LAST NAME	PAYEE	AMOUNT	PAYMENT TYPE	LOCATION	DATABASE
CON10037	Paxil	Dinner Meeting	4/5/2001	HO-Management Of Child & Adolescent Anxiety & Depression	KAREN	WAGNER	KAREN DINEEN WAGNER MD PHD	2000.00	Honorarium	GlaxoSmithKline Pharmaceuticals One Franklin Plaza Philadelphia, PA	CORE
CON11454	Paxil	Dinner Meeting	5/16/2001	HO-Psychocouncil	KAREN	WAGNER	KAREN DINEEN WAGNER MD PHD	2500.00	Honorarium	GlaxoSmithKline Pharmaceuticals One Franklin Plaza Philadelphia, PA	CORE
CON11034	Paxil	Dinner Meeting	7/17/2001	Contemporary Treatment of Depression	KAREN	WAGNER	KAREN DINEEN WAGNER MD PHD	2500.00	Honorarium	Townsend Hotel 100 Townsend Street Birmingham, MI	CORE
CON11034	Paxil	Dinner Meeting	7/17/2001	Contemporary Treatment of Depression	KAREN	WAGNER	KAREN DINEEN WAGNER MD PHD	1825.19	Expense	Townsend Hotel 100 Townsend Street Birmingham, MI	CORE
CON17385	Paxil	Dinner Meeting	7/26/2001	HO-Major Depression and Social Anxiety Disorder in Children	KAREN	WAGNER	KAREN DINEEN WAGNER MD PHD	2500.00	Honorarium	GlaxoSmithKline Pharmaceuticals One Franklin Plaza Philadelphia, PA	CORE
CON17385	Paxil	Dinner Meeting	7/26/2001	HO-Major Depression and Social Anxiety Disorder in Children	KAREN	WAGNER	KAREN DINEEN WAGNER MD PHD	430.00	Expense	GlaxoSmithKline Pharmaceuticals One Franklin Plaza Philadelphia, PA	CORE
CON15456	Paxil	Dinner Meeting	8/15/2001	HO-Treatment of Major Depression	KAREN	WAGNER	KAREN DINEEN WAGNER MD PHD	2500.00	Honorarium	GlaxoSmithKline Pharmaceuticals One Franklin Plaza Philadelphia, PA	CORE
SKB17173	Paxil	National Advisory Board	1/25/2002	Paxil Forum Consultants Update 2002-St. Regis Monarch Beach	KAREN	WAGNER	KAREN DINEEN WAGNER MD PHD	2600.00	Honorarium	St. Regis Monarch Beach Resort 23841 Stonehill Drive Dana Point, CA	CORE
SKB17173	Paxil	National Advisory Board	1/25/2002	Paxil Forum Consultants Update 2002-St. Regis Monarch Beach	KAREN	WAGNER	KAREN DINEEN WAGNER MD PHD	1929.00	Honorarium	St. Regis Monarch Beach Resort 23841 Stonehill Drive Dana Point, CA	CORE
SKB15659	Paxil	National Advisory Board	2/7/2002	Paxil Psychiatry Advisory Board Meeting	KAREN	WAGNER	KAREN DINEEN WAGNER MD PHD	3100.00	Honorarium	St. Regis Two East 55th Street at Fifth Avenue New York, NY	CORE

## ANIMAL DRUG USER FEE ACT

Mr. ENZI. Mr. President, on August 1, 2008, the Senate passed H.R. 6432, the Animal Drug User Fee Amendments of 2008. Title I of this bill includes the reauthorization of the FDA's animal drug user fee program, while title II of this bill establishes the FDA's generic animal drug user fee program.

Performance goals, existing outside of the statute, accompany the authorization of animal drug user fees and animal generic drug user fees. These goals represent realistic projections of what the Food and Drug Administration's Center for Veterinary Medicine can accomplish with industry cooperation. The Secretary of Health and Human Services forwarded these goals to the chairmen of the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate, in documents entitled "Animal Drug User Fee Act Performance Goals and Procedures" and "Animal Generic Drug User Fee Act Performance Goals and Procedures."

According to section 101(b) of H.R. 6432, "the fees authorized by the amendments made in this Act will be dedicated toward expediting the animal drug development process and the review of new and supplemental animal drug applications and investigational animal drug submissions as set forth in the goals identified, for purposes of part 4 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Energy and Commerce of the House of Representatives and the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate as set forth in the CONGRESSIONAL RECORD."

According to section 201(b) of H.R. 6432, "the fees authorized by this title will be dedicated toward expediting the generic new animal drug development process and the review of abbreviated applications for generic new animal drugs, supplemental abbreviated applications for generic new animal drugs, and investigational submissions for generic new animal drugs as set forth in the goals identified in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Energy and Commerce of the House of Representatives and the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate as set forth in the CONGRESSIONAL RECORD."

Today I am submitting for the RECORD these documents, on behalf of Senator KENNEDY, who could not be here today, which were forwarded to the Committee on Health, Education, Labor and Pensions on July 30, 2008, as well as the letter from Secretary Leavitt that accompanied the transmittal of this document.

I ask unanimous consent to have material printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF  
HEALTH AND HUMAN SERVICES,  
Washington, DC, July 30, 2008.

Hon. EDWARD M. KENNEDY,  
Chairman, Committee on Health, Education,  
Labor and Pensions, U.S. Senate, Wash-  
ington, DC.

DEAR MR. CHAIRMAN: I am writing to formally transmit the Agreements on the Goals and Procedures for the reauthorization of the Animal Drug User Fee Act and new authorization for Animal Generic Drug User Fees. These documents incorporate the agreement made between the animal drug industry and FDA and contain the goals for the review of animal drug applications over the FY 2009 through FY 2013 period. These Goals and Procedures are a companion to the authorizing legislation reauthorizing the animal drug user fees and enacting new animal generic drug fees and they represent the commitment of the Administration to apply the user fees authorized by Congress towards the outlined goals and procedures.

We appreciate your leadership and considerable efforts of your Committee to make it possible to reauthorize the important animal drug user fee program and enact a corresponding user fee program for generic animal drugs.

Sincerely,

MICHAEL O. LEAVITT.

Attachments.

ANIMAL DRUG USER FEE ACT PERFORMANCE  
GOALS AND PROCEDURES

The goals and procedures of the FDA Center for Veterinary Medicine (CVM) as agreed to under the "Animal Drug User Fee Act of 2008" are summarized as follows:

1. *Application/Submission Goals*

a. For the application/submission goals below, the term "review and act on" is understood to mean the issuance of a complete action letter after the complete review of an animal drug application, supplemental animal drug application, or investigational animal drug submission which either (1) approves an animal drug application or supplemental application or notifies a sponsor that an investigational animal drug submission is complete or (2) sets forth in detail the specific deficiencies in such animal drug application, supplemental animal drug application, or investigational animal drug submission and, where appropriate, the actions necessary to place such an application, supplemental application, or submission in condition for approval. Within 30 days of submission, FDA shall refuse to file an animal drug application, supplemental animal drug application, or their reactivation, which is determined to be insufficient on its face or otherwise of unacceptable quality for review upon initial inspection as per 21 CFR 514.110. Thus, the agency will refuse to file an application containing numbers or types of errors, or flaws in the development plan, sufficient to cause the quality of the entire submission to be questioned to the extent that it cannot reasonably be reviewed. Within 60 days of submission, FDA will refuse to review an investigational animal drug submission which is determined to be insufficient on its face or otherwise of unacceptable quality upon initial inspection using criteria and procedures similar to those found in 21 CFR 514.110. A decision to refuse to file an application or to refuse to review a submission as described above will result in the application or submission not being entered into the cohort upon which the relevant user fee goal is based. The agency will keep a record of the numbers and types of such refusals and include them in its annual performance report.

b. FDA may request minor amendments to animal drug applications, supplemental animal drug applications, and investigational animal drug submissions during its review of the application or submission. At its discretion, the Agency may extend an internal due date (but not a user fee goal) to allow for the complete review of an application or submission for which a minor amendment is requested. If a pending application is amended with significant changes, the amended application may be considered resubmitted, thereby effectively resetting the clock to the date FDA received the amendment. The same policy applies for investigational animal drug submissions.

c. The term "end-review amendment" is understood to mean an amendment to an animal drug application, supplemental animal drug application, or investigational animal drug submission that is requested by the Agency after it has completed its review of the submitted information and determines that the submission of additional non-substantial data or information would likely complete the application or submission. This term does not include minor amendments requested by the Agency during review of applications or submissions that do not impact upon the user fee goals, as described in paragraph 1.b.

d. The term "submission date" is understood to mean the date CVM's Document Control Unit receives an application or submission.

2. *Non-administrative Animal Drug Applications*

a. The Agency will review and act on 90 percent of non-administrative animal drug applications and reactivations of such applications within

i. 180 days after the submission date (Day 180) if the Agency determines that the application is complete or incomplete. An application is incomplete if it would require substantial data or information to enable the Agency to complete a comprehensive review of the application and reach a decision on the approvability of the application; or

ii. 220 days after the submission date if the Agency determines that the submission of additional non-substantial data or information would likely complete the application and electronically requests an end-review amendment to the application on or before Day 180, but the sponsor fails to file such amendment on or before Day 210. If a sponsor files an amendment after Day 210, then the amendment is ineligible for consideration as an end-review amendment, the extended performance goal (345 days) will not apply, and a complete action letter will be issued by Day 220 for the original application; or

iii. 345 days after the submission date if the Agency electronically requests an end-review amendment to the application on or before Day 180 and the sponsor files an end-review amendment on or before Day 210.

b. The end-review amendment procedure is not intended to prevent the use of minor amendments during Agency review of an animal drug application as described in paragraph 1.b. above.

3. *Administration Animal Drug Applications*

a. Review and act on 90 percent of administrative animal drug applications (NADAs submitted after all scientific decisions have been made in the investigational animal drug process, i.e., prior to the submission of the NADA) within 60 days after the submission date.

4. *Non-manufacturing Supplemental Animal Drug Applications*

a. The Agency will review and act on 90 percent of non-manufacturing supplemental animal drug applications (i.e. supplemental animal drug applications for which safety or effectiveness data are required) and reactivations of such supplemental applications within

1. 180 days after submission date (Day 180) if the Agency determines that the application is complete or incomplete. An application is incomplete if it would require substantial data or information to enable the Agency to complete a comprehensive review of the application and reach a decision on the approvability of the application; or

ii. 220 days after the submission date if the Agency determines that the submission of additional non-substantial data or information would likely complete the application and electronically requests an end-review amendment to the application on or before Day 180, but the sponsor fails to file such amendment on or before Day 210. If a sponsor files an amendment after Day 210, then the amendment is ineligible for consideration as an end-review amendment, the extended performance goal (345 days) will not apply, and a complete action letter will be issued by Day 220 for the original application; or

iii. 345 days after the submission date if the Agency electronically requests an end-review amendment to the application on or before Day 180 and the sponsor files an end-review amendment on or before Day 210.

b. The end-review amendment procedure is not intended to prevent the use of minor amendments during Agency review of a supplemental new animal drug application as described in paragraph 1.b. above.

#### 5. Manufacturing Supplemental Animal Drug Applications

a. Review and act on 90 percent of manufacturing supplemental animal drug applications and reactivations of such supplemental applications within 120 days after the submission date.

#### 6. Investigational Animal Drug Study Submissions

a. The Agency will review and act on 90 percent of investigational animal drug study submissions within

i. 180 days after the submission date (Day 180) if the Agency determines that the submission is complete or incomplete. A submission is incomplete if it would require substantial data or information to enable the Agency to complete a comprehensive review of the study submission and reach a decision on the issue(s) presented in the submission; or

ii. 220 days after the submission date if the Agency determines that the submission of additional non-substantial data or information would likely complete the submission and electronically requests an end-review amendment to the submission on or before Day 180, but the sponsor fails to submit such amendment on or before Day 210. If a sponsor submits an amendment after Day 210, then the amendment is ineligible for consideration as an end-review amendment, the extended performance goal (270 days) will not apply, and a complete action letter will be issued by Day 220 for the original submission; or

iii. 270 days after the submission date if the Agency electronically requests an end-review amendment to the submission on or before Day 180 and the sponsor submits an end-review amendment on or before Day 210.

b. The end-review amendment procedure is not intended to prevent the use of minor amendments during Agency review of a study submission as described in paragraph 1.b. above.

#### 7. Investigational Animal Drug Protocol without Data Submissions

a. Review and act on 90 percent of investigational animal drug submissions consisting of protocols without substantial data, that the Agency and the sponsor consider to be an essential part of the basis for making the decision to approve or not approve an animal drug application or supplemental animal drug application, within

i. 60 days after the submission date (Day 60) if the Agency does not request an end-review amendment to the protocol.

(1) If the Agency determines that the protocol is acceptable, the Agency will notify the sponsor of this decision electronically on or before Day 50, followed by a complete action letter; or

(2) If the Agency determines that a protocol is not acceptable, the Agency will notify the sponsor of this decision electronically, providing preliminary broad areas of protocol deficiency, on or before Day 50, with the subsequently issued complete action letter providing the detailed protocol assessment. The sponsor may contact the Agency for a brief clarification of these areas of deficiency prior to the issuance of the complete action letter; or

ii. 75 days after the submission date if the Agency electronically requests an end-review amendment to the protocol on or before Day 50, but the sponsor fails to submit such amendment within 10 days of the amendment request date. If a sponsor files an amendment more than 10 days after the amendment request date, then the amendment is ineligible for consideration as an end-review amendment, the extended performance goal (refer to 7.a.iii below) will not apply, and a complete action letter will be issued by Day 75 for the original submission; or

iii. the greater of 60 days after the original protocol is received by the Agency or 20 days after the amended protocol is received by the Agency if the Agency electronically requests an end-review amendment on or before Day 50 and the sponsor submits such amendment within 10 days of the date the amendment is requested.

b. Sponsors are not required to submit study protocols for review. However, for each voluntarily submitted protocol for a study that the Agency and the sponsor consider to be an essential part of the basis for making the decision to approve or not approve an animal drug application or supplemental animal drug application, the Agency will issue a complete action letter providing comments resulting from a complete review of the protocol. The complete action letter will be as detailed as possible considering the quality and level of detail of the protocol submission; will include a succinct assessment of the protocol; and will state whether the Agency agrees, disagrees, or lacks sufficient information to reach a decision that the protocol design, execution plans, and data analyses are adequate to achieve the objectives of the study.

c. If the Agency determines that a protocol is acceptable, this represents an agreement that the data generated by the protocol can be used to support a safety or effectiveness decision regarding the subject animal drug. The fundamental agreement is that having agreed to the design, execution, or analyses proposed in protocols reviewed under this process, the Agency will not later alter its perspectives on the issues of design, execution, or analyses unless the Agency by written order determines that a substantiated scientific requirement essential to the assessment of the study appeared after the Agency's protocol assessment, or public or animal health concerns unrecognized at the time of protocol assessment under this process are evident.

d. The end-review amendment procedure is not intended to prevent the use of minor amendments during Agency review of a protocol without data submission as described in paragraph 1.b. above.

#### 8. Electronic Review of Applications/Submissions

a. The Agency will develop an electronic submission tool for industry submissions and online review capability within 24 months of

appropriated ADUFA funds for FY 2009. The Agency will consult with the sponsors in the development of this tool.

#### 9. Pre-Approval Foreign Inspections

a. The Agency and regulated industry are committed to improving the review and business processes that will facilitate the timely scheduling and conducting of pre-approval inspections (PAIs). To improve the timeliness and predictability of foreign PAIs, sponsors may voluntarily submit 1) at the beginning of the calendar year, a list of foreign manufacturing facilities that are subjects of animal drug applications, supplemental animal drug applications, or investigational animal drug submissions and may be subject to foreign PAIs for the following fiscal year; and 2) a notification 30 days prior to submitting an animal drug application, a supplemental animal drug application, or investigational animal drug submission that informs the Agency that the application includes a foreign manufacturing facility. Should any changes to the annual list occur after its submission to the Agency, the sponsor may provide the updated information to the Agency.

b. The Agency will keep a record of the number of foreign PAIs conducted for new animal drug applications, along with the average time for completing the PAIs, and include this information in its annual performance report. The time for completing the PAIs is understood to mean the time from the date of scheduling the inspection through notification to the Center of inspectional findings.

#### 10. Public Workshops

a. The Agency and regulated industry agree to participate in 10 public workshops by the end of FY 2013 on mutually agreed upon topics.

#### 11. Additional Efforts Related to Performance Goals

a. The Agency will review all submissions in accordance with procedures for working within a queue. An application/submission that is not reviewed within the applicable Application/Submission Goal time frame (noted above) will be reviewed with the highest possible priority among those pending.

b. The Agency and the regulated industry agree that the use of both formal meetings (e.g., presubmission conferences, workshops, etc.) and informal communication by both parties is critical to ensure high submission quality such that the above performance goals can be achieved.

c. The Agency and the regulated industry agree to explore and discuss the applicable use of pharmacokinetic/pharmacodynamic data in the development and evaluation of new animal drugs submitted for approval.

d. The Agency and the regulated industry agree to explore opportunities for exchange of information regarding the characteristics of a new animal drug, and to identify safety and effectiveness issues as early as possible in the drug development process.

e. The Agency and regulated industry commit to work together to explore shorter timeframes commensurate with the magnitude of the submitted data/information referenced under 11.c and 11.d.

#### 12. Workload Adjustment

The Animal Drug User Fee Act requires FDA to annually adjust fee revenues after FY 2008 to reflect changes in review workload utilizing a weighted average of animal drug applications, supplemental animal drug applications for which data with respect to safety or effectiveness are required, manufacturing supplemental animal drug applications, investigational animal drug study submissions, and investigational animal drug protocol submissions. The Agency will use the method detailed below to calculate the workload adjustment, and the percent increase in fees will be the amount of the



workload adjuster that is greater than one (1.0).

The term “workload adjuster” applicable to a fiscal year consists of the sum of the following 5 components:

a. The percent of change in the total number of original and reactivated animal drug applications submitted (comparing the five-year average number of such submissions for fiscal years 1998–2002 to the five-year average for the most recent five-year period ending June 30 before the start of the next fiscal year) times a weighting factor that is the percent of direct review time spent on the review of original and reactivated new animal drug applications over the most recent five-year period.

b. The percent of change in the total number of original and reactivated supplemental animal drug applications submitted for which data with respect to safety or effectiveness are required (comparing the five-year average number of such submissions for fiscal years 1998–2002 to the five-year average for the most recent five-year period ending June 30 before the start of the next fiscal year) times a weighting factor that is the percent of direct review time spent on the review of original and reactivated supplemental animal drug applications for which data with respect to safety and effectiveness are required over the most recent five-year period.

c. The percent of change in the total number of original and reactivated manufacturing supplemental animal drug applications submitted (comparing the five-year average number of such submissions for fiscal years 1998–2002 to the five-year average for the most recent five-year period ending June 30 before the start of the next fiscal year) times a weighting factor that is the percent of direct review time spent on the review of original and reactivated manufacturing supplemental animal drug applications over the most recent five-year period.

d. The percent of change in the total number of investigational animal drug study submissions submitted (comparing the five-year average number of such submissions for fiscal years 1998–2002 to the five-year average for the most recent five-year period ending June 30 before the start of the next fiscal year) times a weighting factor that is the percent of direct review time spent on the review of investigational animal drug study submissions over the most recent five-year period.

e. The percent of change in the total number of submitted investigational animal drug protocol submissions (comparing the five-year average number of such submissions for fiscal years 1998–2002 to the five-year average for the most recent five-year period ending June 30 before the start of the next fiscal year) times a weighting factor that is the percent of direct review time spent on the review of investigational animal drug protocol submissions over the most recent five-year period.

#### ANIMAL GENERIC DRUG USER FEE ACT PERFORMANCE GOALS AND PROCEDURES

The goals and procedures of the Food and Drug Administration (FDA or the Agency) as agreed to under the “Animal Generic Drug User Fee Act of 2008” are summarized as follows:

Five-Year Goals (to be implemented by September 30, 2013)

1. Review and act on 90 percent of non-administrative original abbreviated new animal drug applications (ANADAs) and reactivations of such applications within 270 days after the submission date.

2. Review and act on 90 percent of manufacturing supplemental ANADAs and reac-

tivations of such supplemental applications within 270 days after the submission date.

3. Review and act on 90 percent of generic investigational new animal drug (JINAD) study submissions within 270 days after submission date.

4. Review and act on 90 percent of JINAD submissions consisting of protocols without substantial data, that the Agency and the sponsor consider to be an essential part of the basis for making the decision to approve or not approve an ANADA or supplemental ANADA, within 100 days after the submission date.

5. Review and act on 90 percent of administrative ANADAs (ANADAs submitted after all scientific decisions have been made in the JINAD process, i.e., prior to the submission of the ANADA) within 100 days after the submission date.

For the application/submission goals above, the term “review and act on” is understood to mean the issuance of a complete action letter after the complete review of an original ANADA, supplemental ANADA, or JINAD submission which either (1) approves an original or supplemental ANADA or notifies a sponsor that a JINAD submission is complete or (2) sets forth in detail the specific deficiencies in such original or supplemental ANADA or JINAD submission and, where appropriate, the actions necessary to place such an original or supplemental ANADA or JINAD submission in condition for approval (“incomplete letter”). Within 30 days of submission, FDA shall refuse to file an original or supplemental ANADA, or their reactivation, which is determined to be insufficient on its face or otherwise of unacceptable quality for review upon initial inspection as per 21 CFR 514.110. Thus, the agency will refuse to file an application containing numbers or types of errors, or flaws in the development plan, sufficient to cause the quality of the entire submission to be questioned to the extent that it cannot reasonably be reviewed. Within 60 days of submission, FDA will refuse to review a JINAD submission which is determined to be insufficient on its face or otherwise of unacceptable quality upon initial inspection using criteria and procedures similar to those found in 21 CFR 514.110. A decision to refuse to file an application or to refuse to review a submission as described above will result in the application or submission not being entered into the cohort upon which the relevant user fee goal is based. The agency will keep a record of the numbers and types of such refusals and include them in its annual performance report.

FDA may request minor amendments to original or supplemental ANADAs and JINAD submissions during its review of the application or submission. At its discretion, the Agency may extend an internal due date (but not a user fee goal) to allow for the complete review of an application or submission for which a minor amendment is requested. If a pending application is amended with significant changes, the amended application may be considered resubmitted, thereby effectively resetting the clock to the date FDA received the amendment. The same policy applies for JINAD submissions.

Sponsors are not required to submit study protocols for review. However, for each voluntarily submitted protocol for a study that the Agency and the sponsor consider to be an essential part of the basis for making the decision to approve or not approve an original or supplemental ANADA, the Agency will issue a complete action letter providing comments resulting from a complete review of the protocol. The complete action letter will be as detailed as possible considering the quality and level of detail of the protocol submission; will include a succinct assess-

ment of the protocol; and will state whether the Agency agrees, disagrees, or lacks sufficient information to reach a decision that the protocol design, execution plans, and data analyses are adequate to achieve the objectives of the study. If the Agency determines that a protocol is acceptable, this represents an agreement that the data generated by the protocol can be used to support a safety or effectiveness decision regarding the subject new animal drug. The fundamental agreement is that having agreed to the design, execution, or analyses proposed in protocols reviewed under this process, the Agency will not later alter its perspectives on the issues of design, execution, or analyses unless the Agency issues a written order that a substantiated scientific requirement essential to the assessment of the study appeared after the Agency’s protocol assessment, or public or animal health concerns unrecognized at the time of protocol assessment under this process are evident.

The Agency and the regulated industry agree that the use of both formal meetings (e.g., presubmission conferences) and informal communication by both parties is critical to ensure high submission quality such that performance goals can be achieved.

The term “submission date” is understood to mean the date the FDA Center for Veterinary Medicine (CVM) Document Control Unit (DCU) receives an application or submission. DCU date stamps an application or submission on the day of receipt.

#### Work Queue Review Procedures

The Agency will review all submissions in accordance with procedures for working within a queue. An application/submission that is not reviewed within the applicable Application/Submission Goal time frame (noted below) will be reviewed with the highest possible priority among those pending.

#### Interim Goals

##### Interim Application/Submission Goals

FY09 90 percent of:

Non-administrative original ANADAs and reactivations of such applications received during FY 2009 are reviewed within 700 days after the submission date.

Manufacturing supplemental ANADAs and reactivations of such supplemental applications received during FY 2009 are reviewed within 600 days after the submission date.

JINAD study submissions received during FY 2009 are reviewed within 700 days after the submission date.

JINAD submissions consisting of protocols without substantial data received during FY 2009 are reviewed within 400 days after the submission date.

Administrative ANADAs received during FY 2009 are reviewed within 120 days after the submission date.

FY10 90 percent of:

Non-administrative original ANADAs and reactivations of such applications received during FY 2010 are reviewed within 680 days after the submission date.

Manufacturing supplemental ANADAs and reactivations of such supplemental applications received during FY 2010 are reviewed within 570 days after the submission date.

JINAD study submissions received during FY 2010 are reviewed within 680 days after the submission date.

JINAD submissions consisting of protocols without substantial data received during FY 2010 are reviewed within 390 days after the submission date.

Administrative ANADAs received during FY 2010 are reviewed within 115 days after the submission date.

FY11 90 percent of:

Non-administrative original ANADAs and reactivations of such applications received during FY 2011 are reviewed within 500 days after the submission date.

Manufacturing supplemental ANADAs and reactivations of such supplemental applications received during FY 2011 are reviewed within 420 days after the submission date.

JINAD study submissions received during FY 2011 are reviewed within 500 days after the submission date. JINAD submissions consisting of protocols without substantial data received during FY 2011 are reviewed within 290 days after the submission date.

Administrative ANADAs received during FY 2011 are reviewed within 110 days after the submission date.

FY12 90 percent of:

Non-administrative original ANADAs and reactivations of such applications received during FY 2012 are reviewed within 380 days after the submission date.

Manufacturing supplemental ANADAs and reactivations of such supplemental applications received during FY 2012 are reviewed within 340 days after the submission date.

JINAD study submissions received during FY 2012 are reviewed within 380 days after the submission date.

JINAD submissions consisting of protocols without substantial data received during FY 2012 are reviewed within 190 days after the submission date.

Administrative ANADAs received during FY 2012 are reviewed within 105 days after the submission date.

FY13 90 percent of:

Non-administrative original ANADAs and reactivations of such applications received during FY 2013 are reviewed within 270 days after the submission date.

Manufacturing supplemental ANADAs and reactivations of such supplemental applications received during FY 2013 are reviewed within 270 days after the submission date.

JINAD study submissions received during FY 2013 are reviewed within 270 days after the submission date.

JINAD submissions consisting of protocols without substantial data received during FY 2013 are reviewed within 100 days after the submission date.

Administrative ANADAs received during FY 2013 are reviewed within 100 days after the submission date.

Amending Similar Applications and Submissions

The Agency and regulated industry agree that applications and submissions to the Agency will be complete and of sufficient quality to allow the Agency's complete and timely review. The Agency will refuse to file poor quality and incomplete applications and submissions rather than allowing them to serve as "placeholders" in the review queue that are subsequently amended to add the missing or inadequate portions.

The Agency recognizes that there are circumstances in which a controlled amendment process can make the review of similar, pending submissions more efficient, without compromising the sponsor's responsibility for high quality submissions. Thus, starting no later than FY 2012, if the Agency requests an amendment to a non-administrative original ANADA, manufacturing supplemental ANADA, JINAD study submission, or a JINAD protocol submission (a "CVM-initiated amendment"), or issues an incomplete letter for such an application or submission, a sponsor may request to amend other, similar applications or submissions it has pending with the Agency ("sponsor-initiated amendment(s)") in accordance with the following criteria:

1. The amended information for these similar applications or submissions must be the same as in the CVM-requested amendment or incomplete letter; and

2. The amended information must not significantly change the pending application or submission; and

3. The amended information for these similar applications or submissions must be submitted no later than:

- a. 120 days after the submission date for a pending non-administrative original ANADA, manufacturing supplemental ANADA, or JINAD study submission; or

- b. 50 days after the submission date for a pending JINAD protocol.

If the Agency determines that the above criteria have been met, it will not change the user fee goal for a pending application or submission that has been amended by a sponsor-initiated amendment. If the above criteria have not been met, the Agency may consider the application or submission resubmitted on the date of the sponsor-initiated amendment, thereby resetting the clock to the date FDA received the amendment.

#### REPUBLICAN NATIONAL CONVENTION LAW ENFORCEMENT

Mr. COLEMAN. Mr. President, I rise to express a word of enthusiastic appreciation to the thousands of courageous and principled law enforcement members who did their utmost to allow the Republican National Convention in St. Paul to proceed in an orderly fashion. I saw some of their work with my own eyes and want them to know we respect them and the vital role they play in our Nation.

It has been said that every society is defined by the boundary between each individual's right to do whatever they want and the broader community's right to peace and order. Societies without such a border disintegrate into chaos and eventually repression. That boundary is not an abstract philosophical construct, but the life's work of law enforcement personnel who enforce society's laws.

This past week we saw an extreme test of that principle as self-described anarchists, who represented a very small segment of thousands of peaceful demonstrators, sought to disrupt proceedings of the convention. Law enforcement personnel acted with professionalism, restraint and great skill in the face of serious threats to public safety. The great irony is the actions of law enforcement guarantee the future rights of protestors to protest. I only wish the small minority of violent protestors had not created a climate of fear that may have regrettably kept observers away and reduced the patronage of St. Paul businesses, that were counting on increased sales during the convention week.

The convention, the first in Minnesota since 1892, presented many logistical obstacles. St. Paul is a town of less than 300,000, not the kind of metropolis where these events are usually held. The ability of multiple jurisdictions to work together to scale up their response to the level needed was a great example of the Minnesota can-do spirit.

Many thanks are due, specifically to St. Paul chief of police John Harrington whose team was able to ensure the safety of all of our visitors, displaying Minnesota admirably in the national spotlight. Special thanks are

also very much in order to the law enforcement officers who traveled from all over Minnesota and the rest of the country to assist in the security efforts.

I would also like to take a moment to express my thanks for the excellent work of a few other individuals during the convention: St. Paul assistant chief of police Matt Bostrum, Minneapolis chief of police Tim Dolan, Minneapolis deputy chief of police Rob Allen, Bloomington chief of police John Laux, Ramsey County sheriff Bob Fletcher, Hennepin County sheriff Rich Stanek, and Minnesota Department of Public Safety commissioner Michael Campion all deserve our gratitude. They, and their departments, performed with excellence in the way they did their duty and their integration with other departments.

The week of September 1, 2008, will be remembered by almost all of the thousands of visitors to Minnesota as a great week and proof-positive that our State is capable of putting on a world class event. The ability of our excellent law enforcement personnel to play defense against those who sought to disrupt the festivities allowed the people attending the convention and a worldwide audience to see an orderly process of our democratic society at its finest.

My heartfelt thanks to all the Minnesotans who worked so hard to make our dreams a reality.

#### 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](mailto:energy_prices@crapo.senate.gov) to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Thank you for this opportunity to express my concerns regarding the escalating price of living in Idaho due in large part to the ever increasing cost of energy.

I work for Alaska Airlines in Boise, Idaho. My gas bill to cover my commute has gone from \$100 to \$300 per month. My own industry has been heavily affected by the obscene rise in the cost of aviation fuel. Alaska Air is a profitable business. They have worked hard at putting a lot of cash in the bank. They never just spent their way into bankruptcy then emerged a few years later with

all of their debts relieved. Now in order to stay alive, in addition to raising air fares and reducing routes, they have to charge seemingly ridiculous charges for the ordinary services associated with travel. And still the cost of fuel rises. Just today we received the second corporate letter, advising us that Alaska Airlines is doing all it possibly can to reduce costs, that each of us needs to be conscious of everything we do and be as profitable as we can with each service we provide. I work in a call center. Are those the voices of Pakistani call center agents I hear at Alaska Airline's front door? So not only are some of the finest American customer service agents in danger of losing our jobs, but the least respected of all call center personnel will smudge the heretofore finest airline service in the world.

I read that you have worked on alternative fuels. This is a fine aspiration, but with what result? At present alternative fuels can not even begin to touch the huge volume it would take to replace gas and oil energy. As a result of corn-based fuels, corn-based commodities around the world have also escalated in price. Cereal, tortillas, breads, dog food, chicken and beef feed, the list goes on, are all affected by increased prices I pay every day. And in third world countries, where such commodities are staples, people are facing shortages and starvation. When the farmer cannot afford to cultivate his crops, the trucker cannot afford to pick up the crops and bring them to market, and the market has to raise the prices of staples, how far behind are we from becoming a society of haves and have-nots?

Senator CRAPO, for far too long we have let the environmental movement intimidate our energy policy in this country. It started with a little bit of this and that. We stopped drilling for oil and gas off our scenic coasts and large inland tracts of land deemed environmentally sensitive. We stopped approving refineries and thereby reduced our domestic supplies of fuel, relying instead on ever-increasing foreign sources. One of the biggest environmental accidents happened near Valdez, Alaska. Environmentalists blamed big oil. Ironically the oil spilled was imported from the Middle East. Accompanying all this was the slow rise in the price consumers pay to run their cars and heat their homes. Government has played both sides of the isle with C.A.F.E standards that have not improved gas mileage so much as to drive the price of cars to the same price as a good house in the 1960's. Refineries further increase the price of fuel required to manufacture multiple blends. All of these products are heavily taxed by our government. If the oil companies are accused of making obscene profits, then can we not say the same thing about the never-mentioned windfall profits our Federal government collects?

What would I do? I would ask you to start plans to find and develop our best sources of domestic oil and natural gas resources. I would ask you to find places in this country that would just love to refine petroleum and encourage their communities to do so. Just getting the plans on the board would burst this bubble of inflationary speculation. (These suggestions, if started today would take at least 10 years to get up and running).

I would also ask that we start plans to build safe and efficient nuclear power. France and Germany possess marvelous examples we can emulate and exceed. And further we need to fend off the environmentalist's incessant legal maneuvering that subtly inflate the price of energy development.

Well, this is more than two paragraphs. But it contains in my opinion, the elements we need to address today and with haste.

Thank you.

ROBERT, Boise.

I would expect that I am an average Idahoan in means of monthly financial resources. The average family in my valley has 2 full-time incomes of \$8/hr, totaling around \$2200.00/mo. take-home after taxes. The average family also has to travel 50 miles a day—5 days a week—just for that work. The average vehicle does 20MPG. That alone is \$220 in gas a month (\$30.00 over most people's monthly available gas budget). Now figure that the nearest shopping mall is 50 miles away, and the nearest shopping center is 15 miles away.

The economy is and will suffer to make the difference. On-line shopping to the lowest bidder is becoming a necessity, and activities of enjoyment are on the out. Some people find themselves in a position where they can no longer afford the job they have had for decades, and others like myself are forced to close storefronts, and look for alternative methods of doing business in order to make ends meet.

I consider myself a Statesman; amateur as that may be. It is near impossible to educate and influence the general populace toward principles of freedom and free market if my means of exposure to the people is severely hampered due to extravagant and unnecessary fuel costs.

If we want so much to be like Europe that we are willing to take on their fuel costs, then we better be ready to downsize our person per square foot ratios to match theirs, otherwise we will desolate ourselves, and their 200 year wait for our failure and re-absorption back into their kingdom will be complete.

We must learn to look at what is seen, and what is not seen. We must be able to see all the impacts, and not just 5-10 years down the road. We must have 20-30 and 50-80 year plans that will cause freedom from debt and servitude to others, or we will weaken and eventually fall . . . even if that fall may take a century, we will fall if we do not change the current direction of events. Gas price recognition is merely a baby step.

We must set up forms of governing that will ensure freedom for generations, and not get caught up in the mere momentary crisis.

I beg of you . . . as do many I know . . . be true to your positions of civil servants; handle all situations with no thought for self, and every thought for generations of freedom for those you serve and represent, not bondage and slavery and misery.

Be astute in your history. Civilization has repeated cycles of growth and downfall. Must we make the same mistakes? Or is ours truly wise enough, not pompous, to overcome the challenges that face our day? Our day is truly the greatest day in history . . . for we have yet to write its annals. Victorious or victored. After all, only a small degree, or percentage caused the great chasm that made two nations of one in 1776 . . .

You are the warriors in government for us, the people. I commend every effort on your behalves to maintain and support the principles upon which our nation was founded. Be true, and be courageous. Do not let lost lives be in vain, lest that blood lie on your shoulders. I know you can, and will to help our Nation be great again. Press on!

JASON, St. Anthony.

It is a national security issue for our country to be energy independent. The issues outlined in the piece on your website are exactly the ideas and means I would try to implement. I feel that the environmental movement and powerful lobbyists have had too much power and influence over many Senators and Congressmen. I wish the names of the lobbyists could be widely broadcast and the bills that have been shot down could be widely circulated so people could see the

total dishonesty and power grab these environmental groups have taken. It is a real disaster that we do not have more nuclear energy, more domestic oil production, more coal and of course more refineries. The massive amount of lawsuits and cost of defending many annoyance suits has cost the government and utility companies hundreds of billions of dollars if not into the trillions. We have a small business and a huge increase in cost in transportation shrinks the profit and makes cuts in other important areas necessary.

LEW, Idaho Falls.

Thanks for the opportunity to respond to your request for energy stories. I do not have a sad one of not being able to heat my house or whether to put gas in my SUV so I can get to work (I drive a car that gets 27 mpg and I walk a lot) or put groceries on the table. But, I have sympathy for folks who do have to make hard choices. I'm glad you are looking for answers. I think I can offer some insights for you.

My background is this: I travel a lot and have spent 11 years living abroad and 5 of those years living in various places in the Middle East. I understand our energy needs very well, having personally negotiated the delivery of \$500 million dollars worth of free fuel for US/Coalition forces going into Iraq in 2003. I have spent a lot of time with guys in the petroleum industry in Kuwait. They are cranking out more than 2 million bbl a day and they consider U.S. needs their highest priority and have since 1991. From my experience I know there is not a fuel shortage, just an 8 million bbl per day shortfall in the needs of the U.S. Personally I think raising gasoline taxes will reduce waste, encourage conservation and utilization of mass transit and that might help close the gap, but I understand this might not be the popular option because we do like our power cheap and plentiful.

I have lived through the oil embargo in 1973 and the little one in 1978. I've listened to the energy companies explain that they would go after oil shale in Wyoming in 1978, but it would not be profitable unless gas prices reached \$2.00 a gallon. I don't hear much about oil shale these days and gas is at \$4.00 a gallon.

The EPA recently (last few years) opened new areas for drilling on the North Slope of Alaska, off the California coast and in the Gulf of Mexico that the energy companies have been asking to drill in since 1978. Those areas were protected but when an energy producer threatened to close a profitable refinery in Santa Barbara a few years ago citing "lack of demand" gas prices spiked to \$4.00 a gallon in Phoenix, Arizona and in the Chicago area so in the interest of the national good, the EPA lifted the restrictions, so now they can get oil that was profitable at \$24 a bbl in 1978—must be really low fruit at \$130 a bbl in 2008. This would help explain some of the recent profits enjoyed by the energy companies and make their complaint that finding new energy is very expensive seem a bit hollow.

A Halliburton country manager told me in 2002 that Azerbaijan is awash in oil, has been for some time. A pipeline was opened in May 2005 in Azerbaijan that runs about a million bbl a day. There is more available but new pipelines are held hostage to the political process in a couple of those other countries. The Iraq fields are on the mend and they went from 200,000 bbl a day in 2006 to a reported 2 million bbl a day (but I don't believe that number yet) and they have the capability of generating 6 million bbl a day if that political situation ever stabilizes. Kazakhstan and some of the others are likewise situated, the trick has always been to

get the oil out of there. Obviously there is fuel out there and the energy companies are willing to get it—we just have to be willing to pay the price or develop alternatives. The energy companies have to spin “doom and gloom” so we give them a pass and do not question their methods. Political action committees and lobbyists are the point on that challenge, but you know that part already.

Sir, I don't understand the reluctance of our elected representatives to make energy independence a national priority, the same way President Kennedy made going to the moon a national priority. I do understand there is a lot of effort by the energy lobby to not encourage alternative production.

If the energy companies (gas/electric/coal) have no interest in finding alternatives, that impetus must come from the body politic.

By the way, the inside news is that banks in the Middle East are actively investing in alternative energy development, so why aren't we? They know oil will not last forever and they are getting ahead of the problem. We are not.

I will offer this. In Idaho we have a climate not unlike Seville, Spain. There they are working on a project using the sun's energy to eventually generate enough power for 600,000 homes. That would be the Treasure valley and beyond. Owyhee County is a great place to set one up. In 2007 it was already generating 11mw, enough for 6000 homes so we know the application works. It is expensive, but those costs will come down. The Spanish paid the big cost of R & D for all the rest of us. This is a place with no carbon footprint. You can see the BBC article about this effort at: <http://news.bbc.co.uk/2/hi/science/nature/6616651.stm>

So why is there only talk in Idaho of a nuclear power plant (very expensive, does make some waste) or a new gas fired electrical plant (very expensive, depletes resources and leaves a big carbon footprint)? Why is the battlefield being prepared by an Idaho Power rep saying recently “the era of cheap power is over.” Why is Idaho power (and all the other electricity providers) not championing alternative sources to generate electricity?

Why is the government not doing more to promote wind power as a source of electrical generation. I heard a story that it might affect birds. I studied a wind farm in Oklahoma recently (along the interstate). Those blades turn pretty slow and it would be a stupid bird who couldn't fly past it. We have lots of wind in Elmore County and most of Idaho along the interstate. For people concerned about birds or views, the birds will be killed the effects of global warming and the view is not worth much if our society collapses.

As an elected official and guardian to protect America from all enemies, foreign and domestic (it is in the oath) I am surprised that you (and the other elected officials) are just so stymied by this problem. It is not too hard a problem (we did figure out how to split the atom some years ago) and it cannot be too expensive since we have already spent a trillion dollars in Iraq.

You just have to want to do this.

Thanks for asking for my story. I will send this off to a couple of other Idahoans for them to share.

Respectfully,

MIKE, Boise.

#### RECIPIENTS OF THE 2008 DAVIDSON FELLOWS AWARD

Mr. GRASSLEY. Mr. President, it is my honor to pay tribute today to 20 outstanding young scholars and recipients of the 2008 Davidson Fellows

Award, a scholarship granted to exceptional students to assist them in pursuing higher education. The Davidson Institute for Talent Development distributes grants to highly gifted individuals under the age of 18 who have demonstrated academically rigorous projects that demonstrate a potential to make a significant positive contribution to society. Mr. President, allow me to introduce the recipients and elaborate on their noteworthy accomplishments.

Akhil Mathew, a 16-year-old from Madison, NJ, proved a single filter, or system of weights, can decode only a finite number of rationals. Akhil's work is relevant to signal processing, analog-to-digital conversion, and representing numbers in an alternative way.

From Gaithersburg, MD, 17-year-old Sikandar Porter-Gill developed a novel process to clean wastewater and produce methane for use as an alternative form of energy by engineering bio-catalyzed microbial fuel cells to degrade organic material in wastewater. Sikandar's research is a promising step toward pursuing a cost-effective and environmentally friendly energy source.

A 17-year-old from Setuaket, NY, Christine Shrock, studied a region of the HIV protease, a protein crucial in the replication of HIV. She found that this region is a promising target for drugs to bind to change the shape of the protease, preventing it from performing its function. Christine's research is an important contribution to the development of a new class of drugs to reduce the number of infections and deaths caused by HIV.

Philip Streich, a 17-year-old from Platteville, WI, showed that carbon nanotubes are thermodynamically soluble, contradicting the generally held assumption that they were universally insoluble. He designed and custom built a unique photon-counting spectrometer that is more sensitive and precise than any commercially available. Philip's work has broad applications in the field of nanotechnology engineering.

At just 14 years old, Conrad Tao from New York, NY, has made classical music relevant to younger generations through his performances that display a vast knowledge, deep understanding, and mature interpretation of the repertoire. A composer, pianist, and violinist attending the Juilliard Pre-College Division, he has been featured on NPR's “From the Top,” performed at Carnegie Hall and has received five consecutive American Society of Composers, Authors and Publishers, ASCAP, Morton Gould Young Composer Awards.

Michael Cherkassky from Minneapolis, MN, compared the application of several machine learning methods to real-life medical data sets in order to understand the generalization capability of the estimated models, advancing the current predictive diag-

nostic model. Michael, who is 16 years old, also compared the diagnostic accuracy of two classification methods, allowing physicians to obtain more accurate diagnostic conclusions while advancing patient care.

Twelve-year-old Hilda Huang from Palo Alto, CA, has determined to change the way people feel about Johann Sebastian Bach. Performing on the harpsichord and piano, Hilda aims to bring Bach to everyone, especially young people who may be unfamiliar with his music. Her many accomplishments include performances on NPR's “From the Top” and at Carnegie Hall.

Jasmine Miller, a 17-year-old from Nashville, TN, examined her generation's interactions with technology and the impact of digital media on our identities. Through a one-act play, creative essays, and a novel excerpt, Jasmine explored the uncharted minds of the current generation of American youth.

At age 17, Saraswathi Shukla from Princeton, NJ, has conducted an in-depth study of sound and music in Franz-Anton Mesmer's theory of animal magnetism. Combining history, music, language, and literature, she examined the role of music in Mesmer's therapeutic seances in the context of broader changes in the popular perception of sound in pre-Revolution Paris. The importance of sound in mesmerism presents new ways to analyze scientific theories of this period.

Seventeen-year-old August Siena Thomas from Montague, MA, examined the ways in which personal and political histories are purposefully reimagined and rewritten. Through a historical novel, literary reflection, drama, and historical interpretation, August observed the manner in which interpretation of history remain fluid and reflected on how writers have used malice, ambition, flattery, and imagination through the ages to shape the way history is written.

Vijay Venkatesh, a 17-year-old from Laguna Niguel, CA, won the grand prize at the Los Angeles Music Spotlight Awards and the second prize at the Virginia Waring International Piano Solo Intermediate Competition. Vijay views music as a gift to move the world, serving as a common link to touch humanity, and believes it is his duty as a performer to assure the audience of the joy and love that transcend life's struggles.

Only 12 years old from Beaverton, OR, William Yuan invented a novel solar panel that enables light absorption from visible to ultraviolet light, doubling the light-electricity conversion efficiency. William also developed a model for solar towers and a computer program to simulate and optimize the tower parameters, providing 500 times more light absorption than commercially available solar cells and 9 times more than the cutting-edge, three-dimensional solar cell.

At age 17, Charles Zhang from Oakland Township, MI, has researched and

developed a prototype for renewable battery power that harvests energy from mechanical vibrations with a larger magnitude and efficiency of AC voltage. His prototype can be used as a primary power source in wireless structural monitoring sensors for bridges, implantable medical devices, tire pressure monitoring systems and portable devices.

Another 17-year-old, from Ponte Vedra Beach, FL, Nathan Georgette, developed a mathematical model intended to reduce the costs of stopping viral disease outbreaks in impoverished nations. He used mathematical modeling to generate a formula to calculate in real time the minimum number of vaccines needed to stop a measles outbreak. Nathan's research represents a new approach to understanding the dynamic effects of infectious disease spread and gradual immunization.

Seventeen-year-old Molly Hensley-Clancy from Minneapolis, MN, explored the primal human instinct of storytelling through the eyes and minds of young girls, demonstrating that geographic and linguistic differences do not change the universality of dreams, thoughts, and troubles. She believes the more we notice the commonalities that bind us together as human beings, rather than what sets us apart, the less we will be able to ignore those who are suffering among us.

Kyle Hutzler, a 16-year-old from Huntingtown, MD, authored a substantial policy paper on education reform, recommending that successful school reform must incorporate choice, autonomy, and accountability, along with the empowerment of parents, students, and teachers. His work articulates a vision for restructuring with specific proposals ranging from classroom organization and curriculum, to funding and teacher pay.

At 17 years old, Michael Leap from Okemos, MI, has examined the role of science in our society by synthesizing and applying several complex philosophical concepts to basic questions about science in everyday life. With the thesis that conventional views of science, truth, and nature only function from a self-referential viewpoint, he presents new, transversal perspectives in hopes that this critical examination will lead to a greater understanding of the world at large.

Divya Nag, a 17-year-old from El Dorado Hills, CA, developed both a thermal analysis technique to quantify the effects of forest fires and a novel ratio to determine organic matter loss in on-site situations. By using differential scanning calorimetry, thermogravimetry, and x-ray diffraction, Divya determined soil ignition temperatures and soil compositions before and after burning. These techniques can be used in evaluating the efficacy of prescribed burning and forest management.

Seventeen-year-old Avanthi Raghavan from Orlando, FL, studied mechanisms of protein transport critical to

the survival and pathogenicity of the malaria parasite, *Plasmodium falciparum*, which infects human red blood cells and causes malaria. By using confocal microscopy, Avanthi characterized the role of the SNARE proteins PfSec22 and PfBet1, thus identifying potentially exploitable targets for the future development of parasite-specific drugs.

Sarah Walianny, a 16-year-old from Arcadia, CA, discovered that expression of the gene t-Darpp can make Her-2 positive breast tumor cells become resistant to the drug Herceptin. Sarah demonstrated that t-Darpp alters a critical signaling pathway that regulates growth and survival in cells. Sarah's work shows that blocking the t-Darpp gene can eventually lead to more effective breast cancer treatment.

Mr. President, today each of these 20 young scholars deserve our praise for the commitment they have demonstrated to enriching our understanding in the fields of music, science, literature, and technology. These 20 young people also deserve our admiration for their desire to improve the lives of individuals worldwide by addressing issues of practical import. Finally, these young people deserve our gratitude for the shining example they have set for us by the excellence of their work and their desire to work on the behalf of others. I would also like to thank the Davidson Institute for the support and direction they provide to this group of our country's young leaders. The knowledge of such dedicated and gifted young Americans gives me great hope and comfort for the future. Clearly, the future of our country rests in capable hands.

#### REMEMBERING TERRANCE DAVIS

Mr. PRYOR. Mr. President, it is with great sorrow I rise today to remember a bright young man who was taken from us far too soon. Terrance Davis, 20 years old and from Osceola, AR, was a gifted student majoring in sociology, theater and performance studies, and African-American studies at Georgetown University.

My staff and I were blessed to benefit from this young man's talents this past summer when he served as an intern in my office. I had the privilege of getting to know Terrance during this time and to see his passion for public service.

Terrance was an enthusiastic leader who was not afraid to take on multiple responsibilities. After fulfilling his duties in the Senate he would attend rehearsals for the play he was directing at Georgetown University until late into the evenings. He also served as director of the Georgetown University Gospel Choir.

His friends at school and people in my office referred to him as someone with a positive attitude who was always ready to work. Other friends referred to him as having strong passion for his Christian faith.

Terrance had plans to serve our country by participating in the Teach for America program and wanted a future in helping students through higher education. He once said that becoming a college professor or dean was something he inspired to do.

Tragically, on September 1, 2008, Terrance Davis was involved in a fatal accident in Harkerville, South Africa, where he was traveling on a holiday break from his academic study abroad program at the University of Cape Town. I join his family and friends in mourning the loss of this great young man.

Mr. President, I ask my colleagues to join with me in honoring the life of this exceptionally talented young man, Terrance Davis.

#### ADDITIONAL STATEMENTS

##### 40TH ANNIVERSARY OF EDEN HOUSING

• Mrs. BOXER. Mr. President, I take this opportunity to recognize the 40th anniversary of Hayward-based Eden Housing, one of northern California's oldest and most esteemed nonprofit affordable housing developers and managers.

In 1968 six community activists, troubled by the lack of affordable, non-discriminatory housing throughout Alameda County founded Eden Housing. Over the last 40 years, Eden Housing has expanded its advocacy for affordable housing beyond Alameda County. Through the dedicated work of its staff, volunteers, and board of directors, Eden Housing has succeeded in creating nearly 5,000 affordable housing units that have provided homes to thousands of Californians. Throughout the last 40 years, Eden Housing has grown to partner with 20 cities in 6 counties throughout California.

Eden Housing has an outstanding commitment to providing low to moderate-income families and seniors, people with disabilities, the formerly homeless and first-time homeowners with affordable housing opportunities, social services and supportive programs. Eden Housing has received numerous awards for its work in quality affordable housing, including being named one of the Top 50 Affordable Housing Owners in the United States by Affordable Housing Finance Magazine in 2007 and 2008.

In 2006, Eden Housing was honored by the California Housing Consortium for its "contribution to fostering the creation of affordable housing throughout California." The services and programs provided by Eden Housing offer those with limited incomes or disabilities, and potential first-time homeowners, the opportunity to turn the dream of quality affordable housing into a reality.

I commend Eden Housing staff and volunteers for their many accomplishments over the last 40 years and I send

my best wishes for many future successes over the next 40 years.●

#### REMEMBERING MATT GARCIA

● Mrs. BOXER. Mr. President, it is with a heavy heart that my friend Senator DIANNE FEINSTEIN and I ask our colleagues to join us today in honoring the memory of an extraordinary young man, Fairfield City councilmember Matt Garcia. Matt, a dedicated public servant, was shot in a senseless act of violence on the evening of Monday, September 1, 2008. Matt passed away on Friday, September 5, 2008. He was 22 years old.

In November 2007, Matt was elected to a 4-year term on the city council of Fairfield, CA. Just 21 years old when he was elected, Matt was the youngest councilman in Fairfield City history and one of the youngest elected officials in the State of California. With a deep sense of civic pride, Matt worked tirelessly to address Fairfield's crime rate and to develop effective gang prevention programs. In his short time on the council, Matt served with distinction and passion, earning the respect of both his colleagues on the council and the youth of his beloved city.

Mrs. FEINSTEIN. Long before being elected to the Fairfield City Council, Matt Garcia's ambition and dedication inspired his community to be better and to do better. Since the 6th grade, friends remember Matt telling them that one day he would become the mayor of his hometown of Fairfield. Matt attended Armijo High School, where he served as vice president of his senior class and was selected as both prom king and homecoming king.

Matt Garcia was a driven young leader who cared for his community deeply, and will be remembered by friends and colleagues as honest, passionate, and full of life. Matt served Fairfield with enthusiasm and a commitment to creating a better world. His dedication to his goals and dreams of improving his community will live on in those whose lives he touched.

Mrs. BOXER. Matt Garcia is survived by his grandmother, parents, siblings, and extended family members. Senator FEINSTEIN and I will always be grateful for Matt's example of passionate public service. Our hearts go out to Matt's family, friends, and colleagues who struggle with this incomprehensible loss.●

#### A TRIBUTE TO CAPTAIN ED W. FREEMAN

● Mr. CRAPO. Mr. President, on August 20, America lost one of her bravest heroes, and I am honored to say he was an Idahoan. Ed "Too Tall" W. Freeman, U.S. Army, retired, was awarded the Congressional Medal of Honor for actions undertaken during the battle of Ia Drang in Vietnam in November, 1965. Recounted in the book by Joseph Galloway, "We Were Soldiers Once . . . And Young," Ed's bravery became leg-

end. American forces were heavily engaged with North Vietnamese soldiers and the medical evacuation helicopters refused to fly into the battle zone to retrieve soldiers—it was deemed too dangerous. The infantry commander asked for volunteers, and young Captain Freeman, followed by LTC Bruce Crandall, stepped forward and offered to fly, unarmed, to the battlefield to bring supplies and carry out the wounded. Ed flew 14 separate missions and his actions, literally under fire, saved life and limb of 30 soldiers—all in a landing zone that was within 100 to 200 meters of the defense perimeter set up to engage the North Vietnamese Army at close range. Many of us have been to the Vietnam Wall—that tragic list is dozens of names shorter for Ed's extraordinary valor. Imagine the children and grandchildren that are here today because he saved the life of their father or grandfather. Incidentally, Ed himself had two young boys—preschool and elementary school-aged at the time.

When he retired from the Army in 1966, Ed continued flying helicopters, this time for the U.S. Department of the Interior, conducting animal censuses, herding horses and fighting fires. In 2001, Ed was presented the Congressional Medal of Honor by President George W. Bush for his actions during the Battle of Ia Drang.

Ed was laid to rest in the Idaho State Veteran's Cemetery, a beautiful place that overlooks a vista bounded to the south by the Snake River Valley and distant mountains, to the east and west by a vast expanse of open sky, and behind to the north, by foothills rising to meet their less-weathered relatives. The wind blows with reassuring regularity, and it seems that in this western meeting place of land and sky, at once comfortingly familiar and awe-inspiring, it is indeed an appropriate place for Ed.

In a tribute written upon Ed's death, author, former war correspondent and friend Joseph Galloway said:

Too Tall Ed was 80 years old when he died in a hospital in Boise, Idaho, after long being ill with Parkinson's disease. He turned down a full dress hero's funeral in Arlington National Cemetery in favor of a hometown service and burial . . . close to the rivers he loved to fish and the mountains he flew through in his second career flying for the U.S. Forest Service . . . Now Too Tall Ed Freeman, a much larger than life-size hero . . . and a much better friend than we deserved, is gone, and we are left with too large a hole in our hearts and in our dwindling ranks.

When Ed spoke to a reporter in Idaho back in 2000, he recounted those 14 harrowing hours. He said, "That Huey helicopter was my tool, and I was trained to use it. It was capable of flying into that hell hole, and I was capable of making it do that." When asked if he was afraid he said he ate "franks and beans" and chain-smoked. "God knows how many I smoked. Till I had a blister on my tongue." When asked about why he volunteered for this dan-

gerous duty, he said: "You don't think, 'I'm going to go out and win the Medal of Honor.' You're going to win a body bag if you're not real lucky."

And, in a testament to Ed's humble nature, his comment on his heroism was simply: "I did think I possibly did a little more than was required of me. But again, I had a job to do."

It is a tremendous honor for me to pay tribute to Ed W. Freeman, and my condolences go to his wife Barbara, his sons, and their families at this difficult time.●

#### REMEMBERING BILL GWATNEY

● Mr. PRYOR. Mr. President, it is with great sadness I rise to honor a great American, a great Arkansan and my friend. Bill Gwatney, a valiant public servant, was taken from us on August 13, 2008.

Bill was my friend for many years. This included his days as an elected official in Arkansas where he served as a State senator for 10 years. He was committed to improving the State of Arkansas by taking the lead on legislative redistricting, reforming ethics rules, and encouraging economic development throughout the State. While serving in the State senate he fought against insurance companies to pass the Any Willing Provider legislation. This allowed patients more flexibility in choosing their doctors. He inspired other great leaders to lift the State and the country into a prosperous future. He worked tirelessly every day to make Arkansas a better place for his children and for children from the Delta to the Ozarks.

He became chair of our State party in 2007 and was a leader in getting the party to where it is today. His work ethic and ability to bring people together were unmatched. His personality was contagious, likable, and he was an all around wonderful person. In the days following his death, he was praised on both sides of the aisle. Bill was taken from us too soon.

I echo a comment by Arkansas Governor Mike Beebe who said: "Arkansas has lost a great son, and I have lost a great friend." These words ring true to any Arkansan who had the privilege of knowing him. He believed strongly in integrity and good leadership within the State of Arkansas. His death put in perspective what he believed, that public service is about people, and with his passing Arkansas has lost one of its finest.

Bill leaves behind a wife Rebecca and children, Christian and Chase, along with two step-children, Zachary and Emily.

I ask my colleagues to join with me in paying tribute to the life of a great family man, business leader, and public servant, Mr. Bill Gwatney.●

#### COMMENDING THE CANYON LAKE LITTLE LEAGUE BASEBALL TEAM

● Mr. JOHNSON. Mr. President, today I wish to recognize and congratulate

the Rapid City Canyon Lake All-Star Little League baseball team. The Canyon Lake All-Stars, under coaches Doug Simons, Steve Nolan, and Jeff Minnick, have the honor of being the first South Dakota team to make it to the Little League World Series, held this year in Williamsport, PA.

The Rapid City Canyon Lake All-Stars went through the Central Regional Tournament with wins over such teams as Kansas, with a final score 15-3, and Iowa, 9-8. They advanced to the Little League World Series where they played the Southeast, New England, and West teams.

These young people represented Rapid City and South Dakota in an extraordinary fashion. While the final outcome of the Little League World Series was not what these young athletes had hoped for, their hard work and sportsmanship is representative of South Dakota. I would like to give credit to the coaches, parents, supporters, though especially the dedication of these young players. The community of Rapid City will recognize the hard work and sportsmanship this team has shown during the tournament with a welcome home celebration and parade Saturday. This is a well deserved victory and the team merits acknowledgment for their extraordinary achievement.

I want to recognize Manager Doug Simons, Coach Steve Nolan, and Coach Jeff Minnick for their guidance and support to help make this year's team so successful. I also want to congratulate all of this year's team members: Logan Anderson, Cale Fierro, Tanner Hagen, Jonah Hanson, William Hendricks, Matthew Minnick, TJ Nolan, Mark Petereit, Jesse Riddle, Tanner Simons, Carter Wevik, Matthew Wilson, and Alec Winter.

Again, congratulations to the Rapid City Canyon Lake All-Stars on fighting their way to the Little League World Series.●

#### 60TH ANNIVERSARY OF THE BERLIN AIRLIFT

● Mr. JOHNSON. Mr. President, it is with great honor that today I recognize the 60th anniversary of the Berlin Airlift, for which the reunion is being held in Rapid City, SD. The Berlin Airlift Veterans Association will be holding the reunion September 29 through October 3, 2008.

The first skirmishes of the Cold War began with the Soviet blockade of Berlin in 1948, which prevented residents of West Berlin from accessing food and fuel from outside the city indefinitely. Later deemed "the greatest humanitarian airlift in history," American, British, and French Allies supplied the 2 million residents of West Berlin with coal, food, medicine, and other supplies. Through nearly 300,000 flights, 2.5 million tons of supplies were delivered before the USSR lifted the blockade in 1949.

I am proud to have this opportunity to honor those involved in the Berlin

Airlift, and their outstanding service to those in a most dire situation. The 50th anniversary reunion was held in Berlin in 1998, with President Clinton in attendance. Due to the deployment of B-29s from Ellsworth Air Force Base during the airlift, the 60th anniversary celebrations will be held in Rapid City, SD. Again, I commend the hard work and dedication of the American, British, and French pilots involved, and I am very pleased that their substantial efforts are being publicly honored and celebrated.●

#### 125TH ANNIVERSARY OF THE FOUNDING OF EPIPHANY, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I wish to pay tribute to the 125th anniversary of the founding of the city of Epiphany, SD. After 125 years, this progressive community will have a chance to reflect on its past and future, and I congratulate the people of Epiphany for all that they have accomplished.

Dating back to the Louisiana Purchase in 1803, the establishment of the Dakota Territory in 1861, and the Homestead Act of 1862, Epiphany is located in Hanson County in northeast South Dakota. The town witnessed an influx of residents after the arrival of Father William Kroeger in 1893, who was known for his medical studies and work to build the Church of Epiphany. This grand, historic landmark continues to be a beautiful and inspirational symbol of pride to the community and its residents.

Epiphany originally featured several local businesses, including the J.P. Zeihen General Store, a blacksmith, saloon, barbershop, and cream station. Today, the town claims the Coonhunter Inn, the Village Hair Design, J & H Construction, and Denis & Evie Wingen's Appliance Shop.

Epiphany commemorated its anniversary with a celebration on the weekend of August 1-3. Even 125 years after its founding, Epiphany continues to be a vibrant community. I am proud to honor the accomplishments of the people of Epiphany, and congratulate them on this impressive achievement.●

#### 100TH ANNIVERSARY OF SCANDIA LUTHERAN CHURCH

● Mr. JOHNSON. Mr. President, it is with great honor that today I recognize the 100th anniversary of Scandia Lutheran Church in Centerville, SD. This anniversary holds special meaning for my family and I, as my grandfather was previously blessed to be minister of Scandia Lutheran Church.

For many years, the Scandia Lutheran Church has provided extraordinary spiritual assistance to individuals throughout the Centerville community. The church's religious leadership and commitment to education serve to inspire others, and its efforts in providing compassionate and spiritual guidance have enhanced the lives of countless South Dakotans.

I am proud to have this opportunity to honor those, including my grandfather, who have made Scandia Lutheran Church what it is today. The celebration will be held September 13 and 14 with Bishop David Zellmer of the South Dakota Synod Evangelical Lutheran Church of America in attendance. Again, I commend the hard work and dedication of the pastors and congregation of Scandia Lutheran Church, and congratulate them on 100 years of worship.●

#### 30TH ANNIVERSARY OF HORIZON HEALTH CARE

● Mr. JOHNSON. Mr. President, today I honor the board of directors and dedicated staff at Horizon Health Care on its 30th anniversary. In three decades, Horizon Health Care has been transformed into a pillar of the community by providing affordable health care to residents of rural South Dakota.

Beginning as a group of concerned citizens with hopes of providing quality, affordable health care in rural southwest South Dakota, Horizon Health Care began in 1978 as Miner-Hamlin Health Care and Tri-County Health Care. With the help of Federal funding and a steady influx of various physicians, the separate health care entities in the area finally merged in 1998, continuing their mission to serve the area. Horizon Health Care is governed by a volunteer board of directors, comprised of 16 members representing the community, with John Mengenhausen being hired as the chief executive officer in 1983.

I wish to congratulate the current and past directors and caregivers of Horizon Health Care on reaching this milestone for their business, and for their years of service to the community. Once again, I commend the individuals involved in this enterprise and am pleased to see them publicly honored.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

At 3:14 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following resolution:

H. Res. 1415. Resolution relative to the death of the Honorable Stephanie Tubbs Jones, a Representative from the State of Ohio.

The message also announced that the House agrees to the amendment to the Senate to the bill (H.R. 5683) to make certain reforms with respect to the Government Accountability Office, and for other purposes.

The message further announced that the House passed the following bill with an amendment, in which it requests the concurrence of the Senate:

S. 2135. An act to prohibit the recruitment or use of child soldiers, to designate persons who recruit or use child soldiers as inadmissible aliens, to allow the deportation of persons who recruit or use child soldiers, and for other purposes.

The message also announced that the House passed the following bill with amendments, in which it requests the concurrence of the Senate:

S. 2403. An act to designate the new Federal Courthouse, located in the 700 block of East Broad Street, Richmond, Virginia, as the "Spottswood W. Robinson III and Robert Merhige, Jr. Federal Courthouse".

The message further announced that the House passed the following bills, without amendment:

S. 2450. An act to amend the Federal Rules of Evidence to address the waiver of the attorney-client privilege and the work product doctrine.

S. 2837. An act to designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the "Theodore Roosevelt United States Courthouse".

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. AKAKA, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 3023. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to prescribe regulations relating to the notice to be provided claimants with the Department of Veterans Affairs regarding the substantiation of claims (Rept. No. 110-449).

By Mr. DORGAN, from the Committee on Indian Affairs, without amendment:

S. 2494. A bill to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes (Rept. No. 110-450).

#### 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. DORGAN:

S. 3454. A bill to transfer unexpended Iraq reconstruction funds to develop renewable energy and improve energy efficiency in the United States, and for other purposes; to the Committee on Appropriations.

By Mr. DORGAN:

S. 3455. A bill to rescind unexpended Iraq reconstruction funds; to the Committee on Appropriations.

By Mr. ROBERTS (for himself and Mr. BROWNBACK):

S. 3456. A bill to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army Five-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry "Hap" Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth Kansas, to coincide with the celebration of the 132nd anniversary of the founding of the United States Army Command and General Staff College; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FEINGOLD (for himself and Mr. LEAHY):

S. 3457. A bill to reaffirm United States objectives in Ethiopia and encourage critical democratic and humanitarian principles and practices, and for other purposes; to the Committee on Foreign Relations.

By Mr. BUNNING (for himself, Mrs. DOLE, and Mr. ENZI):

S. 3458. A bill to prohibit golden parachute payments for former executives and directors of Fannie Mae and Freddie Mac; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FEINGOLD:

S. 3459. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize a connecting education and emerging professions demonstration grant program; to the Committee on Health, Education, Labor, and Pensions.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRAPO (for himself and Mr. THUNE):

S. Res. 652. A resolution designating the week beginning September 8, 2008, as "National Assisted Living Week"; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 446

At the request of Mr. DURBIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 446, a bill to amend the Public Health Service Act to authorize capitation grants to increase the number of nursing faculty and students, and for other purposes.

S. 582

At the request of Mr. SMITH, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 582, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 897

At the request of Ms. MIKULSKI, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 897, a bill to amend the Internal Revenue Code of 1986 to provide more help to Alzheimer's disease caregivers.

S. 898

At the request of Ms. MIKULSKI, the name of the Senator from North Caro-

lina (Mrs. DOLE) was added as a cosponsor of S. 898, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 1070

At the request of Mrs. LINCOLN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1070, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 1159

At the request of Mr. HAGEL, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1159, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 1376

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1376, a bill to amend the Public Health Service Act to revise and expand the drug discount program under section 340B of such Act to improve the provision of discounts on drug purchases for certain safety net providers.

S. 1430

At the request of Mr. CORNYN, his name was added as a cosponsor of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of \$20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1512

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1512, a bill to amend part E of title IV of the Social Security Act to expand Federal eligibility for children in foster care who have attained age 18.

S. 1556

At the request of Mr. SMITH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1556, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage to designated plan beneficiaries of employees, and for other purposes.

S. 1810

At the request of Mr. BROWNBACK, the names of the Senator from Arizona (Mr. MCCAIN) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1810, a bill to amend the Public Health Service Act to increase the provision of scientifically sound information and support services to patients receiving a positive test diagnosis for Down syndrome or other prenatally and postnatally diagnosed conditions.



S. 2102

At the request of Mr. BINGAMAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2102, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 2227

At the request of Ms. STABENOW, 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. 2319

At the request of Mrs. MURRAY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2319, a bill to ensure the continued and future availability of life saving trauma health care in the United States and to prevent further trauma center closures and downgrades by assisting trauma centers with uncompensated care costs, core mission services, and emergency needs.

S. 2326

At the request of Mrs. HUTCHISON, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2326, a bill to improve the safety of motorcoaches, and for other purposes.

S. 2337

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2337, a bill to amend the Internal Revenue Code of 1986 to allow long-term care insurance to be offered under cafeteria plans and flexible spending arrangements and to provide additional consumer protections for long-term care insurance.

S. 2579

At the request of Mr. INOUE, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Iowa (Mr. HARKIN), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from New Hampshire (Mr. GREGG) 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. 2681

At the request of Mr. INHOFE, the names of the Senator from Illinois (Mr. OBAMA) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 2681, a bill to require the issuance of medals to recognize the dedication and valor of Native American code talkers.

S. 2736

At the request of Mr. KOHL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2736, a bill to amend section 202 of the Housing Act of 1959 to improve the program under such section for supportive housing for the elderly, and for other purposes.

S. 2776

At the request of Ms. CANTWELL, the name of the Senator from Pennsylvania (Mr. CASEY) 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. 2908

At the request of Mr. BROWN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2908, a bill to amend title II of the Social Security Act to prohibit the display of Social Security account numbers on Medicare cards.

S. 2920

At the request of Mr. KERRY, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 2920, a bill to reauthorize and improve the financing and entrepreneurial development programs of the Small Business Administration, and for other purposes.

S. 2921

At the request of Mrs. CLINTON, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2921, a bill to require pilot programs on training and certification for family caregiver personal care attendants for veterans and members of the Armed Forces with traumatic brain injury, to require a pilot program on provision of respite care to such veterans and members, and for other purposes.

S. 3242

At the request of Mrs. LINCOLN, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 3242, a bill to suspend temporarily the duty on digital-to-analog converter boxes, and for other purposes.

S. 3252

At the request of Mr. DODD, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 3252, a bill to amend the Consumer Credit Protection Act, to ban abusive credit practices, enhance consumer disclosures, protect underage consumers, and for other purposes.

S. 3310

At the request of Mr. WYDEN, the name of the Senator from Kansas (Mr.

ROBERTS) 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. 3311

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 3311, a bill to amend the Public Health Service Act to improve mental and behavioral health services on college campuses.

S. 3356

At the request of Mr. CHAMBLISS, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Mexico (Mr. DOMENICI) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of 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.

S. 3377

At the request of Mr. COLEMAN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 3377, a bill to amend title 46, United States Code, to waive the biometric transportation security card requirement for certain small business merchant mariners, and for other purposes.

S. 3380

At the request of Mrs. CLINTON, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 3380, a bill to promote increased public transportation use, to promote increased use of alternative fuels in providing public transportation, and for other purposes.

S. 3406

At the request of Mr. HARKIN, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Texas (Mrs. HUTCHISON), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Hawaii (Mr. INOUE) were added as cosponsors of S. 3406, a bill to restore the intent and protections of the Americans with Disabilities Act of 1990.

S. 3429

At the request of Mr. SCHUMER, the names of the Senator from Illinois (Mr. OBAMA) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 3429, a bill to amend the Internal Revenue Code to provide for an increased mileage rate for charitable deductions.

S. CON. RES. 60

At the request of Mr. BAUCUS, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress relating to negotiating a free trade agreement between the United States and Taiwan.

S. CON. RES. 87

At the request of Mr. SMITH, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Con. Res. 87, a concurrent resolution congratulating the Republic of Latvia on the 90th anniversary of its declaration of independence.

S. RES. 636

At the request of Mr. GRAHAM, the names of the Senator from Kentucky (Mr. MCCONNELL), the Senator from Idaho (Mr. CRAIG), the Senator from Kansas (Mr. BROWNBACK), the Senator from Alaska (Mr. STEVENS), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Texas (Mrs. HUTCHISON), the Senator from New Mexico (Mr. DOMENICI), the Senator from Utah (Mr. BENNETT) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. Res. 636, a resolution recognizing the strategic success of the troop surge in Iraq and expressing gratitude to the members of the United States Armed Forces who made that success possible.

AMENDMENT NO. 4979

At the request of Mr. NELSON of Florida, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of amendment No. 4979 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. 5063

At the request of Mr. SMITH, the name of the Senator from Nebraska (Mr. NELSON) 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.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DORGAN:

S. 3454. A bill to transfer unexpended Iraq reconstruction funds to develop renewable energy and improve energy efficiency in the United States, and for other purposes; to the Committee on Appropriations.

Mr. DORGAN. Mr. President, I am introducing legislation today in two ways, and I will send the bills to the desk following my comments. The first bill is called the Iraq Self-Sufficiency and American Energy Independence Act, and, the second is called the Rescission of Unneeded Iraq Reconstruction Funds Act of 2008.

In a nutshell, the bills say this: We are going to take up to \$11.48 billion

that has been appropriated but not yet expended for Iraq reconstruction, funds that are American taxpayers' dollars and that the Iraqi Government says it does not need, and bring that money back to this country. In the first approach, we would use the funds to substantially increase our renewable energy and make us less dependent on foreign sources of oil. Alternatively, in the second approach, we would use those funds to reduce the deficit. Either is fine with me, and I am introducing it both ways.

Here is the Special Inspector General Report for Iraq Reconstruction. This report shows that there are now \$11.48 billion in U.S. funds destined for Iraq reconstruction.

And let me quote, if I may, the Deputy Prime Minister of Iraq: "Iraq does not need financial assistance."

That is for sure. The price of oil has gone way up like a Roman candle. They are producing 2 million barrels a day in Iraq. They have, by all accounts, somewhere around a \$49 billion surplus in bank accounts for the Government of Iraq, and there have been estimates that will reach a \$79 billion surplus. Meanwhile, our country is deep in debt, and yet we have money going to Iraq for reconstruction coming from American taxpayers' dollars while Iraqi money sits in the bank? It doesn't make any sense to me.

There is \$11.4 billion that has already been appropriated and is as yet unspent. My feeling is let's take the Iraqis at their word: "Iraq does not need financial assistance."

All right, I agree with that. Then let's not provide that financial assistance, and let's tell the Iraqis they have the capability to use their own surpluses to invest in their country.

It is interesting to me that we are now funding something like 900 water projects in the country of Iraq, and President Bush, in his budget, says let's cut back water projects in our country by a very substantial amount. We are going to take American taxpayers' dollars and build water projects in Iraq and stop building infrastructure in this country at a time when they have a big surplus and we have a big deficit? I don't think so.

I have a chart that shows what has happened to the price of oil from July 2003 to July 2008: \$27 a barrel to \$128 a barrel. The country of Iraq is producing 2 million barrels a day, and therefore their treasury is fattening in a way that is very significant.

I have a New York Times story on August 6, just a month ago:

Soaring oil prices will leave the Iraqi Government with a cumulative budget surplus of as much as \$79 billion by year's end, according to an American federal oversight agency. But Iraq has spent only a minute fraction of that on reconstruction costs, which are now largely borne by the United States.

That makes no sense to me. It just makes no sense. I want to show something on page 10 of the special inspector general's report, which is a descrip-

tion of what is going on in Iraq. This is a picture of something called the Whale in Iraq. This is referred to as the Whale in Iraq. It is actually the Kahn Bani Sa'ad Correctional Facility. U.S. taxpayers paid \$40 million to build that prison in Iraq. I am told the Iraqis said they don't want the prison, but \$40 million went to the Parsons Corporation.

Take a look at this photo. I will bring it to the Senate floor in a chart. It is in unbelievable disrepair. Apparently, after the \$40 million, they kicked the contractor off the site, brought another contractor in, and spent another \$10 million. So they have \$50 million invested in something called the Whale, a prison the Iraqis did not want, is not now being used, will never be used, and sits in the desert rotting with 50 million of American taxpayers' dollars having been spent on it. Reconstruction, American taxpayers' dollars, construction in Iraq, in some cases even construction Iraqis don't want.

The question, it seems to me, for us is, are we going to continue this? At some point, is some common sense going to prevail? We shouldn't take money from American taxpayers and send it to Iraq, a country that has substantial surplus in the bank, and build projects in Iraq even while we cut infrastructure projects in our country.

The legislation I am introducing will say we will take \$11.48 billion that is appropriated but as of yet unspent and rescind that spending and use it either to reduce this country's budget deficit or use it to substantially change our energy future so we are less dependent on that part of the world for our energy future.

The funds I am proposing to eliminate are in three categories. One is the IRRF2. It is called the Iraq Relief and Reconstruction Fund, which covers many projects, including, as I just described, the prison which sits unused and falling apart, a \$50 million prison called the Whale. The ISFF is the Iraq Security Forces Fund. A country with currently about \$50 billion in the bank in surplus surely should have the ability now, after these long years of the American taxpayers footing the bill, to provide for infrastructure for their own army and their own police. Finally there is the ESF, the Economic Support Fund, which includes funding for provincial reconstruction teams, microfinance, and so on.

I would note that I am not proposing to cut the Commander's Emergency Response Program, which gives field commanders some discretion to provide funds for local projects.

But I do suggest it is long past the time for this Congress to use just a small amount of common sense. Instead of shoveling money out the door in support of reconstruction projects in Iraq, money we don't have, money we are borrowing from the Chinese and Japanese, by the way, instead of shoveling money out the door to provide money in a country that is piling up its

own surpluses from oil sales, let's decide that which we previously decided to spend will no longer be spent and brought back home. It seems to me we must do that if we are going to begin to put this country's fiscal house in order.

By Mr. FEINGOLD (for himself and Mr. LEAHY):

S. 3457. A bill to reaffirm United States objectives in Ethiopia and encourage critical democratic and humanitarian principles and practices, and for other purposes; to the Committee on Foreign Relations.

Mr. FEINGOLD. Mr. President, today I am pleased to introduce the Support for Democracy and Human Rights in Ethiopia Act of 2008. Senator LEAHY joins me as an original cosponsor. The purpose of this bill is to reaffirm policy objectives towards Ethiopia and encourage greater commitment to the underpinnings of a true democracy—an independent judiciary and the rule of law, respect for human and political rights, and an end to restrictions on the media and non-governmental organizations.

As many in this body know, I have spoken numerous times in recent months about the situation in Ethiopia and I continue to believe that the U.S.-Ethiopian partnership is very important—one of the more critical ones given not only our historic relationship but also Ethiopia's location in an increasingly strategic region. Ethiopia sits on the Horn of Africa—perhaps one of the roughest neighborhoods in the world, with Somalia a failed state and safe haven for terrorists, Eritrea an inaccessible authoritarian government that meddles across national borders, Sudan a genocidal regime, and Kenya still emerging from a profound electoral crisis. One look at the deteriorating situation across the Horn and the importance of a robust relationship with Ethiopia is obvious. And, by contrast with some of its neighbors, Ethiopia appears relatively stable with a growing economy. But I am concerned about a number of anti-democratic actions in that country, particularly since this administration has largely overlooked them.

The security threats in Ethiopia are real but, unfortunately, the Bush administration's approach to addressing these threats and strengthening this alliance remains short-sighted and narrow—focusing predominately on short-term ways to address insecurity while overlooking the need for long-term measures that are needed to achieve the same goal, such as desperately needed governance reform, the rule of law, and increased accountability. Genuine democratic progress in Ethiopia is essential if we are to have a healthy and positive bilateral relationship. It is also essential if we are going to successfully combat extremism, thereby bolstering our own national security here at home.

That is why today I am introducing the Support for Democracy and Human

Rights in Ethiopia Act of 2008—because as our administration fails to balance our priorities in Ethiopia, or to adopt comprehensive strategies to achieve those priorities, we are watching significant backsliding in previously hard-won democratic gains. As we turn a blind eye to the escalating political tensions, people are being thrown in jail without justification and non-government organizations are being restricted, while civilians are dying unnecessarily in the Ogaden region—just like so many before them in Oromiya, Amhara, and Gambella. Furthermore, the Ethiopian military has come under increasing scrutiny for its conduct in the Ogaden as well as Somalia, with credible reports from non-governmental organizations of torture, rape and indiscriminate attacks. By providing unconditioned security assistance we are also sowing the seeds of insecurity and creating new grievances both in Ethiopia and in its neighboring countries.

I want to see greater progress—not less—in Ethiopia which is why this bill authorizes an additional \$20 million for democracy and governance projects in Ethiopia. The addition of these funds would make it one of the top five countries on the continent receiving this kind of assistance from this U.S. Government. This bill calls on the President to take additional steps to implement these programs but also requires that funds made available to the Ethiopian government be subject to regular congressional notification. This ensures U.S. taxpayer dollars are being used appropriately—and used to support a government taking steps to become more democratic, not less.

I make it a practice to pay for all bills I introduce, and the authorization in this bill is offset by a transfer of funds from NASA. Some may disagree with me on the need for an offset, but recent Office of Management and Budget projections confirm that we now have the biggest budget deficit in the history of our country. We cannot afford to be fiscally irresponsible so we must make choices to ensure that our children and grandchildren do not bear the burden of our reckless spending. Instead of cutting specific programs, which are likely to have begun and thus would cost more to close, transferring \$20 million from the general budget would allow appropriators to evaluate, at their discretion, how best to make this transfer.

I ask my colleagues to consider what our own State Department has said about the political situation in Ethiopia and then consider how best to rectify the situation. The 2007 State Department Report on Human Rights notes that in Ethiopia the following occurred: "limitation[s] on citizens' right to change their government during the most recent elections; unlawful killings, and beating, abuse, and mistreatment of detainees and opposition supporters by security forces; poor prison conditions; arbitrary arrest and

detention, particularly of those suspected of sympathizing with or being members of the opposition or insurgent groups; detention of thousands without charge and lengthy pretrial detention; infringement on citizens' privacy rights and frequent refusal to follow the law regarding search warrants; use of excessive force by security services in an internal conflict and counter-insurgency operations; restrictions on freedom of the press; arrest, detention, and harassment of journalists for publishing articles critical of the government; restrictions on freedom of assembly; limitations on freedom of association; violence and societal discrimination against women and abuse of children; female genital mutilation, FGM; exploitation of children for economic and sexual purposes; trafficking in persons; societal discrimination against persons with disabilities and religious and ethnic minorities; and government interference in union activities, including killing and harassment of union leaders."

The continued failure of the administration to acknowledge this reality is emblematic of its insular thinking and unwillingness to see the big picture. Without a balanced policy that addresses both short and long-term concerns in Ethiopia we are putting ourselves at greater risk and making ourselves more vulnerable, not less.

By Mr. FEINGOLD:

S. 3459. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize a connecting education and emerging professions demonstration grant program; to the Committee on Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Mr. President, this week I am introducing a number of different bills designed to fuel job creation and spur economic development. My initiative, dubbed E4, because of its focus on economy, employment, education, and energy, seeks to respond to economic and job development needs both in my State of Wisconsin and around the country. Today I am introducing a bill, the Connecting Education and Emerging Professions Act of 2008, to help promote better collaboration between our Nation's high schools and local, regional, and statewide businesses and workforce development groups.

This legislation seeks to address a couple of interrelated issues. The first issue is the alarmingly high dropout rate in our Nation's high schools. While numbers vary slightly, a growing body of research indicates that the United States has a graduation rate of approximately 70 percent and about one-third of our country's high school students will not graduate on time. Graduation rates for minority and low-income students are even lower, in many cases, alarmingly lower. In addition, many of our Nation's urban school districts report very high dropout rates, including the Milwaukee

Public School District. According to the Cities in Crisis report put out earlier this year by the Editorial Projects in Education Research Center, the Milwaukee Public Schools has a graduation rate of 46.1 percent. Unfortunately, there are at least a dozen large urban districts that have even lower graduation rates than Milwaukee.

One of our top education priorities as a nation must be to address the low graduation rates nationwide in urban, suburban, and rural school districts. We must also work to close the huge opportunity gap that is created by the large disparity in graduation rates between our minority and non-minority students as well as between low income and more affluent students. Solving this problem will require a broad, comprehensive solution involving the Federal, State and local governments. It is my hope that when Congress finally reauthorizes the Elementary and Secondary Education Act, we pay particular attention to the needs of our Nation's high schools and our students.

While many factors contribute to high dropout rates, disengagement from classroom instruction can contribute to a student's decision to drop out. Some students feel that high school is not relevant to their lives and do not see how completing high school will translate into future career and academic success. In this increasingly competitive twenty-first century where postsecondary education is now required for many entry-level jobs, it is up to us to show our Nation's students why it is imperative that they graduate from high school.

Another issue that this bill seeks to address is the growing sense among employers and postsecondary institutions that our Nation's high school students who do graduate are increasingly unprepared for success either in the workforce or in college. Employers in various economic sectors, including technology, manufacturing, health care, construction, and others, report difficulty in identifying qualified candidates for skilled positions. Recent surveys also indicate that many employers are dissatisfied with the overall preparation of secondary school graduates. In order for companies in the United States to be competitive in a global economy, we must have a highly skilled workforce. Adequate preparation at the high school level can help prepare students for entry into our rapidly changing global economy where new emerging industries are cropping up in Wisconsin and around the country.

To address these two interrelated issues, I am introducing the Connecting Education and Emerging Professions Act. My bill would provide 5-year competitive education grants to states and school districts to foster collaboration and discussions between schools, businesses, and others about the emerging industry workforce needs and how to prepare our high school students to meet those needs, both aca-

demically and practically. States and local school districts must use this money to form partnerships with local or regional businesses, postsecondary institutions, workforce development boards, labor organizations, nonprofit organizations and others.

These partnerships will have the responsibility of surveying the local, regional, and statewide emerging industries and deciding what are the academic and work-based skills that our high school students need in order to be successful in these emerging industries. The partnerships will then work together to develop new and engaging curriculum and programs designed to teach the academic and work-based skills that are necessary to succeed in these new emerging industries. Once the partnership has designed a curriculum or program and received approval from the Federal Department of Education, the partnership will work to implement the program in qualifying schools.

During the implementation phase, the partnership will come together to implement hands-on learning and work opportunities for students including internships, apprenticeships, job shadowing, and other career and technical education programs. These hands-on learning and work opportunities will be based on the emerging industry pathways curriculum or program that the eligible partnership has designed and will offer students practical academic experiences and skill-building lessons that they can use in the workplace or in postsecondary education.

This legislation seeks to help schools, businesses, colleges, and the students who would be served by this legislation all talk with each other to build new programs that would help boost student engagement in learning and student attendance and graduation rates while also preparing students for success in the workforce or in college after they graduate. There are a number of successful local and state programs around Wisconsin that this legislation would help support and that served as valuable examples as I developed this legislation.

Wisconsin's Department of Public Instruction, Department of Workforce Development, and various local school districts have all been working to boost Wisconsin's career and technical education offerings and gear these offerings towards emerging industries. My bill seeks to help Wisconsin and other states build on these efforts and engage in additional conversations with interested stakeholders to design new curriculums and programs to prepare students for emerging industries.

I look forward to pushing this legislation forward in the coming weeks and months. Some of our Nation's schools are experiencing high dropout rates in part because students aren't connecting with what they are being taught. At the same time, we're seeing an emergence of new industries, like those aiming to capitalize on alter-

native energies and energy efficiency, that need employers with skills and training in their field. If we help schools connect their students with businesses, workforce development boards, and colleges that offer career and academic opportunities in these new and exciting fields, we can help to lower the alarming dropout rates while helping these emerging industries thrive.

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. 3459

*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 "Connecting Education and Emerging Professions Act of 2008".

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds the following:

(1) The majority of secondary school students in the United States receive some career-related instruction before graduation, and about half of secondary school students have a strong career-related component to their educational programs.

(2) A gap still remains between what students are learning in school and the knowledge required to succeed in the current labor market.

(3) Employers in various economic sectors, including technology, manufacturing, healthcare, construction, and others, report difficulty in identifying qualified candidates for skilled positions.

(4) A survey of more than 400 employers nationwide found that nearly half were dissatisfied with the overall preparation of secondary school graduates.

(5) Almost 40 percent of secondary school graduates report feeling unprepared for the workplace or postsecondary education.

(6) In order for companies in the United States to be competitive in a global economy, the United States must have a highly skilled workforce.

(7) Adequate preparation on the secondary school level can help prepare students to enter high-demand fields in need of skilled workers.

(8) Collaboration between businesses, industries, and education leaders can help determine how best to prepare students for workforce success.

(9) Career-related experiences, such as apprenticeships during secondary education are associated with positive labor market outcomes for students.

(10) The United States has a secondary school graduation rate of 70 percent, and approximately one-third of students entering secondary school will not graduate on time.

(11) Minority and low socioeconomic status students have significantly lower graduation rates.

(12) Disengagement from classroom instruction contributes to student decisions to drop out of school.

(13) Studies indicate a link between career-oriented models of secondary education, dropout rate reduction, and higher earning potential for graduates.

(14) Studies suggest that academic lessons taught in a work context or an applied manner can improve some students' ability to comprehend and retain information.

(b) PURPOSES.—The purposes of this Act are to—

(1) foster improved collaboration among secondary schools, State, regional, and local businesses, institutions of higher education, industry, or workforce development organizations, labor organizations, and other non-profit community organizations to identify emerging industry pathways, as well as the academic skills necessary to improve student success in the workforce or postsecondary education;

(2) address industry and postsecondary education needs for a prepared and skilled workforce;

(3) improve the potential for economic and employment growth in covered communities; and

(4) help address the dropout crisis in the United States by involving students in a collaborative curriculum or program development process related to emerging industry pathways to improve student engagement and attendance in secondary school.

**SEC. 3. CONNECTING EDUCATION AND EMERGING PROFESSIONS DEMONSTRATION GRANT PROGRAM.**

(a) AUTHORIZATION.—Part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7241 et seq.) is amended by adding at the end the following:

**“Subpart 22—Connecting Education and Emerging Professions Demonstration Grant Program**

**“SEC. 5621. DEFINITIONS.**

“In this subpart:

“(1) COVERED COMMUNITY.—The term ‘covered community’ means a town, city, community, region, or State that has—

“(A) experienced a significant percentage job loss in the 5 years prior to the date of enactment of this subpart or is projected to experience a significant percentage job loss within 5 years after the date of enactment of this subpart; or

“(B) an unemployment rate that has increased in the 12 months prior to the date of enactment of this subpart.

“(2) ELIGIBLE PARTNERSHIP.—The term ‘eligible partnership’ means a State educational agency, a consortium of local educational agencies, a local educational agency that collaborates with State, regional, or local businesses, including small businesses, that serve a covered community in which qualifying schools are located, or a regional workforce investment board that serves a covered community in which qualifying schools are located, and at least 1 of the following entities:

“(A) An institution of higher education that provides a 4-year program of instruction.

“(B) An accredited community college.

“(C) An accredited career or technical school or college.

“(D) A tribal college or university.

“(E) A nonprofit community organization.

“(F) A labor organization.

“(3) EMERGING INDUSTRY PATHWAYS.—The term ‘emerging industry pathways’ means industry careers that—

“(A) are estimated to increase in the number of job opportunities in a covered community within the 5 to 7 years after the date of enactment of this subpart;

“(B) require new academic skill sets because of new technology or innovation in the field;

“(C) are important to the growth of the State, region, or local area’s economy; and

“(D) may include—

“(i) green industries;

“(ii) health care industries;

“(iii) advanced manufacturing industries; and

“(iv) programs of study, as described in section 122(c)(1)(A) of the Carl D. Perkins Career and Technical Education Act of 2006.

“(4) QUALIFYING SCHOOL.—The term ‘qualifying school’ means a secondary school that—

“(A) serves students not less than 30 percent of whom are eligible for the school lunch program under the Richard B. Russell National School Lunch Act or an equivalent indicator of poverty established by the Secretary;

“(B) has a graduation rate that is lower than the State average; and

“(C) is located in a covered community.

“(5) SCHOOL- AND WORK-BASED CURRICULUM OR PROGRAM.—The term ‘school- and work-based curriculum or program’ means a curriculum or program that incorporates a combination of school-based instruction and work-based learning opportunities, including internships, work experience programs, apprenticeships, service learning programs, mentorship opportunities, job shadowing, and other career and technical education programs, in an emerging industry pathway.

**“SEC. 5622. PROGRAM AUTHORIZED.**

“(a) IN GENERAL.—The Secretary shall establish and carry out an emerging professions and educational improvement demonstration project, by awarding grants, on a competitive basis, to eligible partnerships.

“(b) PROGRAM PERIODS.—

“(1) IN GENERAL.—The Secretary shall award grants under this subpart for periods of not more than 5 years, of which the eligible partnership shall use—

“(A) not more than 18 months for assessing emerging industry pathways, assessing the academic skills needed for success in such pathways, and developing a school- and work-based curriculum or program to teach such academic skills necessary for success in an emerging industry pathway;

“(B) not more than 48 months for implementing the new emerging industry pathways school- and work-based curriculum or program in qualifying schools; and

“(C) not more than 12 months to disseminate best practices to other State educational agencies, local educational agencies, or schools.

“(2) OVERLAP.—The Secretary may award grant periods under this subpart that overlap.

“(c) PRIORITY.—In awarding grants under this subpart, the Secretary shall give priority to eligible partnerships that—

“(1) serve qualifying schools in which 50 percent or more of the students are eligible for the school lunch program under the Richard B. Russell National School Lunch Act or an equivalent indicator of poverty established by the Secretary;

“(2) serve qualifying schools the majority of which have dropout rates in the top 25 percent statewide;

“(3) pledge to serve the students most at-risk of dropping out within qualifying schools;

“(4) develop school- and work-based curricula and programs serving green industries, health care industries, and advanced manufacturing industries; or

“(5) have a demonstrated record of success in forming collaborative partnerships with businesses, workforce development boards, institutions of higher education, local community and technical colleges, tribal colleges, labor organizations, and other non-profit community organizations.

**“SEC. 5623. APPLICATIONS.**

“An eligible partnership that desires to receive a grant under this subpart shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

“(1) a description of the eligible partnership, including the responsibilities of each

partner and how each partner will meet its responsibilities;

“(2) a description of the statewide, regional, or local emerging industry pathways and labor market needs to be filled;

“(3) a description of how members of the eligible partnership will collaborate with each other and interested community stakeholders to assess the emerging industry pathways in the State, region, or local area;

“(4) a description of how the eligible partnership will engage students from qualifying schools to be served in the design and implementation of the school- and work-based curriculum or program;

“(5) a description of how the eligible partnership will use the assessment of emerging industry pathways to establish a school- and work-based curriculum or program to teach academic and industry skills needed for success in such emerging industries and how these skills will be aligned with existing challenging State academic content standards;

“(6) a description of how teachers, parents or guardians, and school guidance counselors will be consulted by the eligible partnership in the development of the school- and work-based curriculum or program developed under this subpart;

“(7) a description of how the eligible partnership will ensure that teachers and instructors have the necessary training and preparation to teach the school- and work-based curriculum or program developed under this subpart;

“(8) a description of how the school- and work-based curriculum or program developed under this subpart will improve the academic achievement, student attendance, and secondary school completion of at-risk students and such students’ readiness to enter into a career in an emerging industry or pursue postsecondary education;

“(9) a description of how the eligible partnership will design a school- and work-based curriculum or program that meets the unique academic and career development needs of students to be served by the curriculum or program;

“(10) a description of how the school- and work-based curriculum or program will support statewide, regional, or local emerging industries;

“(11) a description of how the eligible partnership will measure and report improvement in academic and student engagement outcomes among students who participate in the school- and work-based curriculum or program developed under this subpart;

“(12) a description of how the eligible partnership will seek to leverage other sources of Federal, State, and local funding to support the development and implementation of the school- and work-based curriculum or program;

“(13) a description of how the eligible partnership will work to create, use, and evaluate individual learning plans and career portfolios for students served under this subpart;

“(14) a description of how the eligible partnership will coordinate such curriculum or program with programs funded under the Carl D. Perkins Career and Technical Education Act of 2006; and

“(15) a description of how the eligible partnership plans to sustain and expand such school- and work-based curriculum or program after the Federal grant period ends.

**“SEC. 5624. PROGRAM ADMINISTRATION.**

“(a) SELECTION.—In awarding grants under this subpart, the Secretary shall—

“(1) consider the information submitted by the eligible partnerships under section 5623;

“(2) prioritize applications in accordance with section 5622(c); and

“(3) select eligible partnerships that submit applications in compliance with section 5623.

“(b) AWARD AMOUNTS.—

“(1) IN GENERAL.—Subject to subsection (c), the Secretary shall award each grant in an amount of not more than \$5,000,000 for a period of not more than 5 years.

“(2) USE OF FUNDS.—An eligible partnership that receives a grant under this subpart shall use—

“(A) not more than 35 percent of the grant funds for designing the emerging industry pathways school- and work-based curriculum or program; and

“(B) not less than 65 percent of the grant funds for implementing the emerging industry pathways school- and work-based curriculum or program in qualifying schools.

“(c) FUNDING TO IMPLEMENT CURRICULA OR PROGRAMS.—The Secretary may not award grant funds under subsection (b)(2)(B) to implement the emerging industry pathways school- and work-based curriculum or program until the Secretary certifies that the eligible partnership is in compliance with the following:

“(1) The eligible partnership has engaged in a collaborative process involving educators and school administrators, including curriculum experts, as well as representatives from local businesses and industry to assess emerging industry demands and the academic knowledge and skills needed to meet those demands.

“(2) The school- and work-based curriculum or program developed by the eligible partnership is aligned with challenging State academic content standards.

“(3) The eligible partnership has consulted with and involved students in qualifying schools in the collaboration process and design of the school- and work-based curriculum or program.

“(4) The eligible partnership has received a commitment from at least 1 qualifying school agreeing to implement the school- and work-based curriculum or program in the qualifying school.

“(5) The school- and work-based curriculum or program will help prepare students for both direct entry into a career in emerging industries and success in postsecondary education.

“(6) The eligible partnership has established a plan to promote the school- and work-based curriculum or program among qualifying schools, businesses, parental groups, and community organizations.

“(d) ELIGIBLE USES OF FUNDS.—

“(1) PLANNING PHASE.—An eligible partnership that receives a grant under this subpart shall use the grant funds in the planning phase for the following:

“(A) Establishing collaborative working groups consisting of educators, school administrators, representatives of local or regional businesses, postsecondary education representatives, representatives from labor organizations, and representatives from non-profit organizations.

“(B) Identifying emerging industry pathways at the State, regional, or local level.

“(C) Identifying the academic and skill gaps that need to be addressed to promote success in the emerging industry pathways identified in subparagraph (B).

“(D) Developing a school- and work-based curriculum or program to teach and integrate the academic and work-based skills, including soft skills, that are needed for success in emerging industry pathways and postsecondary education.

“(E) Creating a comprehensive set of academic and industry skills to be taught across multiple emerging industry pathways.

“(F) Aligning the school- and work-based curriculum or program with challenging State academic content standards.

“(G) Establishing professional development opportunities for educators, business partners, school counselors, and others who will be implementing the school- and work-based curriculum or program.

“(H) Collaborating with multistate regions to develop and identify a school- and work-based curriculum or program that addresses regional emerging industry pathways.

“(2) IMPLEMENTING PHASE.—An eligible partnership that receives a grant under this subpart shall use the grant funds in the implementing phase for the following:

“(A) Integrating the emerging industry pathways school- and work-based curriculum or program into classroom- or work-based instruction.

“(B) Providing professional development opportunities designed around the school- and work-based curriculum or program for educators, business partners, and others.

“(C) Identifying and creating school- and work-based learning curricula or programs for students in such emerging industry pathways.

“(D) Promoting the school- and work-based curriculum or program among school guidance counselors.

“(E) Working with pupil services staff to develop opportunities for career exploration among emerging industry pathways business partners.

“(F) Conducting ongoing evaluations of the school- and work-based curriculum or program, including assessing whether participating students report increased engagement in learning, increased school attendance, and improved success upon entry into the workforce or postsecondary education.

“(G) Purchasing resources, including textbooks, reference materials, assessments, labs, computers, and software, for use in the school- and work-based curriculum or program.

“(3) DISSEMINATION PHASE.—An eligible partnership that receives a grant under this subpart shall use the grant funds in the dissemination phase for the following:

“(A) Evaluating, cataloging, and disseminating best practices from the school- and work-based curriculum or program.

“(B) Disseminating the school- and work-based curriculum or program to—

“(i) the National Research Center for Career and Technical Education;

“(ii) State, regional, and local professional education organizations; and

“(iii) institutions of higher education.

“(e) MATCHING CONTRIBUTIONS.—An eligible partnership that receives a grant under this subpart shall provide, from non-Federal sources, matching funds, which may be provided in cash or in-kind, to carry out the activities supported by the grant, in an amount for which the—

“(1) first year of the grant award shall be equal to 5 percent of the amount of the grant for such year;

“(2) second such year shall be equal to 10 percent of the amount of the grant for such year;

“(3) third such year shall be equal to 15 percent of the amount of the grant for such year;

“(4) fourth such year shall be equal to 20 percent of the amount of the grant for such year; and

“(5) fifth such year shall be equal to 25 percent of the amount of the grant for such year.

“(f) SUPPLEMENT, NOT SUPPLANT.—Grant funds awarded under this subpart shall be used to supplement and not supplant other Federal, State, and local funds available to implement secondary school education pro-

grams or career and technical education programs.

“SEC. 5625. EVALUATION AND REPORTS.

“(a) ANNUAL REPORTS.—An eligible partnership that receives a grant under this subpart shall submit an annual report to the Secretary during the grant period detailing how the eligible partnership is using the grant funds under this subpart, including—

“(1) how the State educational agency or local educational agency that is a member of the partnership collaborated with local businesses, workforce boards, institutions of higher education, and community organizations to assess emerging industry pathways;

“(2) how the eligible partnership has consulted with and involved students in qualifying schools in the design and implementation of the emerging industry pathways school- and work-based curriculum or program;

“(3) the effectiveness of the school- and work-based curriculum or program on improving student engagement, attendance, graduation rates, and preparation for and placement in a career in an emerging industry or in postsecondary education;

“(4) how the eligible partnership has improved its capacity to respond to new workforce development priorities and create educational opportunities that address such new workforce development priorities; and

“(5) any other information the Secretary may reasonably require.

“(b) FINAL REPORTS.—

“(1) IN GENERAL.—An eligible partnership that receives a grant under this subpart shall, at the end of the grant period, collect and prepare a report on the following information:

“(A) The number and percentage of students served by the eligible partnership who—

“(i) graduated from secondary school with a regular high school diploma in the standard number of years;

“(ii) entered into a job in an emerging industry; and

“(iii) enrolled in a postsecondary institution.

“(B) The emerging industry pathways school- and work-based curriculum or program and the—

“(i) successes of such curriculum or program, including placement rates of students in work or postsecondary education and trends in graduation rates in qualifying schools utilizing the school- and work-based curriculum;

“(ii) areas of improvement for the school- and work-based curriculum or program;

“(iii) lessons learned from the implementation of the school- and work-based curriculum or program in secondary schools; and

“(iv) plans to replicate the school- and work-based curriculum or program in other schools or examples of successful replication of the curriculum or program.

“(2) SUBMISSION OF REPORTS.—A report prepared under paragraph (1) shall be submitted to the Secretary of Education and the National Research Center for Career and Technical Education.

“(c) FEDERAL EVALUATION AND REPORT.—Not later than 6 years after the date of enactment of this subpart, the Secretary shall—

“(1) develop and execute a plan for evaluating the emerging industry pathways school- and work-based curricula or programs assisted under this subpart; and

“(2) submit a report to Congress—

“(A) detailing aggregate data on—

“(i) the categories of activities for which eligible partnerships used grant funds under this subpart;

“(ii) the impact of the grants on—  
 “(I) student engagement, attendance, and completion of secondary school; and  
 “(II) the postsecondary placement of students in high-quality emerging industry careers or postsecondary education; and  
 “(iii) promising strategies for improving student engagement, attendance, and completion of secondary school through engaging curricula or programs; and

“(B) that includes any recommendations for improvements that can be made to the grant program under this subpart.

**“SEC. 5626. AUTHORIZATION OF APPROPRIATIONS.**

“(a) IN GENERAL.—From the amounts appropriated to and available for Program Administration with the Departmental Management account in the Department of Education for each of fiscal years 2009 through 2012, there are authorized to be appropriated \$25,000,000 for each of fiscal years 2009 through 2012, respectively, to carry out this subpart.

“(b) SET ASIDE FOR EVALUATION.—Of the amounts appropriated under subsection (a) for a fiscal year, 2 percent shall be set aside for such fiscal year for the Federal evaluation required under section 5625(c).”

(b) TABLE OF CONTENTS.—The table of contents in section 2 of the Elementary and Secondary Education Act of 1965 is amended by inserting after the item relating to section 5618 the following:

“SUBPART 22—CONNECTING EDUCATION AND EMERGING PROFESSIONS DEMONSTRATION GRANT PROGRAM

“Sec. 5621. Definitions.

“Sec. 5622. Program authorized.

“Sec. 5623. Applications.

“Sec. 5624. Program administration.

“Sec. 5625. Evaluation and reports.

“Sec. 5626. Authorization of appropriations.”

**SUBMITTED RESOLUTIONS**

**SENATE RESOLUTION 652—DESIGNATING THE WEEK BEGINNING SEPTEMBER 8, 2008, AS “NATIONAL ASSISTED LIVING WEEK”**

Mr. CRAPO (for himself and Mr. THUNE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 652

Whereas the number of elderly and disabled citizens of the United States is increasing dramatically;

Whereas assisted living is a long-term care service that fosters choice, dignity, independence, and autonomy in the elderly and disabled across the United States;

Whereas the National Center for Assisted Living created National Assisted Living Week;

Whereas the theme of National Assisted Living Week 2008 is “Filling Life with Love”; and

Whereas this theme highlights the privilege, value, and responsibility of passing the legacies of the lives of the elderly and disabled of the United States down through the generations that care for and love them: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week beginning September 8, 2008, as “National Assisted Living Week”; and

(2) urges all people of the United States—

(A) to visit friends and loved ones who reside at assisted living facilities; and

(B) to learn more about assisted living services, including how assisted living services benefit communities in the United States.

**AMENDMENTS SUBMITTED AND PROPOSED ON SEPTEMBER 8, 2008**

SA 5265. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table.

SA 5266. Mr. REID (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5267. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 5268. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table.

SA 5269. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5270. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5271. Mr. VOINOVICH (for himself, Mr. BINGAMAN, Mr. DOMENICI, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5272. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5273. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5274. Mr. SALAZAR (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5275. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5276. Ms. COLLINS (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5277. Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. COLEMAN, Mr. CARPER, Mr. AKAKA, Mr. TESTER, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5278. Mr. WYDEN (for himself, Mr. COLEMAN, Mr. GRASSLEY, Mr. HARKIN, Ms. KLOBUCHAR, Mr. MENENDEZ, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5279. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5280. Mr. VITTER (for himself, Mr. INHOFE, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5281. Mr. NELSON of Nebraska (for himself, Mr. SMITH, Mr. SESSIONS, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5282. Mr. NELSON of Nebraska (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5283. Mr. NELSON, of Nebraska (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5284. Mr. BAYH (for himself, Mr. SESSIONS, Mr. KENNEDY, Mrs. CLINTON, Mr. LIEBERMAN, Mr. OBAMA, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5285. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5286. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5287. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5288. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5289. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5290. Mr. REID proposed an amendment to the bill S. 3001, supra.

SA 5291. Mr. REID proposed an amendment to amendment SA 5290 proposed by Mr. REID to the bill S. 3001, supra.

SA 5292. Mr. REID proposed an amendment to the bill S. 3001, supra.

SA 5293. Mr. REID proposed an amendment to the bill S. 3001, supra.

SA 5294. Mr. REID proposed an amendment to amendment SA 5293 proposed by Mr. REID to the bill S. 3001, supra.

SA 5295. Mr. KYL (for himself, Mr. VITTER, and Mr. INOUE) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5296. Mr. ALLARD (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5297. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5298. Mr. ALLARD (for himself, Mr. COBURN, Mr. VITTER, Mr. CORNYN, Mr. CRAIG, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5299. Mr. CASEY (for himself and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5300. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5301. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5302. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5303. Mr. BINGAMAN (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5304. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5305. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5306. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5307. Mr. BAUCUS (for himself, Mr. CONRAD, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5308. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5309. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5310. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5311. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5312. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5313. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5314. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5315. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5316. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5317. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5318. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5319. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5320. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5321. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5322. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5323. Mr. LEVIN (for Mr. LEAHY (for himself and Mr. BYRD)) proposed an amendment to the bill S. 3001, supra.

SA 5324. Mr. VITTER (for himself, Mr. DEMINT, Mrs. DOLE, Mr. CRAPO, Mr. CORNYN, Mr. COBURN, Mr. BURR, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5325. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5326. Mr. SMITH (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5327. Mr. CHAMBLISS (for himself, Mr. KERRY, Mr. ALEXANDER, Mrs. CLINTON, Mrs. LINCOLN, Mr. JOHNSON, Mr. PRYOR, Mr. SESSIONS, Mr. KENNEDY, Mr. ROBERTS, Mr. NELSON, of Florida, Mr. THUNE, Mr. INHOFE, Mr. SMITH, Mr. ISAKSON, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5328. Mr. HATCH (for himself and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5329. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5330. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5331. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5332. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5333. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5334. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5335. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5336. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5337. Mr. REID (for Mr. BIDEN (for himself, Mr. CASEY, Mr. INHOFE, and Mr. CARPER)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5338. Mr. REID (for Mr. BIDEN (for himself, Mr. KENNEDY, Mrs. MCCASKILL, and Mr. BAYH)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 3001, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS ON SEPTEMBER 8, 2008

**SA 5265.** Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

#### **SEC. 642. MODIFICATION OF OFFSET AGAINST COMBAT-RELATED SPECIAL COMPENSATION FOR CHAPTER 61 DISABILITY RETIREES.**

Section 1413a(b)(3) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking “shall be reduced” and all that follows through “exceeds” and inserting “may not, when combined with the amount of retirement pay payable to the retiree after any reduction under sections 5304 and 5305 of title 38, cause the total of such combination to exceed”; and

(2) in subparagraph (B), by striking “shall be reduced” and all that follows through “exceeds” and inserting “may not, when combined with the amount of retirement pay payable to the retiree after any reduction under sections 5304 and 5305 of title 38, cause the total of such combination to exceed”.

**SA 5266.** Mr. REID (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **SEC. \_\_\_\_ . ACCELERATION OF PHASED-IN ELIGIBILITY FOR CONCURRENT RECEIPT OF BENEFITS.**

Section 1414 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking “December 31, 2013” and inserting “September 30, 2008”; and

(2) in subsection (c)—

(A) by striking “December 31, 2013” and inserting “September 30, 2008”;

(B) in paragraph (5), by inserting after “For a month during 2008” the following: “ending on or before September 30”;

(C) by striking paragraphs (6) through (10); and

(D) by redesignating paragraph (11) as paragraph (6).

**SA 5267.** Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **SEC. \_\_\_\_ . DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON RETIREMENT BENEFITS FOR FORMER EMPLOYEES OF AIR AMERICA.**

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall



submit to Congress a report on the advisability of providing Federal retirement benefits to United States citizens for the service of such individuals before 1977 as employees of Air America or an associated company while such company was owned or controlled by the United States Government and operated or managed by the Central Intelligence Agency.

(b) REPORT ELEMENTS.—

(1) IN GENERAL.—The report required by subsection (a) shall include the following:

(A) The history of Air America and associated companies before 1977, including a description of—

(i) the relationship between such companies and the Central Intelligence Agency and other elements of the United States Government;

(ii) the workforce of such companies;

(iii) the missions performed by such companies and their employees for the United States; and

(iv) the casualties suffered by employees of such companies in the course of their employment with such companies.

(B) A description of the retirement benefits contracted for or promised to the employees of such companies before 1977, the contributions made by such employees for such benefits, the retirement benefits actually paid such employees, the entitlement of such employees to the payment of future retirement benefits, and the likelihood that former employees of such companies will receive any future retirement benefits.

(C) An assessment of the difference between—

(i) the retirement benefits that former employees of such companies have received or will receive by virtue of their employment with such companies; and

(ii) the retirement benefits that such employees would have received and in the future receive if such employees had been, or would now be, treated as employees of the United States whose services while in the employ of such companies had been or would now be credited as Federal service for the purpose of Federal retirement benefits.

(D) Any recommendations regarding the advisability of legislative action to treat employment at such companies as Federal service for the purpose of Federal retirement benefits in light of the relationship between such companies and the United States Government and the services and sacrifices of such employees to and for the United States, and if legislative action is considered advisable, a proposal for such action and an assessment of its costs.

(2) OTHER CONTENT.—The Director of National Intelligence shall include in the report any views of the Director of the Central Intelligence Agency on the matters covered by the report that the Director of the Central Intelligence Agency considers appropriate.

(c) ASSISTANCE OF COMPTROLLER GENERAL.—The Comptroller General of the United States shall, upon the request of the Director of National Intelligence and in a manner consistent with the protection of classified information, assist the Director in the preparation of the report required by subsection (a).

(d) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) DEFINITIONS.—In this section:

(1) AIR AMERICA.—The term “Air America” means Air America, Incorporated.

(2) ASSOCIATED COMPANY.—The term “associated company” means any company associated with or subsidiary to Air America, including Air Asia Company Limited and the Pacific Division of Southern Air Transport, Incorporated.

TEXT OF AMENDMENTS

**SA 5268.** Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

**SEC. 572. ELIGIBILITY OF SPOUSES OF MILITARY PERSONNEL FOR THE WORK OPPORTUNITY CREDIT.**

(a) IN GENERAL.—Paragraph (1) of section 51(d) of the Internal Revenue Code of 1986 is amended by striking “or” at the end of subparagraph (H), by striking the period at the end of subparagraph (I) and inserting “, or”, and by adding at the end the following new subparagraph:

“(J) either—

“(i) a qualified military spouse (as defined in subsection (1)(1)), or

“(ii) subject to subsection (1)(2), an eligible teleworking military spouse.”.

(b) DEFINITIONS AND RULES RELATING TO QUALIFIED MILITARY SPOUSES.—Section 51 of such Code is amended by adding at the end the following new subsection:

“(1) DEFINITION OF QUALIFIED MILITARY SPOUSE; ENHANCED CREDIT FOR ELIGIBLE TELEWORKING MILITARY SPOUSES.—For purposes of this section—

“(1) DEFINITION OF QUALIFIED MILITARY SPOUSE.—For purposes of subsection (d)(1)(J), the term ‘qualified military spouse’ means any individual (other than an eligible teleworking military spouse) who is certified by the designated local agency as being a spouse (determined as of the hiring date) of a member of the Armed Forces of the United States who is serving on a period of extended active duty which includes the hiring date. For purposes of the preceding sentence, the term ‘extended active duty’ means any period of active duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

“(2) ENHANCED CREDIT FOR ELIGIBLE TELEWORKING MILITARY SPOUSES.—

“(A) IN GENERAL.—Notwithstanding subsection (a), in the case of an employer with respect to whom an individual is an eligible teleworking military spouse by reason of employment with such employer described in subparagraph (B), the credit determined under this section—

“(i) shall be allowable for any taxable year which includes any portion of the eligibility period with respect to the spouse, and

“(ii) shall, with respect to any such taxable year, be equal to 40 percent of the qualified wages paid by the employer with respect to such employment occurring during such portion of the eligibility period.

“(B) ELIGIBLE TELEWORKING MILITARY SPOUSE.—For purposes of subsection (d)(1)(J) and this paragraph, the term ‘eligible teleworking military spouse’ means, with respect to any employer, an individual—

“(i) who is certified by the designated local agency as being a spouse (determined as of the hiring date) of a member of a regular component of the Armed Forces of the United States,

“(ii) substantially all of whose employment with the employer is reasonably expected to consist of services performed at the principal residence (within the meaning of section 121) of the individual, and

“(iii) whose qualified wages (expressed as an annual amount) for services performed for

the employer are reasonably expected to equal or exceed an amount equal to 150 percent of the median annual earnings for the United States (determined on the basis of the most recent occupational employment survey published by the Bureau of Labor Statistics before the calendar year in which the taxable year begins).

“(C) ELIGIBILITY PERIOD.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘eligibility period’ means, with respect to any individual who is an eligible teleworking military spouse, the period—

“(I) beginning on the hiring date of the individual, and

“(II) except as provided in clause (ii), ending on the earlier of the last day of the employment described in subparagraph (B) or the last day of the taxable year in which occurs the date on which the individual’s spouse ceases to be a member of a regular component of the Armed Forces of the United States.

“(ii) FAILURE TO MEET EMPLOYMENT AND WAGE REQUIREMENTS.—If the requirements of clauses (ii) and (iii) of subparagraph (B) are not met with respect to any individual for any taxable year—

“(I) the individual shall cease to be an eligible teleworking military spouse with respect to the employer as of the beginning of the taxable year, and

“(II) the employer shall not treat the individual as an eligible teleworking military spouse for any subsequent taxable year.

This clause shall not apply to any failure which is due to unforeseen circumstances or is beyond the control of the employer.

“(D) QUALIFIED WAGES.—The term ‘qualified wages’ has the meaning given such term by subsection (b)(1), except that the amount of wages which may be taken into account with respect to any eligible teleworking military spouse for any taxable year shall not exceed \$12,000.”.

(c) EFFECTIVE DATE.—The amendments made this section shall apply to amounts paid or incurred after the date of the enactment of this Act to individuals who begin work for the employer after such date.

**SA 5269.** Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

**SEC. 572. FEDERAL EMPLOYMENT PREFERENCES FOR MILITARY SPOUSES.**

(a) ELIGIBILITY OF MILITARY SPOUSES FOR PREFERENCE.—Section 2108(3) of title 5, United States Code, is amended—

(1) in subparagraph (F)(iii), by striking “; and” and inserting a semicolon;

(2) in subparagraph (G)(iii), by striking the semicolon at the end and inserting “; and”; and

(3) by inserting after subparagraph (G) the following new subparagraph:

“(H) the wife or husband of an individual serving on active duty or with orders to report for a period of active duty in excess of 90 days or for an indefinite period;”.

(b) ELIGIBILITY FOR ADDITIONAL POINTS ABOVE EARNED RATING ON COMPETITIVE SERVICE EXAMINATIONS.—Section 3309(2) of such title is amended to read as follows:

“(2) a preference eligible under subparagraphs (A), (B), or (H) of section 2108(3) of this title—5 points.”.

**SA 5270.** Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table, as follows:

At the end of subtitle F of title V, add the following:

**SEC. 572. REPORT ON CREATING WORK OPPORTUNITIES FOR UNDERGRADUATE AND GRADUATE LEVEL EDUCATED MILITARY SPOUSES.**

(a) **STUDY.**—The Under Secretary of Defense for Personnel and Readiness, in conjunction with the Deputy Under Secretary of Defense for Military Community and Family Policy, shall conduct a study of the challenges that face qualified military spouses who possess an undergraduate or graduate level education in finding and maintaining employment during the terms of service of their active duty spouses.

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Under Secretary of Defense for Personnel and Readiness, shall submit to the congressional committees a report on the study conducted under subsection (a).

(2) **ELEMENTS.**—The report required under paragraph (1) shall include the following elements:

(A) A description of the major challenges that face qualified military spouses who possess an undergraduate or graduate level education in finding and maintaining employment during the terms of service of their spouses.

(B) A listing of significant incentive programs the Department of Defense could utilize to create incentives for the hiring of undergraduate and graduate level qualified military spouses, including those the Department can implement independently and those that require statutory changes.

(C) A description of the resources available to qualified military spouses with graduate and undergraduate educations for assistance in finding and maintaining employment.

(D) An examination of the retention implications of insufficient employment opportunities for qualified military spouses with undergraduate or graduate level educations.

(E) A description of current programs to assist qualified military spouses with undergraduate and graduate level educations in securing telecommuting and home office employment.

(c) **QUALIFIED MILITARY SPOUSE DEFINED.**—In this section, the term “qualified military spouse” means a spouse of a member of the Armed Forces who is serving on a period of extended active duty which includes the hiring date. For purposes of the preceding sentence, the term “extended active duty” means any period of active duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

**SA 5271.** Mr. VOINOVICH (for himself, Mr. BINGAMAN, Mr. DOMENICI, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table, as follows:

On page 329, after line 14, add the following:

**SEC. 1110. DIRECT HIRE AUTHORITY FOR CERTAIN POSITIONS AT PERSONNEL DEMONSTRATION LABORATORIES.**

(a) **AUTHORITY.**—The Secretary of Defense may make appointments to positions described in subsection (b) without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of such title.

(b) **POSITIONS DESCRIBED.**—This section applies to candidates possessing an advanced degree with respect to any scientific or engineering position within a laboratory identified in section 9902(c)(2) of title 5, United States Code.

(c) **LIMITATION.**—(1) Authority under this section may not, in any calendar year and with respect to any laboratory, be exercised with respect to a number of positions greater than the number equal to 2 percent of the total number of positions within such laboratory that are filled as of the close of the fiscal year last ending before the start of such calendar year.

(2) For purposes of this subsection, positions shall be counted on a full-time equivalent basis.

(d) **EMPLOYEE DEFINED.**—As used in this section, the term “employee” has the meaning given such term by section 2105 of title 5, United States Code.

(e) **TERMINATION.**—The authority to make appointments under this section shall not be available after December 31, 2013.

**SA 5272.** Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table, as follows:

At the end of subtitle C of title XIV, add the following:

**SEC. 1433. LANGUAGE AND INTELLIGENCE ANALYST TRAINING PROGRAM.**

(a) **IN GENERAL.**—Section 922 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 50 U.S.C. 402 note) is amended to read as follows:

**“SEC. 922. LANGUAGE AND INTELLIGENCE ANALYST TRAINING PROGRAM.**

“(a) **DEFINITIONS.**—In this section:

“(1) **DIRECTOR.**—The term ‘Director’ means the Director of National Intelligence.

“(2) **INSTITUTION OF HIGHER EDUCATION.**—The term ‘institution of higher education’ has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

“(3) **INTELLIGENCE COMMUNITY.**—The term ‘intelligence community’ has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

“(4) **PROGRAM.**—The term ‘program’ means the grant program to promote language and intelligence analysis training authorized by subsection (b).

“(b) **AUTHORITY.**—The Director is authorized to carry out a grant program to promote language and intelligence analysis, as described in this section.

“(c) **PURPOSE.**—The purpose of the program shall be to increase the number of individuals qualified for an entry-level language analyst or intelligence analyst position within an element of the intelligence community by providing—

“(1) grants to qualified institutions of higher education, as described in subsection (d); and

“(2) grants to qualified individuals, as described in subsection (e).

“(d) **GRANTS TO INSTITUTIONS OF HIGHER EDUCATION.**—(1) The Director is authorized to provide a grant through the program to an institution of higher education to develop a course of study to prepare students of such institution for an entry-level language analyst or intelligence analyst position within an element of the intelligence community.

“(2) An institution of higher education seeking a grant under this subsection shall submit an application describing the proposed use of the grant at such time and in such manner as the Director may require.

“(3) The Director shall award a grant to an institution of higher education under this subsection—

“(A) on the basis of the ability of such institution to use the grant to prepare students for an entry-level language analyst or intelligence analyst position within an element of the intelligence community upon completion of study at such institution; and

“(B) in a manner that provides for geographical diversity among the institutions of higher education that receive such grants.

“(4) An institution of higher education that receives a grant under this subsection shall submit to the Director regular reports regarding the use of such grant, including—

“(A) a description of the benefits to students who participate in the course of study funded by such grant;

“(B) a description of the results and accomplishments related to such course of study; and

“(C) any other information that the Director may require.

“(5) The Director is authorized to provide an institution of higher education that receives a grant under this section with advice and counsel related to the use of such grant.

“(e) **GRANTS TO INDIVIDUALS.**—(1) The Director is authorized to provide a grant through the program to an individual to assist such individual in pursuing a course of study—

“(A) identified by the Director as meeting a current or emerging mission requirement of an element of the intelligence community; and

“(B) that will prepare such individual for an entry-level language analyst or intelligence analyst position within an element of the intelligence community.

“(2) The Director is authorized to provide a grant described in paragraph (1) to an individual for the following purposes:

“(A) To provide a monthly stipend for each month that the individual is pursuing a course of study described in paragraph (1).

“(B) To pay the individual’s full tuition to permit the individual to complete such a course of study.

“(C) To provide an allowance for books and materials that the individual requires to complete such course of study.

“(D) To pay the individual’s expenses for travel that is requested by an element of the intelligence community related to the program.

“(3)(A) The Director shall select individuals to receive grants under this subsection using such procedures as the Director determines are appropriate.

“(B) An individual seeking a grant under this subsection shall submit an application describing the proposed use of the grant at

such time and in such manner as the Director may require.

“(C) The total number of individuals receiving grants under this subsection at any 1 time may not exceed 400.

“(D) The Director is authorized to screen and qualify each individual selected to receive a grant under this subsection for the appropriate security clearance without regard to the date that the employment relationship between the individual and the element of the intelligence community is formed.

“(4) An individual who receives a grant under this subsection shall enter into an agreement to perform, upon such individual's completion of a course of study described in paragraph (1), 1 year of service within an element of the intelligence community, as approved by the Director, for each academic year for which such individual received grant funds under this subsection.

“(5) If an individual who receives a grant under this subsection—

“(A) fails to complete a course of study described in paragraph (1) or the individual's participation in the program is terminated prior to the completion of such course of study, either by the Director for misconduct or voluntarily by the individual, the individual shall reimburse the United States for the amount of such grant (excluding the individual's stipend, pay, and allowances); or

“(B) fails to complete the service requirement with an element of the intelligence community described in paragraph (4) after completion of such course of study or if the individual's employment with such element of the intelligence community is terminated either by the head of such element for misconduct or voluntarily by the individual prior to the individual's completion of such service requirement, the individual shall—

“(i) reimburse the United States for full amount of such grant (excluding the individual's stipend, pay, and allowances) if the individual did not complete any portion of such service requirement; or

“(ii) reimburse the United States for the percentage of the total amount of such grant (excluding the individual's stipend, pay, and allowances) that is equal to the percentage of the period of such service requirement that the individual did not serve.

“(6)(A) If an individual incurs an obligation to reimburse the United States under subparagraph (A) or (B) of paragraph (5), the head of the element of the intelligence community that employed or intended to employ such individual shall notify the Director of such obligation.

“(B) Except as provided in subparagraph (D), an obligation to reimburse the United States incurred under such subparagraph (A) or (B), including interest due on such obligation, is for all purposes a debt owing the United States.

“(C) A discharge in bankruptcy under title 11, United States Code, shall not release an individual from an obligation to reimburse the United States incurred under such subparagraph (A) or (B) if the final decree of the discharge in bankruptcy is issued within 5 years after the last day of the period of the service requirement described in subparagraph (4).

“(D) The Director may release an individual from part or all of the individual's obligation to reimburse the United States incurred under such subparagraph (A) or (B) if the Director determines that equity or the interests of the United States require such a release.

“(f) MANAGEMENT.—In carrying out the program, the Director shall—

“(1) be responsible for the oversight of the program and the development of policy guid-

ance and implementing procedures for the program;

“(2) solicit participation of institutions of higher education in the program through appropriate means; and

“(3) provide each individual who participates in the program under subsection (e) information on opportunities available for employment within an element of the intelligence community.

“(g) PENALTIES FOR FRAUD.—An institution of higher education or the officers of such institution or an individual who receives a grant under the program as a result of fraud in any aspect of the grant process may be subject to criminal or civil penalties in accordance with applicable Federal law.

“(h) CONSTRUCTION.—Unless mutually agreed to by all parties, nothing in this section may be construed to amend, modify, or abrogate any agreement, contract, or employment relationship that was in effect on the day prior to the date of enactment of the National Defense Authorization Act for Fiscal Year 2009.

“(i) EFFECT OF OTHER LAW.—The Director shall administer the program pursuant to the provisions of chapter 63 of title 31, United States Code and chapter 75 of such title, except that the Comptroller General of the United States shall have no authority, duty, or responsibility in matters related to this program.”.

(b) CLERICAL AMENDMENTS.—

(1) IN GENERAL.—The table of contents in section 2(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 1811) is amended by striking the item relating to section 922 and inserting the following:

“Sec. 922. Language and intelligence analyst training program.”.

(2) TITLE IX.—The table of contents in that appears before subtitle A of title IX of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2023) is amended by striking the item relating to section 922 and inserting the following:

“Sec. 922. Language and intelligence analyst training program.”.

**SA 5273.** Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

**SEC. 1068. PROVISION TO INJURED MEMBERS OF THE ARMED FORCES OF INFORMATION CONCERNING BENEFITS.**

Section 1651 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 476; 10 U.S.C. 1071 note) is amended to read as follows:

**“SEC. 1651. HANDBOOK FOR MEMBERS OF THE ARMED FORCES ON COMPENSATION AND BENEFITS AVAILABLE FOR SERIOUS INJURIES AND ILLNESSES.**

“(a) INFORMATION ON AVAILABLE COMPENSATION AND BENEFITS.—Not later than October 1, 2008, the Secretary of Defense shall develop and maintain, in a handbook and on a publically-available Internet website, a comprehensive description of the compensation and other benefits to which a member of the Armed Forces, and the family of such member, would be entitled upon the separation or retirement of the member from the Armed

Forces as a result of a serious injury or illness.

“(b) CONTENTS.—The handbook and Internet website shall include the following:

“(1) The range of compensation and benefits based on grade, length of service, degree of disability at separation or retirement, and other factors affecting compensation and benefits as the Secretary considers appropriate.

“(2) Information concerning the Disability Evaluation System of each military department, including—

“(A) an explanation of the process of the Disability Evaluation System;

“(B) a general timeline of the process of the Disability Evaluation System;

“(C) the role and responsibilities of the military department throughout the process of the Disability Evaluation System; and

“(D) the role and responsibilities of a member of the Armed Forces throughout the process of the Disability Evaluation System.

“(3) Benefits administered by the Department of Veterans Affairs that a member of the Armed Forces would be entitled upon the separation or retirement from the Armed Forces as a result of a serious injury or illness.

“(4) The 20 most common serious injuries or illnesses that result in a member of the Armed Forces separating or retiring from the Armed Forces, and the benefits associated with each injury or illness.

“(5) A list of State veterans service organizations and nonprofit veterans service organizations, and their contact information and Internet website addresses.

“(c) CONSULTATION.—The Secretary of Defense shall develop and maintain the comprehensive description required by subsection (a) in consultation with the Secretary of Veterans Affairs, the Secretary of Health and Human Services, and the Commissioner of Social Security.

“(d) UPDATE.—The Secretary of Defense shall update the comprehensive description required by subsection (a) on a periodic basis, but not less often than annually.

“(e) PROVISION TO MEMBERS.—The Secretary of the military department concerned shall provide the handbook to each member of the Armed Forces under the jurisdiction of that Secretary as soon as practicable following an injury or illness for which the member may retire or separate from the Armed Forces.

“(f) PROVISION TO REPRESENTATIVES.—If a member is incapacitated or otherwise unable to receive the handbook, the handbook shall be provided to the next of kin or a legal representative of the member, as determined in accordance with regulations prescribed by the Secretary of the military department concerned for purposes of this section.”.

**SA 5274.** Mr. SCHUMER (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1083. ESTABLISHMENT OF NATIONAL CEMETERY IN SOUTHERN COLORADO REGION.**

(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 El Paso County, Colorado, to serve the needs of veterans and their families in the southern Colorado region.

(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 Colorado and local officials in the southern Colorado 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 El Paso County, Colorado, 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) RELATIONSHIP TO CONSTRUCTION AND FIVE YEAR CAPITAL PLAN.—The requirement to establish a national cemetery under subsection (a) shall be added to the current list of priority projects, but should not take priority over existing projects listed on the National Cemetery Administration's construction and five-year capital plan for fiscal year 2008.

(f) SOUTHERN COLORADO REGION DEFINED.—In this Act, the term "southern Colorado region" means the geographic region consisting of the following Colorado counties:

- (1) El Paso.
- (2) Pueblo.
- (3) Teller.
- (4) Fremont.
- (5) Las Animas.
- (6) Huerfano.
- (7) Custer.
- (8) Costilla.
- (9) Alamosa.
- (10) Saguache.
- (11) Conejos.
- (12) Mineral.
- (13) Archuleta.
- (14) Hinsdale.
- (15) Gunnison.
- (16) Pitkin.
- (17) La Plata.
- (18) Montezuma.
- (19) San Juan.
- (20) Ouray.
- (21) San Miguel.
- (22) Dolores.
- (23) Montrose.
- (24) Delta.
- (25) Mesa.
- (26) Crowley.
- (27) Kiowa.
- (28) Bent.
- (29) Baca.

**SA 5275.** Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_.** **THEME STUDY FOR COMMEMORATING AND INTERPRETING THE COLD WAR.**

(a) DEFINITIONS.—In this section:

(1) ADVISORY COMMITTEE.—The term "Advisory Committee" means the Cold War Advisory Committee established under subsection (c).

(2) THEME STUDY.—The term "theme study" means the national historic landmark theme study conducted under subsection (b)(1).

(b) COLD WAR THEME STUDY.—

(1) IN GENERAL.—The Secretary of the Interior shall conduct a national historic landmark theme study to identify sites and resources in the United States that are significant to the Cold War.

(2) RESOURCES.—In conducting the theme study, the Secretary of the Interior shall consider—

(A) the inventory of sites and resources associated with the Cold War completed by the Secretary of Defense under section 8120(b)(9) of the Department of Defense Appropriations Act, 1991 (Public Law 101-511; 104 Stat. 1906); and

(B) historical studies and research of Cold War sites and resources, including—

- (i) intercontinental ballistic missiles;
- (ii) flight training centers;
- (iii) manufacturing facilities;
- (iv) communications and command centers (such as Cheyenne Mountain, Colorado);
- (v) defensive radar networks (such as the Distant Early Warning Line);
- (vi) nuclear weapons test sites (such as the Nevada test site); and
- (vii) strategic and tactical aircraft.

(3) CONTENTS.—The theme study shall include—

(A) recommendations for commemorating and interpreting sites and resources identified by the theme study, including—

- (i) sites for which studies for potential inclusion in the National Park System should be authorized;
- (ii) sites for which new national historic landmarks should be nominated; and
- (iii) other appropriate designations;

(B) recommendations for cooperative agreements with—

- (i) State and local governments;
- (ii) local historical organizations; and
- (iii) other appropriate entities; and

(C) an estimate of the amount required to carry out the recommendations under subparagraphs (A) and (B).

(4) CONSULTATION.—In conducting the theme study, the Secretary of the Interior shall consult with—

- (A) the Secretary of the Air Force;
- (B) State and local officials;
- (C) State historic preservation offices; and
- (D) other interested organizations and individuals.

(5) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes the findings, conclusions, and recommendations of the theme study.

(c) COLD WAR ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—As soon as practicable after funds are made available to carry out

this section, the Secretary of the Interior shall establish an advisory committee, to be known as the "Cold War Advisory Committee", to assist the Secretary of the Interior in carrying out this section.

(2) COMPOSITION.—The Advisory Committee shall be composed of 9 members, to be appointed by the Secretary of the Interior, of whom—

(A) 3 shall have expertise in Cold War history;

(B) 2 shall have expertise in historic preservation;

(C) 1 shall have expertise in the history of the United States; and

(D) 3 shall represent the general public.

(3) CHAIRPERSON.—The Advisory Committee shall select a chairperson from among the members of the Advisory Committee.

(4) COMPENSATION.—A member of the Advisory Committee shall serve without compensation but may be reimbursed by the Secretary of the Interior for expenses reasonably incurred in the performance of the duties of the Advisory Committee.

(5) MEETINGS.—On at least 3 occasions, the Secretary of the Interior (or a designee) shall meet and consult with the Advisory Committee on matters relating to the theme study.

(d) INTERPRETIVE HANDBOOK ON THE COLD WAR.—Not later than 4 years after the date on which funds are made available to carry out this section, the Secretary of the Interior shall—

(1) prepare and publish an interpretive handbook on the Cold War; and

(2) disseminate information in the theme study by other appropriate means.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$500,000.

**SA 5276.** Ms. COLLINS (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

Strike section 812 and insert the following:

**SEC. 812. CONTINGENCY CONTRACTING CORPS.**

(a) IN GENERAL.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

**"SEC. 44. CONTINGENCY CONTRACTING CORPS.**

"(a) ESTABLISHMENT.—The Administrator shall establish a government-wide Contingency Contracting Corps (in this section, referred to as the 'Corps'). The members of the Corps shall be available for deployment in responding to disasters, natural and man-made, and contingency operations both within and outside the continental United States.

"(b) MEMBERSHIP.—Membership in the Corps shall be voluntary and open to all Federal employees, including uniformed members of the Armed Services, who are currently members of the Federal acquisition workforce.

"(c) EDUCATION AND TRAINING.—The Administrator may establish additional educational and training requirements, and may pay for these additional requirements from funds available in the acquisition workforce training fund.

"(d) SALARY.—The salaries for members of the Corps shall be paid by their parent agencies out of existing appropriations.

“(e) AUTHORITY TO DEPLOY THE CORPS.—The Administrator, or the Administrator’s designee, shall have the authority, upon the request of an executive agency, to determine when civilian agency members of the Corps shall be deployed, in consultation with the head of the agency or agencies employing the members to be deployed. With respect to members of the Corps who are also members of the Armed Forces or civilian personnel of the Department of Defense, the Secretary of Defense, or the Secretary’s designee, must concur in the Administrator’s deployment determinations.

“(f) ANNUAL REPORT.—

“(1) IN GENERAL.—The Administrator shall provide to the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate and the Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives an annual report on the status of the Contingency Contracting Corps.

“(2) CONTENT.—At a minimum, each report under paragraph (1) shall include the number of members of the Contingency Contracting Corps, the fully burdened cost of operating the program, the number of deployments of members of the program, and the performance of members of the program in deployment.”

(b) 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. 44. Contingency Contracting Corps.”

**SA 5277.** Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. COLEMAN, Mr. CARPER, Mr. AKAKA, Mr. TESTER, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by her to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

On page 240, between lines 6 and 7, insert the following:

**Subtitle G—Governmentwide Contracting Provisions**

**SEC. 861. SHORT TITLE.**

This subtitle may be cited as the “Accountability in Government Contracting Act”.

**SEC. 862. DEFINITIONS.**

In this subtitle:

(1) Except as otherwise provided, the term “executive agency” has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(2) The term “assisted acquisition” means the type of interagency contracting through which acquisition officials of an agency (the servicing agency) award a contract or task or delivery order for the procurement of goods or services on behalf of another agency (the requesting agency). The term includes acquisitions under section 1535 of title 31, United States Code (commonly referred to as the “Economy Act”), title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), the Clinger-Cohen Act of 1996 (division E of Public Law 104-106), and the Government Management Reform Act of 1994 (Public Law 103-356; 108 Stat. 3410).

(3) The term “multi-agency contract” means a task-order or delivery-order contract established for use by more than one

agency to obtain supplies and services, consistent with the Economy Act (31 U.S.C. 1535). The term does not include contracts established and used solely within one executive department or independent establishment, as those terms are specified in section 101 of title 5, United States Code, and defined in section 104(1) of such title, respectively.

**SEC. 863. FEDERAL ACQUISITION WORKFORCE.**

(a) DESIGNATION OF ACQUISITION WORKFORCE.—

(1) IN GENERAL.—Section 37 of the Office of Federal Procurement Policy Act (41 U.S.C. 433) is amended by adding at the end the following new subsection:

“(j) ACQUISITION WORKFORCE DESIGNATION.—

“(1) IN GENERAL.—The Federal Acquisition Regulation shall be amended to designate those positions that are acquisition positions in all executive agencies except the Department of Defense. Such positions shall principally perform duties and have responsibilities related to acquisition (as that term is defined in section 4).

“(2) REQUIRED POSITIONS.—The positions designated under paragraph (1) shall include, at a minimum, the following positions:

- “(A) Program management.
- “(B) Systems planning, research, development, engineering, and testing.
- “(C) Procurement, including contracting.
- “(D) Industrial property management.
- “(E) Logistics.
- “(F) Quality control and assurance.
- “(G) Manufacturing and production.
- “(H) Business, cost estimating, financial management, and auditing.
- “(I) Education, training, and career development.
- “(J) Construction.
- “(K) Joint development and production with other executive agencies and foreign countries.

“(3) MANAGEMENT HEADQUARTERS ACTIVITIES.—The positions designated under paragraph (1) may include positions that are in management headquarters activities and in management headquarters support activities and perform acquisition-related functions.

“(4) OTHER ACQUISITION POSITIONS.—The Federal Acquisition Regulation, as amended under paragraph (1), may provide that the Chief Acquisition Officer or Senior Procurement Executive, as appropriate, of an executive agency may designate as acquisition positions those additional positions that perform significant acquisition-related functions within that agency.

“(5) DATABASE IDENTIFICATION OF ACQUISITION WORKFORCE.—The Director of the Office of Management and Budget, in conjunction with the Director of the Office of Personnel Management, shall add a data element to the appropriate database to allow for the identification and tracking of members of the Federal acquisition workforce.

“(6) APPLICABILITY.—The Department of Defense shall continue to be subject to the guidelines under section 1721 of title 10, United States Code.”

(2) DEADLINE FOR REGULATIONS.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended as described under subsection (j) of section 37 of the Office of Federal Procurement Policy Act (41 U.S.C. 433), as added by paragraph (1).

(3) REPORT.—Not later than one year after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on the designation of acquisition positions pursuant to subsection

(j) of section 37 of the Office of Federal Procurement Policy Act (41 U.S.C. 433), as added by paragraph (1).

(b) GOVERNMENT-WIDE ACQUISITION INTERN PROGRAM.—

(1) IN GENERAL.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

**“SEC. 44. GOVERNMENT-WIDE ACQUISITION INTERN PROGRAM.**

“(a) ESTABLISHMENT OF PROGRAM.—The Administrator, in consultation with the Director of the Office of Personnel and Management, shall establish a government-wide Acquisition Intern Program to strengthen the ability of the Federal acquisition workforce to carry out its key missions through the Federal procurement process. The Administrator shall have a goal of involving not less than 200 college graduates per year in the Acquisition Intern Program.

“(b) ADMINISTRATION OF PROGRAMS.—The Associate Administrator for Acquisition Workforce Programs designated under section 855(a) of the National Defense Authorization Act for Fiscal Year 2008 (41 U.S.C. 433a(a)) shall be responsible for the management, oversight, and administration of the Acquisition Intern Program and shall give consideration to integrating existing intern programs.

“(c) TERMS OF ACQUISITION INTERN PROGRAM.—

“(1) BUSINESS-RELATED COURSE WORK REQUIREMENT.—

“(A) IN GENERAL.—Each participant in the Acquisition Intern Program shall have completed 24 credit hours of business-related college course work by not later than 3 years after admission into the program.

“(B) CERTIFICATION CRITERIA.—The Administrator shall establish criteria for certifying the completion of the course work requirement under subparagraph (A).

“(2) STRUCTURE OF PROGRAM.—The Acquisition Intern Program shall consist of one year of preparatory education and training in Federal procurement followed by 3 years of on-the-job training and development focused on Federal procurement but including rotational assignments in other functional areas.

“(3) EMPLOYMENT STATUS OF INTERNS.—Interns participating in the Acquisition Intern Program shall be considered probationary employees without civil service protections under chapter 33 of title 5, United States Code. In administering any personnel ceiling applicable to an executive agency or a unit of an executive agency, an individual assigned as an intern under the program shall not be counted.

“(4) EMPLOYMENT STATUS OF CURRENT FEDERAL EMPLOYEES.—Current Federal employees may participate in the Acquisition Intern Program without losing existing benefits and rights.

“(5) AGENCY MANAGEMENT OF PROGRAM.—The Chief Acquisition Officer or the Senior Procurement Executive of each executive agency, as appropriate, in consultation with the Chief Human Capital Officer of such agency, shall establish a central intern management function in the agency to supervise and manage interns participating in the Acquisition Intern Program.”

(2) 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. 44. Government-wide Acquisition Intern Program.”

(c) ACQUISITION WORKFORCE DEVELOPMENT FUND.—

(1) ESTABLISHMENT.—There is hereby established in the Treasury of the United States a

fund to be known as the “Acquisition Workforce Development Fund” (in this subsection referred to as the “Fund”).

(2) USE OF FUNDS.—Amounts in the Fund shall be used for—

(A) the establishment and operations of the Acquisition Intern Program and the Contingency Contracting Corps; and

(B) the costs of administering the Fund, not to exceed 10 percent of the total funds available in the Fund.

(3) DEPOSITS TO FUND.—The Fund shall consist of amounts appropriated or otherwise made available to the Fund.

(d) QUALIFICATIONS OF CHIEF ACQUISITION OFFICERS.—Section 16(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 414) is amended by adding at the end the following new paragraph:

“(2) Chief Acquisition Officers shall be appointed from among persons who have an extensive management background.”.

**SEC. 864. REQUIREMENT FOR PURCHASE OF PROPERTY AND SERVICES PURSUANT TO MULTIPLE AWARD CONTRACTS.**

(a) REGULATIONS REQUIRED.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to require enhanced competition in the purchase of property and services by all executive agencies pursuant to multiple award contracts.

(b) CONTENT OF REGULATIONS.—

(1) IN GENERAL.—The regulations required by subsection (a) shall provide, at a minimum, that each individual purchase of property or services in excess of the simplified acquisition threshold that is made under a multiple award contract shall be made on a competitive basis unless a contracting officer—

(A) waives the requirement on the basis of a determination that—

(i) one of the circumstances described in paragraphs (1) through (4) of section 303J(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(b)) or section 2304c(b) of title 10, United States Code, applies to such individual purchase; or

(ii) a law expressly authorizes or requires that the purchase be made from a specified source; and

(B) justifies the determination in writing.

(2) COMPETITIVE BASIS PROCEDURES.—For purposes of this subsection, an individual purchase of property or services is made on a competitive basis only if it is made pursuant to procedures that—

(A) except as provided in paragraph (3), require fair notice of the intent to make that purchase (including a description of the work to be performed and the basis on which the selection will be made) to be provided to all contractors offering such property or services under the multiple award contract; and

(B) afford all contractors responding to the notice a fair opportunity to make an offer and have that offer fairly considered by the official making the purchase.

(3) EXCEPTION TO NOTICE REQUIREMENT.—

(A) IN GENERAL.—Notwithstanding paragraph (2), and subject to subparagraph (B), notice may be provided to fewer than all contractors offering such property or services under a multiple award contract as described in subsection (d)(2)(A) if notice is provided to as many contractors as practicable.

(B) LIMITATION ON EXCEPTION.—A purchase may not be made pursuant to a notice that is provided to fewer than all contractors under subparagraph (A) unless—

(i) offers were received from at least 3 qualified contractors; or

(ii) a contracting officer of the executive agency determines in writing that no additional qualified contractors were able to be identified despite reasonable efforts to do so.

(c) PUBLIC NOTICE REQUIREMENTS RELATED TO SOLE SOURCE TASK OR DELIVERY ORDERS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to require the head of each executive agency—

(A) to publish on FedBizOpps notice of all sole source task or delivery orders in excess of the simplified acquisition threshold that are placed against multiple award contracts not later than 14 days after such orders are placed, except in the event of extraordinary circumstances or classified orders; and

(B) to publish on the website of the agency and through a government-wide website selected by the Administrator for Federal Procurement Policy the determination required under subsection (b)(1) related to sole source task or delivery orders placed against multiple award contracts not later than 14 days after such orders are placed, except in the event of extraordinary circumstances or classified orders.

(2) EXCEPTION.—This subsection does not require the public availability of information that is exempt from public disclosure under section 552(b) of title 5, United States Code.

(d) DEFINITIONS.—In this section:

(1) The term “individual purchase” means a task order, delivery order, or other purchase.

(2) The term “multiple award contract” means—

(A) a contract that is entered into by the Administrator of General Services under the multiple award schedule program referred to in section 2302(2)(C) of title 10, United States Code;

(B) a multiple award task order contract that is entered into under the authority of sections 2304a through 2304d of title 10, United States Code, or sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k); and

(C) any other indefinite delivery, indefinite quantity contract that is entered into by the head of an executive agency with 2 or more sources pursuant to the same solicitation.

(e) APPLICABILITY.—The regulations required by subsection (a) shall apply to all individual purchases of property or services that are made under multiple award contracts on or after such effective date, without regard to whether the multiple award contracts were entered into before, on, or after such effective date.

**SEC. 865. LIMITATION ON LENGTH OF CERTAIN NONCOMPETITIVE CONTRACTS.**

(a) CIVILIAN AGENCY CONTRACTS.—Section 303(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(d)) is amended by adding at the end the following new paragraph:

“(3)(A) The contract period of a contract described in subparagraph (B) that is entered into by an executive agency pursuant to the authority provided under subsection (c)(2)—

“(i) may not exceed the time necessary—

“(I) to meet the unusual and compelling requirements of the work to be performed under the contract; and

“(II) for the executive agency to enter into another contract for the required goods or services through the use of competitive procedures; and

“(ii) may not exceed 270 days unless the head of the executive agency entering into such contract determines that exceptional circumstances apply.

“(B) This paragraph applies to any contract in an amount greater than the simplified acquisition threshold.”.

(b) DEFENSE CONTRACTS.—Section 2304(d) of title 10, United States Code, is amended by

adding at the end the following new paragraph:

“(3)(A) The contract period of a contract described in subparagraph (B) that is entered into by an agency pursuant to the authority provided under subsection (c)(2)—

“(i) may not exceed the time necessary—

“(I) to meet the unusual and compelling requirements of the work to be performed under the contract; and

“(II) for the agency to enter into another contract for the required goods or services through the use of competitive procedures; and

“(ii) may not exceed 270 days unless the head of the agency entering into such contract determines that exceptional circumstances apply.

**SEC. 866. REGULATIONS ON USE OF TIERED EVALUATIONS OF OFFERS FOR CONTRACTS AND TASK OR DELIVERY ORDERS UNDER CONTRACTS.**

(a) REGULATIONS REQUIRED.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to provide guidance for executive agencies on the use of tiered evaluations of offers for contracts and for task or delivery orders under contracts.

(b) ELEMENTS.—The regulations prescribed under subsection (a) shall include a prohibition on the initiation by a contracting officer of a tiered evaluation of an offer for a contract or for a task or delivery order under a contract unless the contracting officer—

(1) has conducted market research in accordance with part 10 of the Federal Acquisition Regulation in order to determine whether or not a sufficient number of qualified small businesses are available to justify limiting competition for the award of such contract or task or delivery order under applicable law and regulations;

(2) is unable, after conducting market research under paragraph (1), to make the determination described in that paragraph; and

(3) includes in the contract file a written explanation of why such contracting officer was unable to make such determination.

**SEC. 867. GUIDANCE ON USE OF COST-REIMBURSEMENT CONTRACTS.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall promulgate in the Federal Acquisition Regulation, regulations outlining the proper use of cost-reimbursement contracts.

(b) CONTENT.—The regulations promulgated under subsection (a) shall include at minimum guidance regarding—

(1) when and under what circumstances cost reimbursement contracts are appropriate;

(2) the acquisition plan findings necessary to support a decision to use cost reimbursement contracts; and

(3) the acquisition workforce resources necessary to award and manage cost reimbursement contracts.

(c) INSPECTOR GENERAL REVIEW.—The Inspector General for each executive agency shall develop and submit as part of its annual audit plan a review of the use of cost reimbursement contracts.

**SEC. 868. LINKING OF AWARD AND INCENTIVE FEES TO ACQUISITION OUTCOMES.**

(a) GUIDANCE ON LINKING OF AWARD AND INCENTIVE FEES TO ACQUISITION OUTCOMES.—

Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to provide executive agencies other than the Department of Defense with instructions, including definitions, on the appropriate use of award and incentive fees in Federal acquisition programs.

(b) **ELEMENTS.**—The regulations under subsection (a) shall—

(1) ensure that all new contracts using award fees link such fees to acquisition outcomes (which shall be defined in terms of program cost, schedule, and performance);

(2) establish standards for identifying the appropriate level of officials authorized to approve the use of award and incentive fees in new contracts;

(3) provide guidance on the circumstances in which contractor performance may be judged to be “excellent” or “superior” and the percentage of the available award fee which contractors should be paid for such performance;

(4) establish standards for determining the percentage of the available award fee, if any, which contractors should be paid for performance that is judged to be “acceptable”, “average”, “expected”, “good”, or “satisfactory”;

(5) ensure that no award fee may be paid for contractor performance that is judged to be below satisfactory performance or performance that does not meet the basic requirements of the contract;

(6) provide specific direction on the circumstances, if any, in which it may be appropriate to roll over award fees that are not earned in one award fee period to a subsequent award fee period or periods;

(7) ensure consistent use of guidelines and definitions relating to award and incentive fees across the Federal Government;

(8) ensure that each executive agency—

(A) collects relevant data on award and incentive fees paid to contractors; and

(B) has mechanisms in place to evaluate such data on a regular basis;

(9) include performance measures to evaluate the effectiveness of award and incentive fees as a tool for improving contractor performance and achieving desired program outcomes; and

(10) provide mechanisms for sharing proven incentive strategies for the acquisition of different types of products and services among contracting and program management officials.

(c) **APPLICABILITY.**—The Department of Defense shall continue to be subject to guidance on award fees issued by the Department pursuant to section 814 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2321).

#### **SEC. 869. DEFINITIZING OF LETTER CONTRACTS.**

(a) **GUIDANCE AND INSTRUCTIONS.**—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to ensure that executive agencies other than the Department of Defense implement and enforce requirements applicable to undefinitized contractual actions.

(b) **ELEMENTS.**—The regulations prescribed pursuant to subsection (a) shall address, at a minimum—

(1) the circumstances in which it is, and is not, appropriate to use undefinitized contractual actions;

(2) approval requirements (including thresholds) for the use of undefinitized contractual actions;

(3) procedures for ensuring that timelines for the definitization of undefinitized contractual actions are met;

(4) procedures for ensuring compliance with regulatory limitations on the obliga-

tion of funds pursuant to undefinitized contractual actions;

(5) procedures for ensuring compliance with regulatory limitations on profit or fees with respect to costs incurred before the definitization of an undefinitized contractual action; and

(6) reporting requirements for undefinitized contractual actions that fail to meet required timelines for definitization or fail to comply with regulatory limitations on the obligation of funds or on profit or fees.

(c) **ANNUAL REPORT.**—

(1) **IN GENERAL.**—The Administrator for Federal Procurement Policy shall submit to Congress an annual report on the use of undefinitized contracts and orders over the preceding fiscal year.

(2) **CONTENT.**—The annual report under paragraph (1) shall include—

(A) the number and value of undefinitized actions;

(B) the reasons for awarding undefinitized contracts or issuing undefinitized orders;

(C) the average number of days such actions were undefinitized; and

(D) the actions taken to better enable contracts and orders to be definitized when awarded or issued.

(d) **APPLICABILITY.**—The Department of Defense shall continue to be subject to guidance on definitizing of letter contracts issued by the Department pursuant to section 809 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181).

#### **SEC. 870. PREVENTING ABUSE OF INTERAGENCY ACQUISITIONS AND ENTERPRISE-WIDE CONTRACTS.**

(a) **OFFICE OF MANAGEMENT AND BUDGET SURVEY OF INTERAGENCY ACQUISITIONS AND ENTERPRISE-WIDE CONTRACTS.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to Congress a comprehensive survey on interagency acquisitions and enterprise-wide contracts, including their frequency of use and management controls.

(2) **CONTENT.**—The survey under paragraph (1) shall include the following information:

(A) The name and number of interagency contracts with aggregate ceilings in excess of \$50,000,000 (including all options) that are currently in effect or under solicitation, the rationale or authority for establishing such contracts, the scope of such contracts, the servicing agencies, the ceiling amount and the number of contractors under each contract, and activity levels (in terms of primary users and value of orders issued) under each contract for the most recent fiscal year.

(B) The name and authorities of the agencies conducting assisted acquisitions (excluding mandatory sources) and the level of assisted acquisition activity (in terms of primary users and value of obligations created for the most recent fiscal year).

(C) The name and number of enterprise-wide contracts that are currently in effect or under solicitation, the rationale or authority for establishing such contracts, the scope of such contracts, the servicing agencies, the ceiling amount and the number of contractors under each contract, and activity levels (in terms of primary users and value of orders issued) under each contract for the most recent fiscal year.

(3) **PUBLICATION.**—The Director of the Office of Management and Budget shall make the survey under this subsection publicly available on the website of the Office, subject to the limitations established pursuant to section 552(b) of title 5, United States Code.

(b) **REVIEW OF COST-EFFECTIVENESS.**—Not later than 180 days after submission of the survey required under subsection (a)(1), the Administrator for Federal Procurement Policy, in consultation with the Administrator of General Services and the Secretary of Defense, shall review all contracts identified in the survey and determine whether each contract is cost effective or redundant considering all existing contracts available for multi-agency use. In determining whether a contract is cost effective, the Administrator for Federal Procurement Policy shall consider all direct and indirect costs to the Federal Government of awarding and administering the contract and the impact the contract will have on the ability of the Federal Government to leverage its purchasing power. Any determination under this subsection that an enterprise-wide contract of the Department of Defense is not cost effective, or is redundant, shall be made jointly by the Administrator for Federal Procurement Policy and the Secretary of Defense.

(c) **OFFICE OF MANAGEMENT AND BUDGET GUIDELINES.**—

(1) **GUIDELINES ON INTERAGENCY ACQUISITIONS.**—Not later than 180 days after submission of the survey required under subsection (a)(1), the Director of the Office of Management and Budget, in consultation with the Administrator of General Services and the Secretary of Defense, shall issue guidelines to assist the heads of executive agencies in improving the management of interagency acquisitions.

(2) **GUIDELINES ON ENTERPRISE-WIDE CONTRACTS.**—Not later than 180 days after submission of the survey required under subsection (a)(1), the Director of the Office of Management and Budget, the Administrator of General Services, and the Secretary of Defense shall jointly issue guidelines to assist the heads of executive agencies in improving the management of enterprise-wide contracts.

(3) **CONTENT.**—The guidelines under paragraphs (1) and (2) shall include the following information, as applicable:

(A) Procedures for the creation, continuation, and use of interagency acquisitions or enterprise-wide contracts to maximize competition, measure cost effectiveness and savings, deliver best value to executive agencies, and minimize waste, fraud, and abuse.

(B) Categories of contracting appropriate for interagency acquisition or enterprise-wide contracts.

(C) Requirements for training acquisition workforce personnel in the proper use of interagency acquisitions or enterprise-wide contracts.

(d) **REGULATIONS.**—

(1) **REGULATIONS REQUIRED FOR ASSISTED ACQUISITIONS.**—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to require that all assisted acquisitions include—

(A) a written agreement between the requesting agency and the servicing agency assigning responsibility for the administration of the contract; and

(B) a determination that an assisted acquisition is in the best interests of the Federal Government.

(2) **REGULATIONS REQUIRED FOR MULTI-AGENCY AND ENTERPRISE-WIDE CONTRACTS.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to require any new multi-agency or enterprise-wide contract to be supported by a business case analysis justifying the award and detailing the administration of the contract, including an analysis of all direct and indirect costs to the Federal Government of

awarding and administering the contract and the impact the contract will have on the ability of the Federal Government to leverage its purchasing power.

(B) DEPARTMENT OF DEFENSE ENTERPRISE-WIDE CONTRACTS.—In the case of an enterprise-wide contract of the Department of Defense, the Department shall conduct a business case analysis in accordance with regulations implementing the requirements of section 2330 of title 10, United States Code, including a review of the available Multiple Award Schedule pursuant to section 2302(2)(C) of such title and Government-wide acquisition contracts under section 11302(e) of title 40, United States Code, to determine whether such contracts may be used to fulfill the needs of the Department more economically or expeditiously.

(e) REQUIRED APPROVALS.—

(1) APPROVAL REQUIRED FOR CREATION OF MULTI-AGENCY AND ENTERPRISE-WIDE CONTRACTS.—Following the promulgation of the regulations required under subsection (d)(2), no executive agency may award a new multi-agency or enterprise-wide contract without a business case that has been approved in accordance with such regulations.

(2) APPROVAL REQUIRED FOR CONTINUATION OF MULTI-AGENCY AND ENTERPRISE-WIDE CONTRACTS.—No executive agency may exercise an option on an existing multi-agency or enterprise-wide contract identified as non-cost effective or redundant in the review required under subsection (b) without the written approval of the Director of the Office of Management and Budget.

(3) DEPARTMENT OF DEFENSE CONTRACTS.—In the case of the Department of Defense, the approvals required under this subsection shall be the responsibility of the senior officials designated under section 2330 of title 10, United States Code, and the individuals to whom responsibility for specific categories of acquisitions have been assigned in accordance with section 812(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 10 U.S.C. 2330 note).

(f) ENTERPRISE-WIDE CONTRACT DEFINED.—In this section, the term “enterprise-wide contract” means a single agency task or delivery order contract with an aggregate contract ceiling in excess of \$1,000,000,000 that is created to address common agency-wide needs that could be or have been satisfied through an existing Multiple Award Schedule pursuant to section 2302(2)(C) of title 10, United States Code, or Government-wide acquisition contracts under section 11302(e) of title 40, United States Code.

**SEC. 871. LEAD SYSTEMS INTEGRATORS.**

(a) STUDY.—Not later than one year after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall—

(1) develop a government-wide definition of lead systems integrators, giving consideration to the definition provided in section 802(d)(1) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 2410p note); and

(2) complete a study on the use of such integrators by non-defense agencies.

(b) GUIDANCE.—Not later than 180 days after the study under subsection (a)(2) is completed, the Administrator for Federal Procurement Policy shall issue guidance for non-defense agencies on the appropriate use of lead system integrators to ensure that they are used in the best interests of the Federal Government.

**SEC. 872. LIMITATIONS ON TIERING OF SUBCONTRACTORS.**

(a) REGULATIONS.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended, for executive agencies other than

the Department of Defense, to minimize the excessive use by contractors of subcontractors or tiers of subcontractors. The regulations shall ensure that the contractors and subcontractors do not receive indirect costs or profit when the contractors or subcontractors do not perform significant work under the contract.

(b) COVERED CONTRACTS.—This section applies to any cost-reimbursement type contract or task or delivery order in an amount greater than the simplified acquisition threshold (as defined by section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)).

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting the ability of the Department of Defense to implement more restrictive limitations on the tiering of subcontractors.

(d) APPLICABILITY.—The Department of Defense shall continue to be subject to guidance on limitations on tiering of subcontractors issued by the Department pursuant to section 852 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2321).

**SEC. 873. ENSURING THAT FEDERAL AGENCIES APPROPRIATELY ASSESS THE RISK OF CONTRACTORS PERFORMING FUNCTIONS CLOSELY ASSOCIATED WITH INHERENTLY GOVERNMENTAL FUNCTIONS.**

(a) REVIEW OF POLICIES.—

(1) IN GENERAL.—The Administrator for Federal Procurement Policy shall review the policies established by and pursuant to Part 7 of the Federal Acquisition Regulation to determine whether such policies—

(A) are effective in identifying and preventing the award of contracts for work that is an inherently governmental function;

(B) identify specific issues that should be addressed in agency acquisition plans when contracting for services that are closely associated with inherently governmental functions;

(C) require executive agency personnel to formally assess and document the risk associated with the use of contractors to perform such functions, the actions taken to mitigate any identified risks, and the effectiveness of the mitigating actions; and

(D) are consistently and appropriately reflected in policies established by each executive agency.

(2) SCOPE.—The review under paragraph (1) shall apply only to those executive agencies that awarded contracts and issued orders in a total amount of at least \$1,000,000,000 in the latest fiscal year for which data is available.

(b) REPORTS REQUIRED.—

(1) REPORT ON REVIEW OF POLICIES.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate and the Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives a report on the results of the review conducted pursuant to subsection (a).

(2) RECOMMENDATIONS.—Not later than one year after the date of the enactment of this Act, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate and the Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives a report with any recommendations of the Administrator for changes in policies based on the review conducted pursuant to subsection (a).

**SEC. 874. IMPROVEMENTS TO THE FEDERAL PROCUREMENT DATA SYSTEM.**

(a) ENHANCED TRANSPARENCY FOR INTER-AGENCY CONTRACTING AND OTHER TRANS-

ACTIONS.—Not later than one year after the date of the enactment of this Act, the Director of the Office of Management and Budget shall direct appropriate revisions to the Federal Procurement Data System or any successor system to facilitate the collection of complete, timely, and reliable data on inter-agency contracting actions and on transactions other than contracts, grants, and cooperative agreements issued pursuant to section 2371 of title 10, United States Code or similar authorities. The Director shall ensure that data, consistent with what is collected for contract actions, is obtained on—

(1) interagency contracting actions, including data at the task or delivery-order level; and

(2) other transactions, including the initial award and any subsequent modifications awarded or orders issued.

(b) TIMELY AND ACCURATE TRANSMISSION OF INFORMATION INCLUDED IN FEDERAL PROCUREMENT DATA SYSTEM.—Section 19(d) of the Office of Federal Procurement Policy Act (41 U.S.C. 417(d)) is amended to read as follows:

“(d) TRANSMISSION AND DATA ENTRY OF INFORMATION.—The head of each executive agency shall ensure the accuracy of the information included in the record established and maintained by such agency under subsection (a) and shall timely transmit such information to the General Services Administration for entry into the Federal Procurement Data System referred to in section 6(d)(4), or any successor system.”

**SEC. 875. USE OF AVAILABLE FUNDS FOR REGULATIONS AND REPORTS.**

The promulgation of regulations and the production of reports required by this subtitle shall be carried out using available funds.

**SEC. 876. ONE-YEAR EXTENSION OF AUTHORITY.**

Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391(a)) is amended—

(1) in subsection (a)—

(A) by striking “Until September 30, 2008, the Secretary may carry out a pilot program” and inserting “If the Secretary issues policy guidance by September 30, 2008, detailing the appropriate use of other transaction authority and provides mandatory other transaction training to each employee who has the authority to handle procurements under other transaction authority, the Secretary may, before September 30, 2009, carry out a program”; and

(B) in paragraph (1), by striking “subsection (b)” and inserting “subsection (b)(1)”;

(2) in subsection (b)—

(A) by striking “(b) REPORT.—Not later than 2 years” and inserting “(b) REPORTS.—“(1) IN GENERAL.—Not later than 2 years”;

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and realigning such subparagraphs, as so redesignated, so as to be indented 4 ems from the left margin; and

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

“(2) ANNUAL REPORT ON EXERCISE OF OTHER TRANSACTION AUTHORITY.—

“(A) IN GENERAL.—The Secretary shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives an annual report on the exercise of other transaction authority under subsection (a).

“(B) CONTENT.—The report required under subparagraph (A) shall include the following:

“(i) The technology areas in which research projects were conducted under other transactions.

“(ii) The extent of the cost-sharing among Federal and non-Federal sources.



“(iii) The extent to which use of the other transactions—

“(I) has contributed to a broadening of the technology and industrial base available for meeting the needs of the Department of Homeland Security; and

“(II) has fostered within the technology and industrial base new relationships and practices that support the national security of the United States.

“(iv) The total amount of payments, if any, that were received by the Federal Government during the fiscal year covered by the report.

“(v) The rationale for using other transaction authority, including why grants or Federal Acquisition Regulation-based contracts were not used, the extent of competition, and the amount expended for each such project.”.

**SA 5278.** Mr. WYDEN (for himself and Mr. COLEMAN, Mr. GRASSLEY, Mr. HARKIN, Ms. KLOBUCHAR, Mr. MENENDEZ, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

**SEC. 587. BENEFITS UNDER POST-DEPLOYMENT/MOBILIZATION RESPITE ABSENCE PROGRAM FOR CERTAIN PERIODS BEFORE IMPLEMENTATION OF PROGRAM.**

(a) **IN GENERAL.**—Under regulations prescribed by the Secretary of Defense, the Secretary concerned shall provide any member or former member of the Armed Forces with the benefits specified in subsection (b) if the member or former member would, on any day during the period beginning on January 19, 2007, and ending on the date of the implementation of the Post-Deployment/Mobilization Respite Absence (PDMRA) program by the Secretary concerned, have qualified for a day of administrative absence under the Post-Deployment/Mobilization Respite Absence program had the program been in effect during such period.

(b) **BENEFITS.**—The benefits specified in this subsection are the following:

(1) In the case of an individual who is a former member of the Armed Forces at the time of the provision of benefits under this section, payment of an amount not to exceed \$200 for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(2) In the case of an individual who is a member of the Armed Forces at the time of the provision of benefits under this section, either one day of administrative absence or payment of an amount not to exceed \$200, as selected by the Secretary concerned, for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(c) **EXCLUSION OF CERTAIN FORMER MEMBERS.**—A former member of the Armed Forces is not eligible under this section for the benefits specified in subsection (b)(1) if the former member was discharged or released from the Armed Forces under other than honorable conditions.

(d) **MAXIMUM NUMBER OF DAYS OF BENEFITS PROVIDABLE.**—The number of days of benefits

providable to a member or former member of the Armed Forces under this section may not exceed 40 days of benefits.

(e) **FORM OF PAYMENT.**—The paid benefits providable under subsection (b) may be paid in a lump sum or installments, at the election of the Secretary concerned.

(f) **CONSTRUCTION WITH OTHER PAY AND LEAVE.**—The benefits provided a member or former member of the Armed Forces under this section are in addition to any other pay, absence, or leave provided by law.

(g) **DEFINITIONS.**—In this section:

(1) The term “Post-Deployment/Mobilization Respite Absence program” means the program of a military department to provide days of administrative absence not chargeable against available leave to certain deployed or mobilized members of the Armed Forces in order to assist such members in reintegrating into civilian life after deployment or mobilization.

(2) The term “Secretary concerned” has the meaning given that term in section 101(5) of title 37, United States Code.

(h) **TERMINATION.**—

(1) **IN GENERAL.**—The authority to provide benefits under this section shall expire on the date that is one year after the date of the enactment of this Act.

(2) **CONSTRUCTION.**—Expiration under this subsection of the authority to provide benefits under this section shall not affect the utilization of any day of administrative absence provided a member of the Armed Forces under subsection (b)(2), or the payment of any payment authorized a member or former member of the Armed Forces under subsection (b), before the expiration of the authority in this section.

**SA 5279.** Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

**SEC. 1222. EXTENSION OF MANDATE OF MULTINATIONAL FORCE IN IRAQ AFTER EXPIRATION OF ITS CURRENT UNITED NATIONS MANDATE.**

(a) **EXTENSION OF MANDATE.**—

(1) **IN GENERAL.**—The President shall direct the United States Special Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to seek an extension of the mandate of the Multi-National Force in Iraq under United National Security Council Resolution 1790 (2007) in order to provide United States and Coalition forces within the Multi-National Force in Iraq with the authorities, privileges, and immunities necessary for such forces to carry out their mission in Iraq after December 31, 2008.

(2) **SENSE OF CONGRESS.**—It is the sense of Congress that the extension under paragraph (1) should expire upon the earlier of—

(A) a period of one year; or

(B) the entry into force of a strategic framework agreement between the United States and Iraq as mutually agreed upon by the Government of the United States and the Government of Iraq.

(b) **LIMITATION ON AVAILABILITY OF FUNDS.**—No funds authorized to be appropriated by this Act or any other Act may be obligated or expended to implement an agreement containing a security commit-

ment to, or security arrangement with, the Republic of Iraq, unless such commitment or agreement enters into force pursuant to Article II, section 2, clause 2 of the Constitution of the United States or is authorized by a law enacted on or after the date of the enactment of this Act pursuant to Article 1, section 7, clause 2 of the Constitution of the United States.

(c) **REPORT.**—Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress a report on the status of the negotiations on the extension of the mandate of the Multi-National Force in Iraq as described in subsection (a).

**SA 5280.** Mr. VITTER (for himself, Mr. INHOFE, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

**SEC. 237. ADDITIONAL FUNDING FOR THE MISSILE DEFENSE AGENCY FOR NEAR-TERM MISSILE DEFENSE PROGRAMS AND ACTIVITIES.**

(a) **ADDITIONAL AMOUNT FOR PROCUREMENT ACTIVITIES.**—

(1) **ADDITIONAL AMOUNT FOR PROCUREMENT, DEFENSE-WIDE.**—The amount authorized to be appropriated by section 104(1) for Defense-wide procurement is hereby increased by \$100,000,000.

(2) **AVAILABILITY.**—Notwithstanding section 1002, of the amount authorized to be appropriated by section 104(1) for Defense-wide procurement, as increased by paragraph (1), up to \$100,000,000 may be available for the Terminal High Altitude Area Defense (THAAD) system for the purpose of advanced procurement of interceptor and ground components for Fire Unit #3 and Fire Unit #4, including component AN/TPY-2.

(3) **SUPPLEMENT NOT SUPPLANT.**—The amount available under paragraph (2) for the purpose set forth in that paragraph is in addition to any other amounts available in this Act for such purpose.

(b) **ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION ACTIVITIES.**—

(1) **ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.**—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by \$171,000,000.

(2) **AVAILABILITY.**—Notwithstanding section 1002, of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, as increased by paragraph (1), amounts are available to the Missile Defense Agency as follows:

(A) Up to \$87,000,000 for Ground Based Mid-course Defense for purposes as follows:

(i) To implement a rolling target spare.

(ii) To maintain inventory for additional short-notice test events.

(B) Up to \$54,000,000 for the purpose of equipping two Aegis Class cruisers of the Navy with Ballistic Missile Defense Systems (BMDs).

(C) Up to \$30,000,000 for the purpose of reducing the technical risk of the Throttleable Direct and Attitude Control System (TDACS) for the SM-3 Block 1B missile in

order to meet the needs of the commanders of the combatant commands as specified in the Joint Capabilities Mix Study.

(3) SUPPLEMENT NOT SUPPLANT.—Amount available under each of subparagraphs (A) through (C) of paragraph (2) for the purposes set forth in such paragraph are in addition to any other amounts available in this Act for such purposes.

(c) OFFSET.—The amount authorized to be appropriated by this division (other than the amount authorized to be appropriated for Defense-wide procurement, and for research, development, test, and evaluation, Defense-wide, for the Missile Defense Agency) is hereby reduced by \$271,000,000, with the amount the reduction to be allocated among the accounts for which funds are authorized to be appropriated by this division in the manner specified by the Secretary of Defense.

**SA 5281.** Mr. NELSON of Nebraska (for himself, Mr. SMITH, Mr. SESSIONS, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

**SEC. 702. TRICARE STANDARD COVERAGE FOR CERTAIN MEMBERS OF THE RETIRED RESERVE, AND FAMILY MEMBERS, WHO ARE QUALIFIED FOR A NON-REGULAR RETIREMENT BUT ARE NOT YET AGE 60.**

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1076d the following new section:

**“§ 1076e. TRICARE program: TRICARE standard coverage for certain members of the Retired Reserve who are qualified for a non-regular retirement but are not yet age 60**

“(a) ELIGIBILITY.—(1) Except as provided in paragraph (2), a member of the Retired Reserve of a reserve component of the armed forces who is qualified for a non-regular retirement at age 60 under chapter 1223 of this title, but is not age 60, is eligible for health benefits under TRICARE Standard as provided in this section.

“(2) Paragraph (1) does not apply to a member who is enrolled, or is eligible to enroll, in a health benefits plan under chapter 89 of title 5.

“(b) TERMINATION OF ELIGIBILITY UPON OBTAINING OTHER TRICARE STANDARD COVERAGE.—Eligibility for TRICARE Standard coverage of a member under this section shall terminate upon the member becoming eligible for TRICARE Standard coverage at age 60 under section 1086 of this title.

“(c) FAMILY MEMBERS.—While a member of a reserve component is covered by TRICARE Standard under the section, the members of the immediate family of such member are eligible for TRICARE Standard coverage as dependents of the member. If a member of a reserve component dies while in a period of coverage under this section, the eligibility of the members of the immediate family of such member for TRICARE Standard coverage under this section shall continue for the same period of time that would be provided under section 1086 of this title if the member had been eligible at the time of death for TRICARE Standard coverage under such section (instead of under this section).

“(d) PREMIUMS.—(1) A member of a reserve component covered by TRICARE Standard under this section shall pay a premium for that coverage.

“(2) The Secretary of Defense shall prescribe for the purposes of this section one premium for TRICARE Standard coverage of members without dependents and one premium for TRICARE Standard coverage of members with dependents referred to in subsection (f)(1). The premium prescribed for a coverage shall apply uniformly to all covered members of the reserve components covered under this section.

“(3) The monthly amount of the premium in effect for a month for TRICARE Standard coverage under this section shall be the amount equal to the cost of coverage that the Secretary determines on an appropriate actuarial basis.

“(4) The Secretary shall prescribe the requirements and procedures applicable to the payment of premiums under this subsection.

“(5) Amounts collected as premiums under this subsection shall be credited to the appropriation available for the Defense Health Program Account under section 1100 of this title, shall be merged with sums in such Account that are available for the fiscal year in which collected, and shall be available under subsection (b) of such section for such fiscal year.

“(e) REGULATIONS.—The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations for the administration of this section.

“(f) DEFINITIONS.—In this section:

“(1) The term ‘immediate family’, with respect to a member of a reserve component, means all of the member’s dependents described in subparagraphs (A), (D), and (I) of section 1072(2) of this title.

“(2) The term ‘TRICARE Standard’ means—

“(A) medical care to which a dependent described in section 1076(a)(2) of this title is entitled; and

“(B) health benefits contracted for under the authority of section 1079(a) of this title and subject to the same rates and conditions as apply to persons covered under that section.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1076d the following new item:

“§ 1076e. TRICARE program: TRICARE standard coverage for certain members of the Retired Reserve who are qualified for a non-regular retirement but are not yet age 60.”

(c) EFFECTIVE DATE.—Section 1076e of title 10, United States Code, as inserted by subsection (a), shall apply to coverage for months beginning on or after October 1, 2009, or such earlier date as the Secretary of Defense may specify.

**SA 5282.** Mr. NELSON of Nebraska (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1083. PAYMENTS TO INDIVIDUALS WHO SERVED DURING WORLD WAR II IN THE UNITED STATES MERCHANT MARINE.**

(a) ESTABLISHMENT OF COMPENSATION FUND.—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) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the compensation fund amounts as follows:

“(A) For fiscal year 2009, \$120,000,000.

“(B) For fiscal year 2010, \$108,000,000.

“(C) For fiscal year 2011, \$97,000,000.

“(D) For fiscal year 2012, \$85,000,000.

“(E) For fiscal year 2013, \$75,000,000.

“(2) Funds appropriated to carry out this section shall remain available until expended.

“(e) 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.

“(f) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section.”.

(b) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prescribe the regulations required under section 532(f) of title 38, United States Code, as added by subsection (a).

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item related to section 531 the following new item: “532. Merchant Mariner Equity Compensation Fund.”.

**SA 5283.** Mr. NELSON of Nebraska (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

**SEC. 652. ENHANCEMENT OF PAY, LEAVE, AND BENEFITS FOR MEMBERS OF THE ARMED FORCES FOR CERTAIN DEPLOYMENTS AND MOBILIZATIONS.**

(a) CAREER DEPLOYMENT PAY FOR CERTAIN SERVICE IN QUALIFYING AREAS OR UNDER QUALIFYING CIRCUMSTANCES.—

(1) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by inserting after section 305b the following new section:

**“§ 305c. Special pay: career deployment pay for certain service in qualifying areas or under qualifying circumstances**

“(a) SPECIAL PAY AUTHORIZED.—The Secretary of a military department may pay special pay under this section to a member of the armed forces under the jurisdiction of the Secretary who serves a qualifying minimum period in a qualifying area or under qualifying circumstances in order to compensate such member for such time served in deployment to such area or under such circumstances.

“(b) QUALIFYING AREAS AND CIRCUMSTANCES; QUALIFYING MINIMUM PERIODS OF SERVICE.—Each Secretary of a military department shall prescribe in regulations for purposes of this section the following:

“(1) The areas or circumstances that shall constitute qualifying areas or qualifying circumstances of service for purposes of the payment of special pay under this section.

“(2) For each area or circumstance specified under paragraph (1), the minimum period of service to be served by a member in such area or circumstance before the member may be treated as qualifying for the payment of special pay under this section.

“(c) TREATMENT OF TIME OF RECOVERY FROM CERTAIN WOUNDS OR INJURIES.—(1) Subject to paragraph (2), any period spent by a member recovering from a wound, injury, or illness incurred in line of duty while serving in a qualifying area or qualifying circumstance for purposes of this section shall be treated as having been served by member in such area or circumstances for purposes of the payment of special pay under this section.

“(2) A period spent by a member as described in paragraph (1) may be treated as provided in that paragraph only to the extent such period is also spent by the member's unit in service in the qualifying area or qualifying circumstances concerned.

“(d) MONTHLY RATE.—The monthly rate of special pay payable under this section may not exceed \$1,500.

“(e) PAYMENT.—Special pay payable to a member under this section shall be paid under a schedule established in accordance with such specifications as the Secretary of the military department concerned shall prescribe for purposes of this section.

“(f) REGULATIONS.—Any regulations prescribed under this section shall be subject to the approval of the Secretary of Defense.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 305b the following new item:

“305c. Special pay: career deployment pay for certain service in qualifying areas or under qualifying circumstances.”.

(b) REST AND RECUPERATION ABSENCE FOR MEMBERS OF THE ARMED FORCES SERVING IN A COMBAT ZONE.—

(1) IN GENERAL.—Section 705 of title 10, United States Code, is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following new subsection (c):

“(c)(1) Under regulations prescribed by the Secretary concerned, a member of the armed forces who serves at least six consecutive months in a combat zone (as determined in accordance with such regulations) during a tour of duty may be authorized a period of rest and recuperation absence for not more than 15 days with respect to such tour of duty.

“(2) Except as provided in section 705a of this title, a period of rest and recuperation absence authorized a member under paragraph (1) is in addition to any other leave or absence to which the member may be entitled under law.”.

(2) CONFORMING AMENDMENT.—The heading of section 705 of such title is amended to read as follows:

**“§ 705. Rest and recuperation absence: qualified members extending duty at designated locations overseas; members serving extended tours of duty in a combat zone”.**

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 40 of such title is amended by striking the item relating to section 705 and inserting the following new item:

“705. Rest and recuperation absence: qualified members extending duty at designated locations overseas; members serving extended tours of duty in a combat zone.”.

(c) POST-DEPLOYMENT ADMINISTRATIVE ABSENCE FOR MEMBERS OF THE RESERVE COMPONENTS FOLLOWING DUTY UNDER INVOLUNTARY MOBILIZATION.—

(1) IN GENERAL.—Chapter 40 of title 10, United States Code, is amended by inserting after section 705 the following new section:

**“§ 705a. Administrative absence: post-deployment absence for certain members of the reserve components of the armed forces following demobilization from involuntary mobilization**

“(a) ADMINISTRATIVE ABSENCE AUTHORIZED.—Under regulations prescribed by the Secretary concerned, a member of the armed forces described in subsection (b) may be authorized administrative absence for not more than seven days in connection with service on active duty in the armed forces described in that subsection.

“(b) COVERED MEMBERS.—A member described in this section is a member of a reserve component of the armed forces who—

“(1) serves on active duty in the armed forces for at least 12 months pursuant to a call or order to active duty without the consent of the member; and

“(2) either—

“(A) is not authorized rest and recuperation absence in connection with such service on active duty under section 705(c) of this title; or

“(B) does not utilize any rest and recuperation absence so authorized the member under such section.

“(c) USE OF ABSENCE.—Any administrative absence authorized a member under subsection (a) in connection with service on active duty shall be utilized by the member before the member ceases such service on active duty.

“(d) CONSTRUCTION WITH OTHER LEAVE OR ABSENCE.—Except as provided in section 705(c) of this title, a period of absence authorized a member under subsection (a) is in addition to any other leave or absence to which the member may be entitled under law.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 40 of such title is amended by inserting after the item relating to section 705, as amended by subsection (b)(3) of this section, the following new item:

“705a. Administrative absence: post-deployment absence for certain members of the reserve components of the armed forces following demobilization from involuntary mobilization.”.

(d) BENEFITS UNDER POST-DEPLOYMENT/MOBILIZATION RESPITE ABSENCE PROGRAM FOR CERTAIN PERIODS BEFORE IMPLEMENTATION OF PROGRAM.—

(1) IN GENERAL.—Under regulations prescribed by the Secretary of Defense, the Secretary concerned may provide any member or former member of the Armed Forces with the benefits specified in paragraph (2) if the member or former member would, on any day during the period beginning on January 19, 2007, and ending on the date of the implementation of the Post-Deployment/Mobilization Respite Absence (PDMRA) program by the Secretary concerned, have qualified for a day of administrative absence under the Post-Deployment/Mobilization Respite Absence program had the program been in effect during such period.

(2) BENEFITS.—The benefits specified in this paragraph are the following:

(A) In the case of an individual who is a former member of the Armed Forces at the time of the provision of benefits under this subsection, payment of an amount not to exceed \$200 for each day the individual would have qualified for a day of administrative absence as described in paragraph (1) during the period specified in that paragraph.

(B) In the case of an individual who is a member of the Armed Forces at the time of the provision of benefits under this subsection, either one day of administrative absence or payment of an amount not to exceed \$200, as selected by the Secretary concerned, for each day the individual would have qualified for a day of administrative absence as described in paragraph (1) during the period specified in that paragraph.

(3) LIMITATION ON APPLICABILITY TO FORMER MEMBERS.—A former member of the Armed Forces is eligible under this subsection for the benefits specified in paragraph (2)(A) only if the former member was discharged or released from the Armed Forces under honorable conditions or with a general discharge under honorable conditions.

(4) MAXIMUM NUMBER OF DAYS OF BENEFITS PROVIDABLE.—The number of days of benefits providable to a member or former member of

the Armed Forces under this subsection may not exceed 40 days of benefits.

(5) **FORM OF PAYMENT.**—The paid benefits providable under paragraph (2) may be paid in a lump sum or installments, at the election of the Secretary concerned.

(6) **CONSTRUCTION WITH OTHER PAY AND LEAVE.**—The benefits provided a member or former member of the Armed Forces under this subsection are in addition to any other pay, absence, or leave provided by law.

(7) **DEFINITIONS.**—In this subsection:

(A) The term “Post-Deployment/Mobilization Respite Absence program” means the program of a military department to provide days of administrative absence not chargeable against available leave to certain deployed or mobilized members of the Armed Forces in order to assist such members in reintegrating into civilian life after deployment or mobilization.

(B) The term “Secretary concerned” has the meaning given that term in section 101(5) of title 37, United States Code.

(c) **REPEAL OF HIGH DEPLOYMENT ALLOWANCE AUTHORITIES.**—

(1) **REPEAL.**—Section 436 of title 37, United States Code, is repealed.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 7 of such title is amended by striking the item relating to section 436.

**SA 5284.** Mr. BAYH (for himself, Mr. SESSIONS, Mr. KENNEDY, Mrs. CLINTON, Mr. LIEBERMAN, Mr. OBAMA, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

**SEC. 652. NO ACCRUAL OF INTEREST FOR MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY.**

(a) **AMENDMENT.**—Section 455 of the Higher Education Act of 1965 (20 U.S.C. 1087e) is amended by adding at the end the following:

“(n) **NO ACCRUAL OF INTEREST FOR ACTIVE DUTY SERVICE MEMBERS.**—

“(1) **IN GENERAL.**—Notwithstanding any other provision of this part, and except as provided in paragraph (3), interest shall not accrue for an eligible borrower on a loan made under this part.

“(2) **ELIGIBLE BORROWER.**—In this subsection, the term ‘eligible borrower’ means an individual who—

“(A)(i) is serving on active duty during a war or other military operation or national emergency; or

“(ii) is performing qualifying National Guard duty during a war or other military operation or national emergency; and

“(B) is serving in an area of hostilities in which service qualifies for special pay under section 310 of title 37, United States Code.

“(3) **LIMITATION.**—An individual who qualifies as an eligible borrower under this subsection may receive the benefit of this subsection for not more than 60 months.”

(b) **CONSOLIDATION LOANS.**—Section 428C(b)(5) of that Act (20 U.S.C. 1078-3(b)(5)) is amended by inserting after the first sentence the following: “In addition, in the event that a borrower chooses to obtain a consolidation loan for the purposes of using the no accrual of interest for active duty servicemembers program offered under sec-

tion 455(n), the Secretary shall offer a Federal Direct Consolidation Loan to any such borrower who applies for participation in such program.”

**SA 5285.** Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

**SEC. 722. INSTITUTE OF MEDICINE STUDY ON MANAGEMENT OF MEDICATIONS FOR PHYSICALLY AND PSYCHOLOGICALLY WOUNDED MEMBERS OF THE ARMED FORCES.**

(a) **STUDY REQUIRED.**—There shall be set-aside from amounts appropriated under section 1403, \$1,000,000 for fiscal year 2009 to enable the Secretary of Defense shall enter into an agreement with the Institute of Medicine of the National Academy of Sciences for the purpose of conducting a study on the management of medications for physically and psychologically wounded members of the Armed Forces.

(b) **ELEMENTS.**—The study required under subsection (a) shall include the following:

(1) A review and assessment of current practices within the Department of Defense for the management of medications for physically and psychologically wounded members of the Armed Forces.

(2) A review and analysis of the published literature on factors contributing to the misadministration of medications, including accidental and intentional overdoses, under and over medication, and adverse interactions among medications.

(3) An identification of the medical conditions, and of the patient management procedures of the Department of Defense, that increase the risk of misadministration of medications in populations of members of the Armed Forces.

(4) An assessment of current and best practices in the military, other government agencies, and civilian sector concerning the prescription, distribution, and management of medications, and the associated coordination of care.

(5) An identification of means for decreasing the risk of medication misadministration and associated problems with respect to physically and psychologically wounded members of the Armed Forces.

(c) **REPORT.**—Not later than 18 months after entering into the agreement for the study required under subsection (a), the Institute of Medicine shall submit to the Secretary of Defense, and to Congress, a report on the study containing such findings and determinations as the Institute of Medicine considers appropriate in light of the study.

**SEC. 723. INCREASING THE NUMBER OF PSYCHOLOGIST INTERNSHIPS.**

There shall be set-aside from amounts appropriated under section 1403, \$1,775,000 for fiscal year 2009, and \$3,100,000 for fiscal year 2010, to remain available until expended, to enable the Office of the Surgeon General to increase by 30 the number of civilian psychologist internships provided for by the Office.

**SEC. 724. TRAUMATIC BRAIN INJURY SURVEY.**

There shall be set-aside from amounts appropriated under section 1403, \$1,000,000 for fiscal year 2009 to enable the Secretary of Defense, in consultation with the Secretary

of Veterans Affairs, to enter into a contract with the Center for Military Health Policy Research, RAND, for the conduct of a follow-up survey of the 1,950 servicemember and veteran participants of the Invisible Wounds of War study to determine if there is any long-term impairment from traumatic brain injuries, to identify the factors that inhibit access to treatment, including cognitive rehabilitation for mental health disorders, and to assess conditions leading to unemployment and substance use. The analysis of the survey results shall identify priority research needs and gaps in the health care system for individuals with traumatic brain injuries and post traumatic stress disorders. The survey under this section shall be completed not later than 1 year after the date of enactment of this Act.

**SEC. 725. COGNITIVE REHABILITATION STUDY.**

(a) **IN GENERAL.**—There shall be set-aside from amounts appropriated under section 1403, \$10,000,000 for fiscal year 2009 to enable the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, the Director of the National Institutes of Health, the Administrator of the Substance Abuse and Mental Health Services Administration, the Director of the Centers for Disease Control and Prevention, and the Director of the Agency for Healthcare Research and Quality, to conduct a long-term (10-year), integrated study of at least 10,000 participants (including injured servicemembers, smaller at-risk populations, and those individuals separated from service but not seeking Veterans Administration services) concerning cognitive rehabilitation research.

(b) **REQUIREMENTS.**—The cognitive rehabilitation research study conducted under subsection (a) shall—

(1) be designed to contribute to the establishment of evidence-based practice guidelines in the area of cognitive rehabilitation including predictors of relapse and recovery;

(2) evaluate how use of health care services affects symptoms, functioning, and outcomes over time;

(3) evaluate how traumatic health injuries and mental health conditions affect physical health, economic productivity, and social functioning;

(4) evaluate how long-term impairments may be reduced based on different rehabilitation options;

(5) be designed to result in the implementation of strategies for accessing quality mental health treatment care, including cognitive rehabilitation;

(6) assess current research activity on post traumatic stress disorder and traumatic brain injury, evaluate programs, and make recommendations for strategic research priority setting; and

(7) be coordinated with the study conducted under section 721 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364).

(c) **REPORTS.**—

(1) **BASELINE REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a baseline report on the results of the study conducted under subsection (a).

(2) **PRELIMINARY REPORT.**—Not later than 4 years after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a preliminary report on the results of the study conducted under subsection (a).

(3) **FINAL REPORT.**—Not later than 10 years after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a final report on the results of the study conducted under subsection (a).

**SA 5286.** Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

On page 338, between lines 12 and 13, insert the following:

(e) ACCOUNTABILITY FOR EQUIPMENT PROVIDED UNDER PROGRAM.—

(1) IN GENERAL.—Such section, as so amended, is further amended—

(A) by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (h), respectively;

(B) by inserting after subsection (c) the following new subsection (d):

“(d) ACCOUNTABILITY FOR EQUIPMENT PROVIDED.—

“(1) IN GENERAL.—The Secretary of Defense and the Secretary of State shall jointly establish procedures and guidelines for accountability for any equipment provided to a foreign country’s national military forces under the program under subsection (a).

“(2) ELEMENTS.—The procedures and guidelines established under paragraph (1) shall—

“(A) ensure that any foreign military forces provided equipment under the program are informed of best practices in physical security and stockpile management with respect to such equipment;

“(B) ensure that an appropriate representative of the United States (whether from the combatant command having jurisdiction of the area in which the foreign country concerned is located or from the United States mission to such foreign country) is present when any equipment provided under the program is physically received by foreign military forces;

“(C) ensure that any foreign military forces provided equipment under the program submit to the Department of Defense on an annual basis a report on the current location of such equipment and on the uses, if any, of such equipment during the preceding year; and

“(D) provide for the retention and maintenance by the Department of Defense of any reports submitted pursuant to subparagraph (C) and of any other records or reports on equipment provided under the program.

“(3) GUIDANCE ON COMPLIANCE.—The Secretary of Defense and the Secretary of State shall take appropriate actions to provide guidance to the personnel of the Department of Defense and personnel of the Department of State who carry out activities under the program on the procedures and guidelines established under paragraph (1), including any procedures and guidelines established to meet the requirements of paragraph (2).”; and

(C) in subsection (g), as redesignated by paragraph (1) of this subsection, by striking “subsection (e)(3)” and inserting “subsection (f)(3)”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect six months after the date of the enactment of this Act.

**SA 5287.** Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the De-

partment of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

**SEC. 587. ISSUANCE OF CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY TO MEMBERS OF THE ARMED FORCES WHO SERVE ON ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION FOR LESS THAN 90 DAYS.**

(a) ISSUANCE REQUIRED.—Each Secretary of a military department shall modify applicable regulations to provide for the issuance of a Certificate of Release or Discharge from Active Duty (DD Form 214) to each member of the Armed Forces (including a member of the National Guard or Reserve) under the jurisdiction of such Secretary who serves on active duty in the Armed Forces in support of a contingency operation upon the separation of the member from such service, regardless of whether the period of such service is less than 90 days. The regulations shall be so modified not later than 180 days after the date of the enactment of this Act.

(b) CONTINGENCY OPERATION DEFINED.—In this section, the term “contingency operation” has the meaning given that term in section 101(a)(13) of title 10, United States Code.

**SA 5288.** Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

**SEC. 587. ENHANCEMENT OF CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 214).**

The Secretary of Defense shall modify the Certificate of Release or Discharge from Active Duty (DD Form 214) to include a current electronic mail address (if any) and a current telephone number as information required of a member of the Armed Forces by the form.

**SA 5289.** Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXIX, add the following:

**SEC. 2914. LIMITATION ON MILITARY CONSTRUCTION PROJECTS IN IRAQ PENDING CERTIFICATION OF SATISFACTION OF CERTAIN REQUIREMENTS.**

(a) NOTICE AND WAIT.—A military construction project described in subsection (b) may not be commenced until the date that is 21 days after the date on which the Secretary of Defense submits to the congressional defense committees the certifications on the project described in subsection (c).

(b) COVERED MILITARY CONSTRUCTION PROJECTS.—A military construction project described in this subsection is any military construction project as follows:

(1) A military construction project authorized by section 2901(b).

(2) A military construction project in Iraq that is first authorized by an Act enacted after the date of the enactment of this Act or for which funds are first appropriated in an Act enacted after the date of the enactment of this Act.

(c) CERTIFICATIONS.—

(1) IN GENERAL.—The certifications on a military construction project for purposes of subsection (a) shall include each of the following:

(A) A certification that the project is not intended to provide for the permanent stationing of United States forces in Iraq.

(B) A certification that the project is required to satisfy an urgent temporary requirement in support of current United States military operations.

(C) A certification that the project is for the use of United States forces in Iraq.

(D) A certification that no reasonable alternative facility or installation will satisfy the requirements to be satisfied by the project.

(E) A certification that a written request for funding the project was submitted to Iraq, and that the Government of Iraq has considered the request.

(2) CORRESPONDENCE.—If the Government of Iraq has submitted to the United States a written response to a request for the funding of a military construction project described by subsection (b) at the time of the submittal of the certifications on the project under subsection (a), the certification on the project under paragraph (1)(E) shall also include copies of the request and response.

**SA 5290.** Mr. REID proposed an amendment to the bill S. 3001, 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; as follows:

At the end of the bill insert the following: The provision of this bill shall become effective in 5 days upon enactment.

**SA 5291.** Mr. REID proposed an amendment SA 5290 proposed by Mr. REID to the bill S. 3001, 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; as follows:

In the amendment strike “5” and insert “4”.

**SA 5292.** Mr. REID proposed an amendment to the bill S. 3001, 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; as follows:

At the appropriate place, insert the following:

This section shall become effective 3 days after enactment.

**SA 5293.** Mr. REID proposed an amendment to the bill S. 3001, 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; as follows:

In the amendment, strike “3” and insert “2”.

**SA 5294.** Mr. REID proposed an amendment SA 5293 proposed by Mr. REID to the bill S. 3001, 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; as follows:

In the amendment strike “2” and insert “1”.

**SA 5295.** Mr. KYL (for himself, Mr. VITTER, and Mr. INOUE) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

**SEC. \_\_\_\_ . ACTIVATION AND DEPLOYMENT OF AN/TYP-2 FORWARD-BASED X-BAND RADAR.**

Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, and available for Ballistic Missile Defense Sensors, up to \$89,000,000 may be available for the activation and deployment of the AN/TPY-2 forward-based X-band radar to a classified location.

**SA 5296.** Mr. ALLARD (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

On page 458, between lines 12 and 13, insert the following:

**SEC. 2842. EXPANSION OF PINON CANYON MANEUVER SITE, COLORADO.**

None of the funds appropriated or otherwise made available for the acquisition of land to expand the Pinon Canyon Maneuver Site, Colorado, may be obligated or expended for the acquisition through the exercise of eminent domain authority of any real property owned by any landowner who has not requested condemnation, including the filing of a declaration of taking or a complaint in condemnation.

**SA 5297.** Mr. ALEXANDER submitted an amendment intended to be proposed

by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

**SEC. 556. ENHANCEMENT OF EDUCATIONAL ASSISTANCE AVAILABLE UNDER POST-9/11 VETERANS EDUCATIONAL ASSISTANCE.**

(a) MAXIMUM TUITION AND FEES TO BE DETERMINED USING MAXIMUM IN-STATE TUITION AND FEES CHARGED BY PUBLIC INSTITUTIONS THROUGHOUT THE UNITED STATES.—Subparagraph (A) of section 3313(c)(1) of title 38, United States Code (as added by section 5003 of the Post-9/11 Veterans Educational Assistance Act of 2008 (title V of Public Law 110-252)), is amended by striking “in the State” and all that follows and inserting “in the United States that charges the highest amount for tuition and fees for in-State undergraduate students for full-time pursuit of such programs of education.”.

(b) AVAILABILITY OF MONTHLY HOUSING STIPEND FOR PURSUIT OF PROGRAM OF EDUCATION THROUGH DISTANCE LEARNING.—Subparagraph (B)(i) of such section (as so added) is amended by striking “the program of education” and all that follows and inserting “the program of education—

“(I) a monthly housing stipend amount equal to the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E-5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the institution of higher education at which the individual is enrolled; or

“(II) in the case of an individual pursuing a program of education through distance learning, a monthly housing stipend amount equal to the monthly amount of the basic allowance for housing so payable for such a member residing in the military housing area in which the individual resides.”.

**SA 5298.** Mr. ALLARD (for himself, Mr. COBURN, Mr. VITTER, Mr. CORNYN, Mr. CRAIG, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1083. ENHANCEMENT AND IMPROVEMENT OF PROCEDURES RELATING TO OVERSEAS VOTING BY MEMBERS OF THE UNIFORMED SERVICES.**

(a) ENHANCEMENT AND IMPROVEMENT OF CERTAIN PROCEDURES.—

(1) IN GENERAL.—Section 102(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1(a)) is amended—

(A) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively;

(B) by inserting after paragraph (2) the following new paragraph (3):

“(3) accept and process, with respect to any election for Federal office, any otherwise valid voter registration application, ab-

sente ballot application, and completed ballot that is submitted by an absent uniformed services voter described by section 107(1)(A) without any requirement for notarization of such document;”;

(C) in paragraph (5), as redesignated by paragraph (1) of this subsection, by inserting before the semicolon the following: “and permit the submittal of the official post card form by electronic means (including by fax transmission and electronic mail transmission)”.

(2) CONFORMING AMENDMENT.—Section 104(a) of such Act (42 U.S.C. 1973ff-3(a)) is amended by striking “section 102(a)(4)” and inserting “section 102(a)(5)”.

(b) SENSE OF CONGRESS.—It is the sense of Congress—

(1) to encourage the States to permit members of the Armed Forces to apply for, receive, and submit absentee ballots for election for Federal office by electronic means; and

(2) to encourage the Department of Defense to implement and maintain programs that permit the secure submittal by members of the Armed Forces of absentee ballots for election for Federal office by electronic means.

**SA 5299.** Mr. CASEY (for himself and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . COUNTERTERRORISM STATUS REPORTS.**

(a) SHORT TITLE.—This section may be cited as the “Success in Countering Al Qaeda Reporting Requirements Act of 2008”.

(b) FINDINGS.—Congress makes the following findings:

(1) Al Qaeda and its related affiliates attacked the United States on September 11, 2001 in New York, New York, Arlington, Virginia, and Shanksville, Pennsylvania, murdering almost 3000 innocent civilians.

(2) Osama bin Laden and his deputy Ayman al-Zawahiri remain at large.

(3) Al Qaeda and its related affiliates maintain freedom of movement in the Afghan-Pakistani border region and continue to strengthen their operational capabilities to plot and carry out attacks.

(4) Nearly 7 years after the attacks on September 11, 2001, Al Qaeda and its related affiliates remain the most serious national security threat to the United States, with alarming signs that Al Qaeda and its related affiliates recently reconstituted their strength and ability to generate new attacks throughout the world, including against the United States.

(5) The July 2007 National Intelligence Estimate states, “Al Qaeda is and will remain the most serious terrorist threat to the Homeland”.

(6) In testimony to the Permanent Select Committee on Intelligence of the House of Representatives on February 7, 2008, Director of National Intelligence Michael McConnell stated, “Al-Qa’ida and its terrorist affiliates continue to pose significant threats to the United States at home and abroad, and al-Qa’ida’s central leadership based in the border area of Pakistan is its most dangerous component.”.

(7) The Intelligence Reform and Terrorist Prevention Act of 2004, which implemented the recommendations of the 9/11 Commission, and a subsequent executive order, assigned to the National Counterterrorism Center (NCTC) the responsibility to develop comprehensive, integrated strategic operations plans for all of the Federal Government and to assess the execution of these plans for the President. This vital aspect of the NCTC's mission is not sufficiently resourced or supported by the executive branch or Congress, resulting in a lack of coherent and effective planning and implementation in the struggle against terrorism.

(8) The "National Strategy for Combating Terrorism", issued in September 2006, affirmed that long-term efforts are needed to win the battle of ideas against the root causes of the violent extremist ideology that sustains Al Qaeda and its affiliates. The United States has obligated resources to support democratic reforms and human development to undercut support for violent extremism, including in the Federally Administered Tribal Areas in Pakistan and the Sahel region of Africa. However, 2 reports released by the Government Accountability Office in 2008 found that "no comprehensive plan for meeting U.S. national security goals in the FATA have been developed," and "no comprehensive integrated strategy has been developed to guide the [Sahel] program's implementation".

(9) Such efforts to combat violent extremism and radicalism must be undertaken using all elements of national power, including military tools, intelligence assets, law enforcement resources, diplomacy, paramilitary activities, financial measures, development assistance, strategic communications, and public diplomacy.

(10) There remains a paucity of information on current counterterrorism efforts undertaken by the Federal Government and the level of success achieved by specific initiatives.

(11) Congress and the American people can benefit from more specific data and metrics that can provide the basis for objective external assessments of the progress being made in the overall war being waged against violent extremism.

(12) In its key recommendations to the 110th Congress, the Government Accountability Office urged greater congressional oversight in assessing the effectiveness and coordination of United States international programs focused on combating and preventing the growth of terrorism and its underlying causes.

(13) The Secretary of State is required by law to submit annual reports to Congress that detail key developments on terrorism on a country-by-country basis. These Country Reports on Terrorism provide information on acts of terrorism in countries, major developments in bilateral and multilateral counterterrorism cooperation, and the extent of state support for terrorist groups responsible for the death, kidnaping, or injury of Americans, but do not assess the scope and efficacy of United States counterterrorism efforts against Al Qaeda and its related affiliates.

(14) The Executive Branch submits regular reports to Congress that detail the status of United States combat operations in Iraq and Afghanistan, including a breakdown of budgetary allocations, key milestones achieved, and measures of political, economic, and military progress.

(15) The Department of Defense compiles a report of the monthly and cumulative incremental obligations incurred to support the Global War on Terrorism in a monthly Supplemental and Cost of War Execution Report.

(16) In March 2008, the Government Accountability Office reported to Congress that it found the data in these reports to be of "questionable reliability" and recommended improvements in transparency and reliability in Department of Defense reporting.

(17) The absence of a comparable timely assessment of the ongoing status and progress of United States counterterrorism efforts against Al Qaeda and its related affiliates in the overall Global War on Terrorism hampers the ability of Congress and the American people to independently determine whether the United States is making significant progress in this defining struggle of our time.

(18) The Executive Branch should submit a comprehensive report to Congress, updated on a semiannual basis, which provides a more strategic perspective regarding—

(A) the United States' highest global counterterrorism priorities;

(B) the United States' efforts to combat and defeat Al Qaeda and its related affiliates;

(C) the United States' efforts to undercut long-term support for the violent extremism that sustains Al Qaeda and its related affiliates;

(D) the progress made by the United States as a result of such efforts;

(E) the efficacy and efficiency of the United States resource allocations; and

(F) whether the existing activities and operations of the United States are actually diminishing the national security threat posed by Al Qaeda and its related affiliates.

(c) SEMIANNUAL COUNTERTERRORISM STATUS REPORTS.—

(1) IN GENERAL.—Not later than July 31, 2009, and every 6 months thereafter, the President shall submit a report, to the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Committee on Armed Services of the Senate, the Committee on Armed Services of the House of Representatives, the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives, which contains, for the most recent 6-month period, a review of the counterterrorism strategy of the United States Government, including—

(A) a detailed assessment of the scope, status, and progress of United States counterterrorism efforts in fighting Al Qaeda and its related affiliates and undermining long-term support for violent extremism;

(B) a judgment on the geographical region in which Al Qaeda and its related affiliates pose the greatest threat to the national security of the United States;

(C) an evaluation of the extent to which the counterterrorism efforts of the United States correspond to the plans developed by the NCTC and the goals established in overarching public statements of strategy issued by the executive branch;

(D) a description of the efforts of the United States Government to combat Al Qaeda and its related affiliates and undermine violent extremist ideology, which shall include—

(i) a specific list of the President's highest global counterterrorism priorities;

(ii) the degree of success achieved by the United States, and remaining areas for progress, in meeting the priorities described in clause (i); and

(iii) efforts in those countries in which the President determines that—

(I) Al Qaeda and its related affiliates have a presence; or

(II) acts of international terrorism have been perpetrated by Al Qaeda and its related affiliates;

(E) the specific status and achievements of United States counterterrorism efforts, through military, financial, political, intelligence, and paramilitary elements, relating to—

(i) bilateral security and training programs;

(ii) law enforcement and border security;

(iii) the disruption of terrorist networks; and

(iv) the denial of terrorist safe havens and sanctuaries;

(F) a description of United States Government activities to counter terrorist recruitment and radicalization, including—

(i) strategic communications;

(ii) public diplomacy;

(iii) support for economic development and political reform; and

(iv) other efforts aimed at influencing public opinion;

(G) United States Government initiatives to eliminate direct and indirect international financial support for the activities of terrorist groups;

(H) a cross-cutting analysis of the budgets of all Federal Government agencies as they relate to counterterrorism funding to battle Al Qaeda and its related affiliates abroad, including—

(i) the source of such funds; and

(ii) the allocation and use of such funds;

(I) an analysis of the extent to which specific Federal appropriations—

(i) have produced tangible, calculable results in efforts to combat and defeat Al Qaeda, its related affiliates, and its violent ideology; or

(ii) contribute to investments that have expected payoffs in the medium- to long-term;

(J) statistical assessments, including those developed by the National Counterterrorism Center, on the number of individuals belonging to Al Qaeda and its related affiliates that have been killed, injured, or taken into custody as a result of United States counterterrorism efforts; and

(K) a concise summary of the methods used by NCTC and other elements of the United States Government to assess and evaluate progress in its overall counterterrorism efforts, including the use of specific measures, metrics, and indices.

(2) COUNTRY SELECTION.—The countries referred to in paragraph (1)(D)(iii) shall include Afghanistan, Algeria, Bangladesh, Democratic Republic of Congo, Egypt, India, Indonesia, Iraq, Jordan, Kenya, Lebanon, Morocco, Pakistan, Philippines, Saudi Arabia, Somalia, Spain, Syria, Thailand, Tunisia, Turkey, Yemen, and any other country that meets the conditions described in subclause (I) or (II) of paragraph (1)(D)(iii).

(3) INTERAGENCY COOPERATION.—In preparing the report under this subsection, the President shall include relevant information maintained by—

(A) the National Counterterrorism Center and the National Counterproliferation Center;

(B) Department of Justice, including the Federal Bureau of Investigation;

(C) the Department of State;

(D) the Department of Defense;

(E) the Department of Homeland Security;

(F) the Department of the Treasury;

(G) the Office of the Director of National Intelligence,

(H) the Central Intelligence Agency;

(I) the Office of Management and Budget;

(J) the United States Agency for International Development; and

(K) any other Federal department that maintains relevant information.

(4) REPORT CLASSIFICATION.—The report required under this subsection shall be—

(A) submitted in an unclassified form, to the maximum extent practicable; and

(B) accompanied by a classified appendix, as appropriate.

**SA 5300.** Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

On page 245, strike line 14 and all that follows through page 246, line 6, and insert the following:

(b) ESTABLISHMENT WITHIN THE ARMED FORCES OF UNITS FOR ASSISTANCE IN MANAGING CONSEQUENCES OF INCIDENTS OF NATIONAL SIGNIFICANCE INVOLVING A CHEMICAL, BIOLOGICAL, RADIOLOGICAL, OR NUCLEAR DEVICE, OR HIGH-YIELD EXPLOSIVES.—

(1) IN GENERAL.—Subject to the direction and control of the President, the Secretary of Defense shall, by not later than December 31, 2009, establish within the Armed Forces three units having the primary mission of assisting State and local governments with managing the consequences of multiple incidents of national significance involving a chemical, biological, radiological, or nuclear device, or high-yield explosives.

(2) REQUIREMENTS.—The responsibilities of the units established under subsection (a) in providing assistance under that subsection shall include, but not be limited to, the initial conduct of medical triage, search and rescue, decontamination, and such other activities in response to an incident described in that subsection as the Secretary of Defense considers appropriate in managing the consequences of such incident.

(3) ADDITIONAL REQUIREMENTS.—In establishing the units required by subsection (a), the Secretary of Defense shall establish such requirements relating to the equipping and training of such units, and for Department of Defense support of such units, as the Secretary determines appropriate in order to ensure that each unit is, commencing not later than December 31, 2009, at a state of full operational readiness for its domestic mission at all times.

**SA 5301.** Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

**SEC. 1068. ACCESS OF MEMBERS OF THE ARMED FORCES UNDERGOING MEDICAL OR PHYSICAL EVALUATION TO CERTAIN ORGANIZATIONS PROVIDING VETERANS COUNSELING AND SERVICES.**

(a) IN GENERAL.—Chapter 58 of title 10, United States Code, is amended by adding at the end the following:

**“§1154. Access to organizations providing counseling and services for veterans: members of the armed forces undergoing medical or physical evaluation**

“(a) IN GENERAL.—Each Secretary of a military department shall carry out a pro-

gram to facilitate the access of members of the armed forces under the jurisdiction of such Secretary for whom a medical evaluation board or physical evaluation board has been initiated, as soon as practicable after the initiation of such board, to representatives of military service organizations, veterans service organizations, and State veterans agencies that provide counseling and services to members of the armed forces.

“(b) NOTICE ON AVAILABILITY OF COUNSELING AND SERVICES.—In carrying out a program under this section, each Secretary of a military department shall provide to the members of the armed forces under the jurisdiction of such Secretary that are described in subsection (a), and their family members, notice that organizations described in that subsection provide counseling and services to veterans.

“(c) ACCESS TO SPACE AND EQUIPMENT.—The commander of a military installation may not refuse the use of space and equipment at military installations, that is required to be provided by section 2670(c) of this title, to representatives of a veterans service organizations, including those authorized to provide counseling and services at the installation under this section.

“(d) PRIVATE SPACE FOR COUNSELING AND SERVICES.—The commander of each facility or location at which access is provided under subsection (c) shall, at the request of a member seeking to receive counseling and services under the program under this section, provide private space in which the member may receive such counseling and services from organizations and agencies described in subsection (a).

“(e) ELECTION NOT TO PARTICIPATE.—A member of the armed forces may affirmatively elect not to participate in the program under this section.

“(f) REPRESENTATIVE DEFINED.—In this section, the term ‘representative’, with respect to a veterans service organization, means a representative of an organization that is recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 58 of such title is amended by adding at the end the following:

“1154. Access to organizations providing counseling and services for veterans: members of the armed forces undergoing medical or physical evaluation.”

**SA 5302.** Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1083. GRANT OF FEDERAL CHARTER TO MILITARY OFFICERS ASSOCIATION OF AMERICA.**

(a) GRANT OF CHARTER.—Part B of subtitle II of title 36, United States Code, is amended by inserting after chapter 1403 the following new chapter:

**“CHAPTER 1404—MILITARY OFFICERS ASSOCIATION OF AMERICA**

“Sec.  
“140401. Organization.

“140402. Purposes.

“140403. Membership.

“140404. Governing body.

“140405. Powers.

“140406. Restrictions.

“140407. Tax-exempt status required as condition of charter.

“140408. Records and inspection.

“140409. Service of process.

“140410. Liability for acts of officers and agents.

“140411. Annual report.

“140412. Definition.

**“§ 140401. Organization**

“(a) FEDERAL CHARTER.—Military Officers Association of America (in this chapter, the ‘corporation’), a nonprofit organization that meets the requirements for a veterans service organization under section 501(c)(19) of the Internal Revenue Code of 1986 and is organized under the laws of the Commonwealth of Virginia, is a federally chartered corporation.

“(b) EXPIRATION OF CHARTER.—If the corporation does not comply with the provisions of this chapter, the charter granted by subsection (a) shall expire.

**“§ 140402. Purposes**

“(a) GENERAL.—The purposes of the corporation are as provided in its bylaws and articles of incorporation and include—

“(1) to inculcate and stimulate love of the United States and the flag;

“(2) to defend the honor, integrity, and supremacy of the Constitution of the United States and the United States Government;

“(3) to advocate military forces adequate to the defense of the United States;

“(4) to foster the integrity and prestige of the Armed Forces;

“(5) to foster fraternal relations between all branches of the various Armed Forces from which members are drawn;

“(6) to further the education of children of members of the Armed Forces;

“(7) to aid members of the Armed Forces and their family members and survivors in every proper and legitimate manner;

“(8) to present and support legislative proposals that provide for the fair and equitable treatment of members of the Armed Forces, including the National Guard and Reserves, military retirees, family members, survivors, and veterans; and

“(9) to encourage recruitment and appointment in the Armed Forces.

**“§ 140403. Membership**

“Eligibility for membership in the corporation, and the rights and privileges of members of the corporation, are as provided in the bylaws of the corporation.

**“§ 140404. Governing body**

“(a) BOARD OF DIRECTORS.—The composition of the board of directors of the corporation, and the responsibilities of the board, are as provided in the articles of incorporation and bylaws of the corporation.

“(b) OFFICERS.—The positions of officers of the corporation, and the election of the officers, are as provided in the articles of incorporation and bylaws.

**“§ 140405. Powers**

“The corporation has only those powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

**“§ 140406. Restrictions**

“(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

“(b) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member of the corporation during the life of the charter granted by this chapter. This subsection does not



prevent the payment of reasonable compensation to an officer or employee of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

“(c) LOANS.—The corporation may not make a loan to a director, officer, employee, or member of the corporation.

“(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval or the authority of the United States Government for any of its activities.

“(e) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of the Commonwealth of Virginia.

**“§ 140407. Tax-exempt status required as condition of charter**

“If the corporation fails to maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986, the charter granted under this chapter shall terminate.

**“§ 140408. Records and inspection**

“(a) RECORDS.—The corporation shall keep—

“(1) correct and complete records of account;

“(2) minutes of the proceedings of the members, board of directors, and committees of the corporation having any of the authority of the board of directors of the corporation; and

“(3) at the principal office of the corporation, a record of the names and addresses of the members of the corporation entitled to vote on matters relating to the corporation.

“(b) INSPECTION.—A member entitled to vote on any matter relating to the corporation, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose at any reasonable time.

**“§ 140409. Service of process**

“The corporation shall comply with the law on service of process of each State in which it is incorporated and each State in which it carries on activities.

**“§ 140410. Liability for acts of officers and agents**

“The corporation is liable for any act of any officer or agent of the corporation acting within the scope of the authority of the corporation.

**“§ 140411. Annual report**

“The corporation shall submit to Congress an annual report on the activities of the corporation during the preceding fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101(b) of this title. The report may not be printed as a public document.

**“§ 140412. Definition**

“In this chapter, the term ‘State’ includes the District of Columbia and the territories and possessions of the United States.”.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 36, United States Code, is amended by inserting after the item relating to chapter 1403 the following new item:

“1404. Military Officers Association of America .....140401”.

**SA 5303.** Mr. BINGAMAN (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, insert the following:

**SEC. 1083. PAYMENT OF COMPENSATION TO MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE UNITED STATES CAPTURED BY JAPAN AND FORCED TO PERFORM SLAVE LABOR DURING WORLD WAR II.**

(a) FINDINGS.—Congress makes the following findings:

(1) During World War II, members of the Armed Forces of the United States fought valiantly against the Armed Forces of Japan in the Pacific. In particular, from December 1941 until May 1942, members of the Armed Forces of the United States fought courageously against overwhelming Armed Forces of Japan on Wake Island, Guam, the Philippine Islands, including the Bataan Peninsula and Corregidor, and the Dutch East Indies, thereby preventing Japan from accomplishing strategic objectives necessary for achieving a preemptive military victory in the Pacific during World War II.

(2) During initial military action in the Philippines, members of the Armed Forces of the United States were ordered to surrender on April 9, 1942, and were forced to march 65 miles to prison camps at Camp O'Donnell, Cabanatuan, and Bilibid. More than 10,000 people of the United States died during the march (known as the “Bataan Death March”) and during subsequent imprisonment as a result of starvation, disease, and executions.

(3) Beginning in January 1942, the Armed Forces of Japan began transporting United States prisoners of war to Japan, Taiwan, Manchuria, and Korea to perform slave labor to support Japanese industries. Many of the unmarked merchant vessels in which the prisoners were transported (known as “Hell Ships”) were attacked by the Armed Forces of the United States, which, according to some estimates, killed more than 3,600 people of the United States.

(4) Following the conclusion of World War II, the Government of the United States agreed to pay compensation to former prisoners of war of the United States, amounting to \$2.50 per day of imprisonment. This compensation, paid from assets of Japan frozen by the Government of the United States, is wholly insufficient to compensate fully such former prisoners of war for the conditions they endured. Neither the Government of Japan nor any corporations of Japan admit any liability requiring payment of compensation.

(5) Other countries, including Canada, the United Kingdom, Isle of Man, Norway, the Netherlands, New Zealand, and Australia have previously awarded such a compensation to their surviving veterans who were captured by the Japanese during World War II and required to perform slave labor. Currently, the United States is the only Western Allied power that has not awarded similar compensation to these distinguished heroes of World War II who were prisoners of war of Japan.

(b) PURPOSE.—The purpose of this section is to recognize, by the provision of compensation, the heroic contributions of the members of the Armed Forces and civilian employees of the United States who were captured by the Japanese military during World War II and denied their basic human rights by being forced to perform slave labor by the Imperial Government of Japan or by corporations of Japan during World War II.

(c) DEFINITIONS.—In this section:

(1) COVERED VETERAN OR CIVILIAN INTERNEE.—The term “covered veteran or civilian internee” means any individual who—

(A) is a citizen of the United States;

(B) was a member of the Armed Forces, a civilian employee of the United States, or an employee of a contractor of the United States during World War II;

(C) served in or with the Armed Forces during World War II;

(D) was captured and held as a prisoner of war or prisoner by Japan in the course of such service; and

(E) was required by the Imperial Government of Japan, or one or more corporations of Japan, to perform slave labor during World War II.

(2) SLAVE LABOR.—The term “slave labor” means forced servitude under conditions of subjugation.

(d) PAYMENT OF COMPENSATION REQUIRED.—

(1) IN GENERAL.—Subject to the availability of appropriated funds, the Secretary of Defense shall pay compensation to each living covered veteran or civilian internee, or to the surviving spouse of a covered veteran or civilian internee, in the amount of \$20,000.

(2) REBUTTABLE PRESUMPTION.—An application for compensation submitted under this section by or with respect to an individual seeking treatment as a covered veteran or civilian internee under this section is subject to a rebuttable presumption that such individual is a covered veteran or civilian internee if the application on its face provides information sufficient to establish such individual as a covered veteran or civilian internee.

(e) RELATIONSHIP TO OTHER PAYMENTS.—Any amount paid to a person under this section for activity described in subsection (c)(1)(D) is in addition to any other amount paid to such person for such activity under any other provision of law.

(f) INAPPLICABILITY OF TAXATION OR ATTACHMENT.—Any amount paid to a person under this section shall not be subject to any taxation, attachment, execution, levy, tax lien, or detention under any process whatever.

**SA 5304.** Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

**SEC. 152. AC-130H SPECTRE GUNSHIPS.**

(a) REPORT ON REDUCTION IN SERVICE LIFE IN CONNECTION WITH ACCELERATED DEPLOYMENT.—Not later than December 31, 2008, the Secretary of the Air Force shall submit to the congressional defense committees an assessment of the reduction in the service life of AC-130H Spectre gunships of the Air Force as a result of the accelerated deployments of such gunships that are anticipated during the seven to ten year period beginning with the date of the enactment of this Act.

(b) ELEMENTS.—

(1) IN GENERAL.—The report required by subsection (a) shall include the following:

(A) An estimate of the maintenance costs for the AC-130H Spectre gunships during the period described in subsection (a), including any major airframe and engine overhauls of such aircraft anticipated during that period,

which costs shall be set forth on a per-aircraft basis.

(B) A description of the age and serviceability of the armament systems of the AC-130H Spectre gunships.

(C) An estimate of the costs of retrofitting the armament systems of the AC-130H Spectre gunships with advanced medium caliber weapons and precision guided munitions during that period.

(D) A description of the age of the electronic warfare systems of the AC-130H Spectre gunships, and an estimate of the cost of upgrading such systems during that period.

(E) A description of the age of the avionics systems of the AC-130H Spectre gunships, and an estimate of the cost of upgrading such systems during that period.

(F) An estimate of the costs of replacing the AC-130H Spectre gunships listed in paragraph (2) with AC-130J gunships, including—

(i) a description of the time required for the replacement of every AC-130H Spectre gunship with an AC-130J gunship; and

(ii) a comparative analysis of the costs of operation of AC-130H Spectre gunships, including costs of operation, maintenance, and personnel, with the anticipated costs of operation of AC-130J gunships.

(2) COVERED AC-130H SPECTRE GUNSHIPS.—The AC-130H Spectre gunships listed in this paragraph are the AC-130H Spectre gunships with tail numbers as follows:

- (A) Tail number 69-6568.
- (B) Tail number 69-6569.
- (C) Tail number 69-6570.
- (D) Tail number 69-6572.
- (E) Tail number 69-6573.
- (F) Tail number 69-6574.
- (G) Tail number 69-6575.
- (H) Tail number 69-6577.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

**SA 5305.** Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

**SEC. 907. TEST AND EVALUATION ACTIVITIES OF THE DEPARTMENT OF DEFENSE.**

(a) REVIEW OF TEST AND EVALUATION ACTIVITIES.—The Defense Science Board shall carry out a thorough review of the conduct of test and evaluation activities by the Department of Defense.

(b) SCOPE OF REVIEW.—The review required by subsection (a) shall address and include the following:

(1) The test and evaluation enterprise using the recommendations of 1999 report of the Defense Science Board as a baseline.

(2) The effectiveness of the Defense Testing Resource Management Center in coordinating and certifying Department of Defense budgets for test and evaluation.

(3) The adequacy of funding through the future-years defense program to sustain Major Range and Test Facility Base activities both through personnel and equipment acquisition and maintenance.

(4) An identification of means for strengthening the management and coordination of the test and evaluation enterprise of the Department of Defense, including means of improving the role of the Defense Testing Re-

source Management Center in such activities.

(5) An assessment whether the Department of Defense is fully meeting the objectives set forth in section 232 of the National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 116 Stat. 2489), and, if not, an identification of additional actions to be taken by the Department or Congress to achieve full achievement of such objectives.

(6) Such other matters as the Secretary of Defense considers appropriate.

(c) REPORT.—The Defense Science Board shall submit to the Secretary of Defense, and to Congress, a report setting forth such recommendations for legislative or administrative action as the Defense Science Board considers appropriate as a result of the review under subsection (a) for improvements in the conduct of test and evaluation activities by the Department of Defense.

**SA 5306.** Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

**SEC. 1068. SERVICE AS FELLOWS OR INTERNS OF PUBLIC OFFICE OF MEMBERS OF THE ARMED FORCES WHO ARE UNDERGOING CONVALESCENCE AT MILITARY MEDICAL TREATMENT FACILITIES IN THE NATIONAL CAPITAL REGION.**

(a) PROGRAM REQUIRED.—

(1) IN GENERAL.—Commencing not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall carry out a program under which members of the Armed Forces who are undergoing convalescence at military medical treatment facilities in the National Capital Region, including Walter Reed Army Medical Center, District of Columbia, are eligible to serve as follows:

(A) As a fellow of Congress, whether in the staff of a Member of Congress or the staff of a committee of Congress.

(B) As a fellow of the legislature of a State, whether in the staff of a member of such legislature or the staff of a committee of such legislature.

(C) As an intern in any other public office.

(2) DESIGNATION.—The program required by this section shall be known as the “Wounded Warrior Public Service Initiative”.

(b) PARTICIPATION OF MEMBERS OF THE ARMED FORCES.—

(1) RANGE OF MEMBERS.—In carrying out the program under this section, the Secretary shall encourage participation in the program by members of the Armed Forces in a range of grades, including enlisted grades, non-commissioned officer grades, and officer grades.

(2) VOLUNTARY PARTICIPATION.—The participation of members of the Armed Forces in the program shall be on a voluntary basis.

(3) ENCOURAGEMENT OF PARTICIPATION IN PROGRAM.—The Secretary shall take appropriate actions—

(A) to notify members of the Armed Forces described in subsection (a)(1) of their eligibility for participation in the program; and

(B) to facilitate participation in the program by members who elect to participate in the program, including through the provision of appropriate support for such members in participating in the program.

(4) PROHIBITION ON POLITICAL ACTIVITIES.—While serving in an office under the program, a member of the Armed Forces participating in the program may not engage in any political activity otherwise prohibited by law for similar employees of such office.

(c) PAY AND ALLOWANCES.—

(1) NO ADDITIONAL PAY AND ALLOWANCES.—A member of the Armed Forces participating in the program under this section shall not be entitled to any pay and allowances by reason of participation in the program other than the pay and allowances otherwise payable to the member by law.

(2) EXPENSES.—A member of the Armed Forces participating in the program shall be paid or reimbursed for the expenses incurred by the member in connection with participation in the program.

(d) ADMINISTRATIVE MATTERS.—

(1) ADMINISTRATION.—The program required by this section shall be administered within the Department of Defense by an appropriate official of the Department assigned by the Secretary for that purpose.

(2) RESPONSIBILITIES.—In administering the program, the official assigned under paragraph (1) shall—

(A) work collaboratively with Members and committees of Congress to identify appropriate fellowship opportunities for members of the Armed Forces seeking to participate in the program; and

(B) work collaboratively with the Director of the Capitol Guide Service and Congressional Special Services Office of the Architect of the Capitol to accommodate the special physical needs of members of the Armed Forces who are participating in the program.

(e) PAYMENT OF COSTS.—Any costs associated with the participation of members of the Armed Forces in the program required by this section, including any costs of expenses of members under subsection (c)(2), shall be borne by the Department of Defense from amounts available to the Department for the Operation Warfighter Program.

(f) DURATION.—The program required by this section shall cease on the date that is five years after the commencement of the program. No member of the Armed Forces may serve under the program after the date of the cessation of the program.

(g) DEFINITIONS.—In this section:

(1) The term “public office” means an office within a department, agency, commission, board, corporation, or service of the Federal Government or a State government that exercises any function of government.

(2) The term “State” includes the District of Columbia.

**SA 5307.** Mr. BAUCUS (for himself, Mr. CONRAD, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

**SEC. 332. COMPTROLLER GENERAL OF THE UNITED STATES ASSESSMENT OF THE ENCROACHMENT OF CIVILIAN ACTIVITIES ON MILITARY INSTALLATIONS AND ACTIVITIES IN THE UNITED STATES.**

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States

shall submit to the congressional defense committees a report setting forth an assessment by the Comptroller General of the extent of the encroachment of civilian activities (including the use of waters and airspace) on military installations and activities in the United States during the period from 2009 through 2019.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the extent to which the Department of Defense has identified encroachment of civilian activities (including the use of waters and airspace) on military installations and activities in the United States.

(2) A description of the extent to which the Department has identified non-attainment of air quality standards as a reason for not pursuing the expansion of military operations at military installations in the United States.

(3) A description of the extent to which the Department has identified the cost to the Department of programs and activities to mitigate the encroachment of civilian activities on military installations and activities in the United States as described under paragraphs (1) and (2).

(4) A description of the programs or processes of the Department for estimating the likely changes in the encroachment of civilian activities in the United States, and in the non-attainment of air quality standards, on military installations and activities in the United States during the period from 2009 through 2019 as a result of anticipated changes in relevant civilian activities (such as air travel).

(5) A description of the plans of the Department for mitigating civilian encroachment on military installations in the United States and to address non-attainment of air quality standards from 2009 through 2019, and a description of the extent to which the Department has identified the costs of such plans.

(6) An assessment of the adequacy of current Department actions to address civilian encroachment on military installations in the United States and to address non-attainment of air quality standards.

(7) An identification and assessment of alternative courses available to the Department to minimize the effects of encroachment of civilian activities on military operations in the United States.

(8) Any other matters relating to the encroachment of civilian activities on military installations and activities in the United States that the Comptroller General considers appropriate.

**SA 5308.** Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

**SEC. 572. RESPITE CARE FOR SPOUSES OF MEMBERS OF THE ARMED FORCES DEPLOYING TO COMBAT ZONES.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance to ensure that each spouse of a member of the Armed Forces who deploys to a combat zone has access to respite care with respect to children under the age of 13 throughout the period of the member's deployment to the combat zone.

(b) ACCESS.—For purposes of subsection (a), a spouse shall be treated as having access to respite care throughout the period of a member's deployment to a combat zone if—

(1) access to respite care is reserved for the spouse at the child development program at the permanent duty station of the member concerned during the entirety of such period;

(2) the Secretary of Defense provides (whether by payment or reimbursement) for access to respite care from some other source during the entirety of such period; or

(3) access to respite care throughout such period is achieved by a combination of the mechanisms described in paragraphs (1) and (2).

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report describing the guidance issued under subsection (a), including a description of how respite care will be made available to spouses described in subsection (a) whether residing on a military installation or off a military installation.

(d) RESPITE CARE DEFINED.—In this section, the term "respite care" means short-term, temporary relief to those who are caring for dependent children.

**SA 5309.** Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

**SEC. 1222. ADJUSTMENT OF STATUS FOR CERTAIN IRAQIS.**

Section 1244 of the National Defense Authorization Act of Fiscal Year 2008 (Public Law 110-181; 122 Stat. 396) is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following:

"(h) ADJUSTMENT OF STATUS.—Notwithstanding paragraphs (2), (7), or (8) of subsection (c) of section 245 of the Immigration and Nationality Act (8 U.S.C. 1255), the Secretary of Homeland Security may adjust the status of an alien described in subsection (b) to that of an alien lawfully admitted for permanent residence under subsection (a) of such section 245 if the alien—

"(1) was paroled or admitted as a non-immigrant into the United States; and

"(2) is otherwise eligible for special immigrant status under this section and under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.)."

**SA 5310.** Mr. SESSIONS submitted an amendment intended to be proposed by her to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

**SEC. 556. INCREASE IN AUTHORIZED AMOUNTS OF TUITION AND SIMILAR ASSISTANCE FOR MEMBERS OF THE ARMED FORCES.**

(a) INCREASE IN AUTHORIZED AMOUNTS.—The maximum amounts of advanced education assistance providable to an individual under section 2005 of title 10, United States Code, and of tuition payable for an individual for off-duty training or education under section 2007 of title 10, United States Code, shall, under regulations prescribed by the Secretary of Defense, be the applicable amounts as follows:

(1) In the case of tuition—

(A) not more than \$350 per credit hour; and

(B) not more than \$6,300 per year.

(2) In the case of the stipend for books—

(A) not more than \$300 per semester; and

(B) not more than \$700 per year.

(b) INCREASE IN RECEIPT OF ASSISTANCE.—The Secretary of Defense shall take appropriate actions to achieve the objective of increasing the number of members of the Armed Forces provided advanced education assistance under section 2005 of title 10, United States Code, and of the number of individuals for whom tuition is paid for off-duty training or education under section 2007 of title 10, United States Code, including individuals who are also in receipt of post-9/11 veterans educational assistance under chapter 33 of title 38, United States Code, by a number equal to 25 percent of the number of members provided such assistance or for whom such tuition is paid, as the case may be, as of the date of the enactment of this Act.

(c) REPORT ON ACTIONS TO FACILITATE RETENTION THROUGH PURSUIT OF POST-SECONDARY DEGREES BY MEMBERS OF THE ARMED FORCES.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committee a report on the actions being taken by the Secretary to enhance retention by assisting members of the Armed Forces in making progress toward receipt of associates', bachelor's degrees, master's degrees, and doctoral degrees from accredited institutions of higher education (including Department of Defense professional military education schools) while continuing their careers in the Armed Forces.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the actions proposed to be taken by the Secretary of Defense under subsection (b).

(B) An assessment by each Secretary concerned of the projected effects on usage of in-service educational programs, and the effects on retention of officers and enlisted members of the Armed Forces through fiscal year 2011, of changes to post-service educational benefits under chapters 30 and 33 of title 38, United States Code, and chapters 1606 and 1607 of title 10, United States Code.

(C) Such recommendations as the Secretary of Defense considers appropriate for other actions to enhance retention and assist members of the Armed Forces in making progress toward receipt of associates' degrees, bachelor's degrees, master's degrees, and doctoral degrees while continuing their careers in the Armed Forces, including—

(i) modifications of policies on tuition assistance;

(ii) the extension of sabbaticals from service in the Armed Forces for educational purposes;

(iii) the provision of associates-level, bachelor-level, master-level, or doctoral-level courses of education by the military departments and through accredited civilian institutions of higher education; and

(iv) additional or enhanced payments of educational expenses for associates-level bachelor-level, master-level, and doctoral-level courses by the military departments or jointly by the military departments and the Department of Veterans Affairs.

(3) CONSULTATION.—In developing recommendations under paragraph (2)(B) for the report required by paragraph (1), the Secretary of Defense shall consult with the Secretary of Veterans Affairs.

**SA 5311.** Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

**SEC. 907. TEST AND EVALUATION ACTIVITIES OF THE DEPARTMENT OF DEFENSE.**

(a) REVIEW OF TEST AND EVALUATION ACTIVITIES.—The Defense Science Board shall carry out a thorough review of the conduct of test and evaluation activities by the Department of Defense.

(b) SCOPE OF REVIEW.—The review required by subsection (a) shall address and include the following:

(1) The test and evaluation enterprise using the recommendations of 1999 report of the Defense Science Board as a baseline.

(2) The effectiveness of the Test Resource Management Center in coordinating and certifying Department of Defense budgets for test and evaluation.

(3) The adequacy of funding through the future-years defense program to sustain Major Range and Test Facility Base activities both through personnel and equipment acquisition and maintenance.

(4) An identification of means for strengthening the management and coordination of the test and evaluation enterprise of the Department of Defense, including means of improving the role of the Test Resource Management Center in such activities.

(5) An assessment whether the Department of Defense is fully meeting the objectives set forth in subtitle D of title II of the National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314), and, if not, an identification of additional actions to be taken by the Department or Congress to achieve full achievement of such objectives.

(6) Such other matters as the Secretary of Defense considers appropriate.

(c) REPORT.—The Defense Science Board shall submit to the Secretary of Defense, and to Congress, a report setting forth such recommendations for legislative or administrative action as the Defense Science Board considers appropriate as a result of the review under subsection (a) for improvements in the conduct of test and evaluation activities by the Department of Defense.

**SA 5312.** Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

**SEC. 834. IMPROVEMENT OF WHISTLEBLOWER PROTECTIONS FOR CONTRACTOR EMPLOYEES OF THE DEPARTMENT OF DEFENSE.**

(a) DISCLOSURE OF INVESTIGATION FILES.—Paragraph (1) of subsection (b) of section 2409 of title 10, United States Code, is amended—

(1) by inserting “(A)” after “(1)”; and

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

“(B) The file and any records of the investigation of a complaint under this paragraph shall be subject to disclosure in accordance with the provisions of section 552a of title 5.”.

(b) EVIDENCE SUBSTANTIATING OCCURRENCE OF REPRISAL.—Subsection (b) of such section is further amended by adding at the end the following new paragraph:

“(3)(A) A person alleging a reprisal under this section shall affirmatively establish the occurrence of the reprisal if the person demonstrates that a disclosure described in subsection (a) was a contributing factor in the reprisal. A disclosure may be demonstrated as a contributing factor for purposes of this paragraph by circumstantial evidence, including evidence as follows:

“(i) Evidence that the official undertaking the reprisal knew of the disclosure.

“(ii) Evidence that the reprisal occurred within a period of time after the disclosure such that a reasonable person could conclude that the disclosure was a contributing factor in the reprisal.

“(B) Except as provided in subparagraph (C), if a reprisal is affirmatively established under subparagraph (A), the Inspector General shall recommend in the report under paragraph (1) that corrective action be taken under subsection (c).

“(C) The Inspector General may not recommend corrective action under subparagraph (B) with respect to a reprisal that is affirmatively established under subparagraph (A) if the contractor demonstrates by clear and convincing evidence that the contractor would have taken the action constituting the reprisal in the absence of the disclosure.”.

(c) BURDEN OF PROOF IN ACTIONS FOLLOWING LACK OF RELIEF.—Paragraph (2) of subsection (c) of such section is amended—

(1) by inserting “(A)” after “(2)”; and

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

“(B) In any action under subparagraph (A), the establishment of the occurrence of a reprisal shall be governed by the provisions of subsection (b)(3)(A), including the burden of proof in that subsection, subject to the establishment by the contractor that the action alleged to constitute the reprisal did not constitute a reprisal in accordance with the provisions of subsection (b)(3)(C), including the burden of proof in that subsection.”.

(d) CLARIFICATION OF RECOURSE TO JUDICIAL REVIEW.—Paragraph (5) of subsection (c) of such section is amended by striking “Any person” and inserting “Except in the case of a complainant who brings an action under paragraph (2), any person”.

**SA 5313.** Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

Strike section 831 and insert the following:

**SEC. 831. DATABASE FOR FEDERAL AGENCY CONTRACTING OFFICERS AND SUSPENSION AND DEBARMENT OFFICIALS.**

(a) IN GENERAL.—Subject to the authority, direction, and control of the Director of the Office of Management and Budget, the Administrator of General Services shall establish, not later than one year after the date of the enactment of this Act, a database of information regarding the integrity and performance of certain persons awarded Federal agency contracts for use by Federal agency officials having authority over contracts.

(b) PERSONS COVERED.—The database shall cover the following:

(1) Any person awarded a Federal agency contract in excess of \$500,000, if any information described in subsection (c) exists with respect to such person.

(2) Any person awarded such other category or categories of Federal agency contract as the Federal Acquisition Regulation may provide, if such information exists with respect to such person.

(c) INFORMATION INCLUDED.—With respect to a covered person the database shall include information (in the form of a brief description) for the most recent 5-year period regarding the following:

(1) Each civil or criminal proceeding, or any administrative proceeding, in connection with the award or performance of a contract with the Federal Government with respect to the person during the period to the extent that such proceeding results in the following dispositions:

(A) In a criminal proceeding, a conviction.

(B) In a civil proceeding, a finding of liability that results in the payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more.

(C) In an administrative proceeding, a finding of liability that results in—

(i) the payment of a monetary fine or penalty of \$5,000 or more; or

(ii) the payment of a reimbursement, restitution, or damages in excess of \$100,000.

(D) In a criminal, civil, or administrative proceeding, a disposition of the matter by consent or compromise if the proceeding could have led to any of the outcomes specified in subparagraph (A), (B), or (C).

(2) Each Federal contract and grant awarded to the person that was terminated in such period due to default.

(3) Each Federal suspension and debarment of the person in that period.

(4) Each Federal administrative agreement entered into by the person and the Federal Government in that period to resolve a suspension or debarment proceeding.

(5) Each final finding by a Federal official in that period that the person has been determined not to be a responsible source under section 4(7) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(7)).

(6) Such other information as shall be provided for purposes of this section in the Federal Acquisition Regulation.

(7) To the maximum extent practical, information similar to the information covered by paragraphs (1) through (4) in connection with the award or performance of a contract with a State government.

(d) REQUIREMENTS RELATING TO INFORMATION IN DATABASE.—

(1) DIRECT INPUT AND UPDATE.—The Administrator shall design and maintain the database in a manner that allows the appropriate Federal agency officials to directly input and update in the information in the database relating to actions such officials have taken with regard to contractors.

(2) TIMELINESS AND ACCURACY.—The Administrator shall develop policies to require—

(A) the timely and accurate input of information into the database;

(B) notification of any covered person when information relevant to the person is entered into the database; and

(C) an opportunity for any covered person to submit comments pertaining to information about such person in the database.

(e) USE OF DATABASE.—

(1) AVAILABILITY TO GOVERNMENT OFFICIALS.—The Administrator shall ensure that the database is available to appropriate acquisition officials of Federal agencies, to such other government officials as the Administrator determines appropriate, and to Congress.

(2) REVIEW AND ASSESSMENT OF DATA.—

(A) IN GENERAL.—Before awarding a contract in excess of \$500,000, the Federal agency official responsible for awarding the contract shall review the database and shall consider information in the database with regard to any offer, along with other past performance information available with respect to that offeror, in making any responsibility determination or past performance evaluation for such offeror.

(B) DOCUMENTATION IN CONTRACT FILE.—The contract file for each contract of a Federal agency in excess of \$500,000 shall document the manner in which the material in the database was considered in any responsibility determination or past performance evaluation.

(f) DISCLOSURE IN APPLICATIONS.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to require that persons with Federal agency contracts valued in total greater than \$10,000,000 shall—

(1) submit to the Administrator a report that includes the information subject to inclusion in the database as listed in paragraphs (1) through (7) of subsection (c) current as of the date of submittal of such report under this subsection; and

(2) update such report on a semiannual basis.

(g) RULEMAKING.—The Administrator shall promulgate such regulations as may be necessary to carry out this section.

**SA 5314.** Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

**SEC. 3. INDEPENDENT STUDENT.**

(a) AMENDMENT.—Section 480(d)(3) of the Higher Education Act of 1965 (20 U.S.C. 1087v(d)(3)) is amended by inserting “or is a current active member of the National Guard or Reserve forces of the United States who has completed initial military training” after “purposes”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective July 1, 2008.

**SA 5315.** Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

**SEC. 556. GRADE AND SERVICE CREDIT OF COMMISSIONED OFFICERS IN CERTAIN UNIFORMED MEDICAL ACCESSION PROGRAMS.**

(a) GRADE OF MEDICAL STUDENTS OF USUHS.—Section 2114(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking the second sentence and inserting the following new sentence: “Medical students so commissioned shall be appointed as regular officers in the grade of second lieutenant or ensign, or if they meet promotion criteria prescribed by the Secretary concerned, in the grade of first lieutenant or lieutenant (junior grade), and shall serve on active duty with full pay and allowances of an officer in the applicable grade.”; and

(2) in paragraph (2), striking “the grade of second lieutenant or ensign” in the first sentence and inserting “the member’s grade under paragraph (1)”.

(b) SERVICE CREDIT FOR PARTICIPANTS IN HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.—Section 2126(a) of such title is amended by striking “shall not be counted—” and all that follows and inserting “shall not be counted in determining eligibility for retirement other than by reason of a physical disability incurred while on active duty as a member of the program.”.

**SA 5316.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . . . PROHIBITED ACTIVITIES AT MILITARY RECRUITMENT CENTERS.**

(a) IN GENERAL.—Section 248(a) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking “or” at the end;

(2) by redesignating paragraph (3) as paragraph (4);

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

“(3) by force or threat of force or by physical obstruction, intentionally injures, intimidates, or interferes with or attempts to injure, intimidate, or interfere with any person because that person is or has been, or in order to intimidate such person or any other person or any class of persons from, obtaining or providing services of a military recruitment center; or”;

(4) in paragraph (4) (as redesignated by paragraph (2))—

(A) by striking “or intentionally” and inserting “intentionally”; and

(B) by inserting before the comma at the end the following: “, or intentionally damages or destroys the property of a military recruitment center”.

(b) CIVIL REMEDIES.—Section 248(c)(1)(A) of title 18, United States Code, is amended—

(1) by striking “and such” and inserting “such”; and

(2) by inserting before the period the following: “, and such an action may be brought under subsection (a)(3) only by a person involved in providing or seeking to provide, or obtaining or seeking to obtain, services of a military recruitment center”.

(c) RULES OF CONSTRUCTION.—Section 248(d)(2) of title 18, United States Code, is

amended by inserting “or military recruitment center” after “outside a facility”.

(d) DEFINITIONS.—Section 248(e)(4) is amended—

(1) by striking “services or to or from a place of religious worship” and inserting “services, a place of religious worship, or a military recruitment center”; and

(2) by striking “facility or place of religious worship” and inserting “facility, place of religious worship, or military recruitment center”.

**SA 5317.** Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

On page 81, before line 6, insert the following:

**SEC. 344. ALTERNATIVE AVIATION FUEL INITIATIVE.**

(a) FINDINGS.—Congress makes the following findings:

(1) Dependence on foreign sources of oil is detrimental to the national security of the United States due to possible disruptions in supply.

(2) The Department of Defense is the largest single consumer of fuel in the United States.

(3) The United States Air Force is the largest consumer of fuel in the Department of Defense.

(4) The skyrocketing price of fuel is having a significant budgetary impact on the Department of Defense.

(5) The United States Air Force uses about 2,600,000,000 gallons of jet fuel a year, or 10 percent of the entire domestic market in aviation fuel.

(6) The fuel costs of the Air Force have tripled over the past four years, costing nearly \$6,000,000,000 in 2007, up from \$2,000,000,000 in 2003. During the same period, its consumption of fuel decreased by 10 percent.

(7) The Air Force is committed to environmentally friendly energy solutions.

(8) The Air Force has developed an energy program (in this section referred to as the “Air Force Energy Program”) to certify the entire Air Force aircraft fleet for operations on a 50/50 synthetic fuel blend by not later than June 30, 2011, and to acquire 50 percent of its domestic aviation fuel requirement from a domestically-sourced synthetic fuel blend, at prices equal to or less than market prices for petroleum-based alternatives, that exhibits a more favorable environmental footprint across all major contaminants of concern, by not later than December 31, 2016.

(9) The Air Force Energy Program will provide options to reduce the use of foreign oil, by focusing on expanding alternative energy options that provide favorable environmental attributes as compared to currently-available options.

(b) CONTINUATION OF INITIATIVES.—

(1) IN GENERAL.—The Secretary of the Air Force shall continue the alternative aviation fuel initiatives of the Air Force in order to—

(A) certify the entire Air Force aircraft fleet for operations on a 50/50 synthetic fuel blend by not later than June 30, 2011;

(B) acquire 50 percent of its domestic aviation fuel requirement from a domestically-sourced synthetic fuel blend by not later than December 31, 2016, provided that—

(i) the lifecycle greenhouse gas emissions associated with the production and combustion of such fuel shall not be greater than

such emissions from conventional fuels that are used in the same application; and

(i) synthetic fuel prices are equal to or less than market prices for petroleum-based alternatives;

(C) take actions in collaboration with the commercial aviation industry and equipment manufacturers to spur the development of a domestic alternative aviation fuel industry; and

(D) take actions in collaboration with other Federal agencies, the commercial sector, and academia to solicit for and test the next generation of environmentally-friendly alternative aviation fuels.

(2) ANNUAL REPORT.—Within 60 days after enactment and annually thereafter, the Secretary of Defense, in consultation with the Secretary of the Air Force, shall submit to Congress a report on the progress of the alternative aviation fuel initiative program, including—

(A) the status of aircraft fleet certification, until complete;

(B) the quantities of domestically-sourced synthetic fuels purchased for use by the Air Force in the fiscal year ending in such year;

(C) progress made against published goals for such fiscal year;

(D) the status of recovery plans to achieve any goals set for previous years that were not achieved; and

(E) the establishment of goals and objectives for the current fiscal year.

(c) AIR FORCE AS HOST TO ALTERNATIVE ENERGY PROJECTS.—

(1) IN GENERAL.—In order to generate revenue and provide increased security for base energy sources, the Secretary of the Air Force shall—

(A) by not later than 180 days after the date of the enactment of this Act, identify 10 installations or other facilities of the Air Force that could be suitable sites to host alternative energy projects that yield at least 10 megawatts of energy or commercial quantities of fuel or that use break-through technologies;

(B) establish a development program to solicit project concepts for suitable sites;

(C) solicit proposals for specific alternative energy projects for each suitable site;

(D) execute the design and operation of projects that are privately funded, privately developed, and privately operated on property leased by the Air Force to support such projects; and

(E) continue to seek and explore opportunities for alternative energy projects in addition to those identified in accordance with subparagraph (A).

(2) ANNUAL REPORT.—Within 60 days after enactment, and annually thereafter, the Secretary of Defense, in consultation with the Secretary of the Air Force, shall submit to Congress an annual report on the progress made in hosting alternative energy projects on Air Force installations, including—

(A) projects solicited or closed in the previous year;

(B) projects expected to be solicited in the next year; and

(C) efforts to seek and explore further opportunities to identify suitable sites to host alternative energy projects as required by paragraph (1)(E).

**SA 5318.** Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

On page 329, after line 14, add the following:

**SEC. 1110. FEDERAL EMPLOYEES PROGRAM FOR USE OF LEAVE BY CAREGIVERS FOR FAMILY MEMBERS OF INDIVIDUALS PERFORMING CERTAIN MILITARY SERVICE.**

(a) SHORT TITLE.—This section may be cited as the “Military Family Support Act”.

(b) FEDERAL EMPLOYEES PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) CAREGIVER.—The term “caregiver” means an individual who—

(i) is an employee;

(ii) is at least 18 years of age; and

(iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) COVERED PERIOD OF SERVICE.—The term “covered period of service” means any period of service performed by an employee as a caregiver—

(i) while the individual who designated the caregiver under paragraph (3)(A) remains a qualified member of the Armed Forces; or

(ii) after being designated as the caregiver under paragraph (3)(B) and while the applicable qualified member of the Armed Forces remains a qualified member of the Armed Forces.

(C) EMPLOYEE.—Except as provided under paragraph (5), the term “employee” has the meaning given under section 6331 of title 5, United States Code.

(D) FAMILY MEMBER.—The term “family member” includes—

(i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and

(ii) children under the age of 19 years, elderly adults, persons with disabilities, and other persons who are unable to care for themselves in the absence of the qualified member of the Armed Forces.

(E) QUALIFIED MEMBER OF THE ARMED FORCES.—The term “qualified member of the Armed Forces”—

(i) means—

(I) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(II) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code; and

(ii) includes a member described under clause (i) who is medically discharged or retires from the Armed Forces, but only for the 36 month period beginning on the date of that medical discharge or retirement.

(2) ESTABLISHMENT OF PROGRAM.—The Office of Personnel Management shall establish a program that—

(A) authorizes a caregiver to—

(i) use any sick leave of that caregiver during a covered period of service; and

(ii) use any leave available to that caregiver under subchapter III or IV of chapter 63 of title 5, United States Code, during a covered period of service as though that covered period of service is a medical emergency;

(B) provides a process under which a caregiver provides the employing agency reasonable notice of the need for leave under this section, similar to the process under which notice is provided to the employing agency under subchapter V of chapter 63 of title 5, United States Code; and

(C) protects employees from discrimination or retaliation for the use of the leave under this section and provides employees with the opportunity to appeal a denial of the use of leave under this section.

(3) DESIGNATION OF CAREGIVER.—

(A) IN GENERAL.—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to the employing agency and the Office of Personnel Management.

(B) INCAPACITATED MEMBERS.—If a qualified member of the Armed Forces who did not submit a designation under subparagraph (A) becomes incapacitated and is unable to submit that designation, a designation under subparagraph (A) may be submitted on behalf of that member by another individual in accordance with regulations prescribed by the Office of Personnel Management after consultation with the Department of Defense.

(4) USE OF CAREGIVER LEAVE.—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the designation of an employee as a caregiver.

(5) PROHIBITION OF COERCION.—

(A) DEFINITION.—In this section:

(i) EMPLOYEE.—The term “employee” has the meaning given under section 2105 of title 5, United States Code.

(ii) INTIMIDATE, THREATEN, OR COERCE.—The term “intimidate, threaten, or coerce” includes promising to confer or conferring any benefit (such as appointment, promotion, or compensation), or taking or threatening to take any reprisal (such as deprivation of appointment, promotion, or compensation).

(B) PROHIBITION.—An employee shall not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with the exercise of any rights which such other employee may have under this section.

(6) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Office of Personnel Management shall prescribe regulations to carry out this subsection.

(7) TERMINATION.—The program under this subsection shall terminate on December 31, 2012.

(c) GAO REPORT.—Not later than June 30, 2010, the Government Accountability Office shall submit a report to Congress on the program under subsection (b) that includes—

(1) an evaluation of the success of the program;

(2) recommendations for the continuance or termination of the program; and

(3) a recommendation for the program or an expansion of the Family Medical Leave Act of 1993.

(d) OFFSET.—The aggregate amount authorized to be appropriated for fiscal year 2008 for the use of the Department of Defense for research, development, test and evaluation shall be reduced by \$2,000,000.

**SA 5319.** Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. 1. LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.**

(a) IN GENERAL.—There are authorized to be appropriated, and there are appropriated, out of any money in the Treasury not otherwise appropriated—

(1) \$1,265,000,000 (to remain available until expended) for making payments under subsections (a) through (d) of section 2604 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623); and

(2) \$1,265,000,000 (to remain available until expended) for making payments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), notwithstanding the designation requirement of section 2602(e) of such Act (42 U.S.C. 8621(e)).

(b) DESIGNATION.—Any amount provided under subsection (a) is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

**SA 5320.** Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

On page 76, between lines 11 and 12, insert the following:

**SEC. 332. REDUCTION OF ON ORDER SECONDARY INVENTORY BEYOND REQUIREMENTS.**

(a) PLAN FOR REDUCTION OF ON ORDER SECONDARY INVENTORY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a comprehensive plan for improving the inventory systems of the military departments and reducing the acquisition of unnecessary secondary inventory.

(2) CONTENT.—The plan submitted under paragraph (1) shall include—

(A) a plan for reducing the level of on order secondary inventory of each military department that is beyond requirements to 50 percent of the level of such inventory as of the date of the enactment of this Act;

(B) plans to improve related audit systems to reduce the gap between projected requirements and actual requirements; and

(C) such recommendations for legislative or administrative action as the Secretary considers appropriate, including actions relating to information technology, the hiring and training of personnel, and the oversight of contracts to acquire secondary inventory, to improve the inventory systems of the military departments.

(b) QUARTERLY REPORT.—Not later than 180 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the status of the secondary inventory of each military department, including a description of the level of inventory beyond requirements, the levels of war time reserve, economic retention, and other categories of inventory, and the quantities and values of inventory on hand and on order that are not necessary to meet requirements, including the quantities and values of orders that are marked for disposal.

(c) CERTIFICATION REQUIREMENT.—

(1) IN GENERAL.—The Secretary of Defense shall certify to the congressional defense

committees that, except as provided under paragraph (2), the level of on order secondary inventory of each military department that is beyond requirements has been reduced to the level that is 50 percent of the level of such inventory as of the date of the enactment of this Act.

(2) EXCEPTION FOR INVENTORY ON ORDER UNDER CERTAIN CONTRACTS.—The Secretary of Defense may exempt from the reduction requirement under paragraph (1) inventory that is on order under contracts that cannot be cancelled or modified without a net economic loss to the Department of Defense

(3) GAO REVIEW.—The Comptroller General of the United States shall review the certification under paragraph (1).

(d) LIMITATION ON AVAILABILITY OF CERTAIN FUNDS PENDING SECONDARY INVENTORY REDUCTION.—Of the total amount authorized to be appropriated by this Act for secondary inventory for the Department of Defense, the amount available for obligation and expenditure shall be reduced by \$100,000,000 until the Secretary of Defense makes the certification required under subsection (c)(1).

(e) MILITARY DEPARTMENTS DEFINED.—In this section, the term “military departments” means the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Defense Logistics Agency.

**SA 5321.** Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

**SEC. 834. ETHICS ENHANCEMENTS FOR DEPARTMENT OF DEFENSE CONTRACTORS.**

(a) INAPPLICABILITY OF SEPARATE STATUTORY AGENCY OR BUREAU DESIGNATIONS TO SENIOR MILITARY PERSONNEL.—Section 207(h)(2) of title 18, United States Code, is amended by striking “or (iii)” and inserting “, (iii), or (iv)”.

(b) ASSURANCE OF CONTRACTOR COMPLIANCE WITH POST-EMPLOYMENT ETHICS RESTRICTIONS.—

(1) IN GENERAL.—Section 847 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 243; 10 U.S.C. 1701 note) is amended—

(A) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(B) by inserting after subsection (a) the following new subsection (b):

“(b) CONTRACTOR ASSURANCE OF COMPLIANCE WITH POST-EMPLOYMENT RESTRICTIONS.—

“(1) ASSURANCE AT TIME OF BID, OFFER, OR PROPOSAL FOR CONTRACT.—Each person or entity making a bid, offer, or proposal for a contract with the Department of Defense, or an interagency contractual agreement using Department of Defense funds, to which post-employment restrictions apply shall certify to the Department of Defense at the time of the bid, offer, or proposal for such contract that each former official of the Department of Defense described in subsection (d) who is receiving compensation from such person or entity and is covered by such restrictions with respect to such contract is fully in compliance with such restrictions with respect to such contract.

“(2) ASSURANCE AT AWARD OF CONTRACT.—Each person or entity awarded a contract

with the Department of Defense, or an interagency contractual agreement using Department of Defense funds, to which post-employment restrictions apply shall certify to the Department of Defense at the time of the award of such contract the following:

“(A) That each former official of the Department of Defense described in subsection (d) who is receiving compensation from such person or entity and is covered by such restrictions with respect to such contract is fully in compliance with such restrictions with respect to such contract.

“(B) The name of each former official of the Department of Defense described by subparagraph (A) with respect to such contract.”

(2) RECORDKEEPING.—Subsection (c) of such section, as redesignated by paragraph (1)(A) of this subsection, is amended—

(A) by redesignating paragraph (2) as paragraph (5); and

(B) by striking paragraph (1) and inserting the following new paragraphs:

“(1) DATABASE.—The Department of Defense shall maintain in a central database or repository the following:

“(A) Each request for a written opinion made pursuant to subsection (a), and each written opinion provided pursuant to such a request.

“(B) Each certification submitted pursuant to subsection (b)(1).

“(C) Each certification submitted pursuant to subsection (b)(2).

“(2) DEADLINE FOR INCORPORATION INTO DATABASE.—Any certification received by the Department as described in subparagraph (B) or (C) of paragraph (1) and any written opinion issued by the Department as described in subparagraph (A) of such paragraph shall be incorporated into the central database or repository required by that paragraph not later than seven days after receipt, or issuance, by the Department.

“(3) PERIOD OF RETENTION.—The Department shall maintain information in the database or repository as follows:

“(A) In the case of a written opinion provided as described in paragraph (1)(A), for not less than five years after the date of the provision of such opinion.

“(B) In the case of a certification submitted as described in paragraph (1)(B), for not less than five years after the date of the submittal of such certification.

“(C) In the case of a certification submitted as described in paragraph (1)(C), for not less than five years after the date of the submittal of such certification.

“(4) PUBLIC ACCESS TO INFORMATION.—The Secretary of Defense shall make information in the database or repository available to the public in such form and manner, and subject to such restrictions or limitations, as the Secretary shall provide.”

(3) CONFORMING AMENDMENTS.—Such section is further amended by striking “subsection (c)” each place it appears and inserting “subsection (d)”.

**SA 5322.** Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1083. DISPOSITION OF QUALIFIED OIL SHALE RESERVE RECEIPTS.**

Section 7439 of title 10, United States Code, is amended—

(1) in subsection (f)—  
 (A) in paragraph (1)—  
 (i) by striking “(1) Notwithstanding” and inserting the following:

“(1) IN GENERAL.—Notwithstanding”; and  
 (ii) by striking “specified in paragraph (2)” and inserting “beginning on November 18, 1997, and ending on the date of enactment of the National Defense Authorization Act for Fiscal Year 2009”; and

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

“(2) MINERAL LEASING ACT.—Beginning on the date of enactment of the National Defense Authorization Act for Fiscal Year 2009, any amounts received by the United States from a lease under this section (including amounts in the form of sales, bonuses, royalties (including interest charges collected under the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.)), and rentals) shall be deposited in the Treasury of the United States, for use in accordance with section 35 of the Mineral Leasing Act (30 U.S.C. 191).”; and

(2) by striking subsection (g) and inserting the following:

“(g) USE OF REVENUES.—  
 “(1) IN GENERAL.—Of the amounts deposited in the Treasury under subsection (f)(1)—  
 “(A) 50 percent shall be transferred by the Secretary of the Treasury to the Secretary of the Interior, for use in accordance with paragraph (2); and

“(B) 50 percent shall be distributed by the Secretary of the Treasury to Garfield, Rio Blanco, Moffat, and Mesa Counties in the State of Colorado, in accordance with paragraph (3).

“(2) USE OF FEDERAL FUNDS.—

“(A) IN GENERAL.—Amounts transferred under paragraph (1)(A) shall be used by the Secretary of the Interior for the costs of all environmental restoration, waste management, and environmental compliance activities incurred by the United States with respect to the remediation of the land transferred under subsection (a), including the former Anvil Points oil shale facility in the State of Colorado.

“(B) DEPOSIT IN TREASURY.—On completion of the remediation of the former Anvil Points oil shale facility, the Secretary of the Interior shall return any remaining amounts transferred under paragraph (1)(A) to the Treasury of the United States, for use in accordance with section 35 of the Mineral Leasing Act (30 U.S.C. 191).

“(3) USE OF COUNTY FUNDS.—

“(A) IN GENERAL.—Of the amounts to be distributed under paragraph (1)(B), the Secretary of the Treasury shall transfer—

“(i) 40 percent to Garfield County, Colorado;

“(ii) 40 percent to Rio Blanco County, Colorado;

“(iii) 10 percent to Moffat County, Colorado; and

“(iv) 10 percent to Mesa County, Colorado.

“(B) AUTHORIZED USES.—The amounts provided to the counties under subparagraph (A) shall be used by the counties, or any cities or political subdivisions within the counties to which the funds are transferred by the counties, to mitigate the effects of oil and gas development activities within the affected counties, cities, or political subdivisions.

“(C) LIMITATION.—Amounts provided to the counties under subparagraph (A) shall not be considered for purpose of calculating payments for the counties under chapter 69 of title 31, United States Code.”.

**SA 5323.** Mr. LEVIN (for Mr. LEAHY (for himself and Mr. BYRD)) proposed an amendment to the bill S. 3001, 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; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1083. SUSPENSION OF STATUTES OF LIMITATIONS WHEN CONGRESS AUTHORIZES THE USE OF MILITARY FORCE.**

Section 3287 of title 18, United States Code, is amended—

(1) by inserting “or Congress has enacted a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)),” after “is at war”;

(2) by inserting “or directly connected with or related to the authorized use of the Armed Forces” after “prosecution of the war”;

(3) by striking “three years” and inserting “5 years”;

(4) by striking “proclaimed by the President” and inserting “proclaimed by a Presidential proclamation, with notice to Congress.”; and

(5) by adding at the end the following: “For purposes of applying such definitions in this section, the term ‘war’ includes a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)).”.

**SA 5324.** Mr. VITTER (for himself, Mr. DEMINT, Mrs. DOLE, Mr. CRAPO, Mr. CORNYN, Mr. COBURN, Mr. BURR, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1083. SENSE OF THE SENATE ON THE DECISION OF THE SUPREME COURT ON THE DEATH PENALTY FOR CHILD RAPISTS.**

(a) FINDINGS.—The Senate makes the following findings:

(1) 1 out of 3 sexual assault victims is under 12 years of age.

(2) Raping a child is a particularly depraved, perverted, and heinous act.

(3) Child rape is among the most morally reprehensible crimes.

(4) Child rape is a gross defilement of innocence that should be severely punished.

(5) A raped child suffers immeasurable physical, psychological, and emotional harm from which the child may never recover.

(6) The Federal Government and State governments have a right and a duty to combat, prevent, and punish child rape.

(7) The popularly elected representatives of Louisiana modified the rape laws of the State in 1995, making the aggravated rape of a child 11 years of age or younger punishable by death, life imprisonment without parole, probation, or suspension of sentence, as determined by a jury.

(8) On March 2, 1998, Patrick Kennedy, a resident of Louisiana, brutally raped his 8-year-old stepdaughter.

(9) The injuries inflicted on the child victim by her stepfather were described by an expert in pediatric forensic medicine as “the most severe he had seen from a sexual assault”.

(10) The cataclysmic injuries to her 8-year-old body required emergency surgery.

(11) A jury of 12 Louisiana citizens convicted Patrick Kennedy of this depraved crime, and unanimously sentenced him to death.

(12) The Supreme Court of Louisiana upheld this sentence, holding that the death penalty was not an excessive punishment for Kennedy’s crime.

(13) The Supreme Court of Louisiana relied on precedent interpreting the eighth amendment to the Constitution of the United States.

(14) On June 25, 2008, the Supreme Court of the United States held in *Kennedy v. Louisiana*, No. 07-343 (2008), that executing Patrick Kennedy for the rape of his stepdaughter would be “cruel and unusual punishment”.

(15) The Supreme Court, in the 5-4 decision, overturned the judgment of Louisiana’s elected officials, the citizens who sat on the jury, and the Louisiana Supreme Court.

(16) This decision marked the first time that the Supreme Court held that the death penalty for child rape was unconstitutional.

(17) As Justice Alito observed in his dissent, the opinion of the majority is so broad that it precludes the Federal Government and State governments from authorizing the death penalty for child rape “no matter how young the child, no matter how many times the child is raped, no matter how many children the perpetrator rapes, no matter how sadistic the crime, no matter how much physical or psychological trauma is inflicted, and no matter how heinous the perpetrator’s prior criminal record may be”.

(18) In the United States, the people, not the Government, are sovereign.

(19) The Constitution of the United States is supreme and deserving of the people’s allegiance.

(20) The framers of the eighth amendment did not intend to prohibit the death penalty for child rape.

(21) The imposition of the death penalty for child rape has never been within the plain and ordinary meaning of “cruel and unusual punishment”, neither now nor at the time of the adoption of the eighth amendment.

(22) Instead of construing the eighth amendment’s prohibition of “cruel and unusual punishment” according to its original meaning or its plain and ordinary meaning, the Court followed a 2-step approach of first attempting to discern a national consensus regarding the appropriateness of the death penalty for child rape and then applying the Justices’ own independent judgment in light of their interpretation of a national consensus and evolving standards of decency.

(23) To the extent that a national consensus is relevant to the meaning of the eighth amendment, there is national consensus in favor of the death penalty for child rape, as evidenced by the adoption of that penalty by the elected branches of the Federal Government only 2 years ago, and by the swift denunciations of the *Kennedy v. Louisiana* decision by the presumptive nominees for President of both major political parties.

(24) The evolving standards of decency standard is an arbitrary construct without foundation in the Constitution of the United States and should have no bearing on Justices who are bound to interpret the laws of the United States.



(25) The standards of decency in the United States have evolved toward approval of the death penalty for child rape, as evidenced by 6 States and the Federal Government adopting that penalty in the past 13 years.

(26) The Supreme Court rendered its opinion without knowledge of a Federal law authorizing the death penalty for child rapists.

(27) The Federal law authorizing the death penalty for child rapists was passed by Congress and signed by the President 2 years before the Supreme Court released the decision.

(28) The Court presumably would have deferred to the elected branches of government in determining a national consensus regarding evolving standards of decency had it been aware of the Federal law authorizing the death penalty for child rapists at the time that it made the decision.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the depraved conduct of the worst child rapists merits the death penalty;

(2) standards of decency allow, and sometimes compel, the death penalty for child rape;

(3) the eighth amendment to the Constitution of the United States allows the death penalty for the rape of a child in cases in which the crime did not result, and was not intended to result, in death of the victim;

(4) the Louisiana statute making child rape punishable by death is constitutional;

(5) the Supreme Court of the United States should grant any petition for rehearing of *Kennedy v. Louisiana*, No. 07-343 (2008), because the case was decided under a mistaken view of Federal law;

(6) the portions of the *Kennedy v. Louisiana* decision regarding the national consensus or evolving standards of decency with respect to the imposition of the death penalty for child rape should not be viewed by Federal or State courts as binding precedent, because the Supreme Court was operating under a mistaken view of Federal law; and

(7) the Supreme Court should reverse its decision in *Kennedy v. Louisiana*, on rehearing or in a future case, because the decision was supported by neither commonly held beliefs about “cruel and unusual punishment”, nor by the text, structure, or history of the Constitution of the United States.

**SA 5325.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1083. TREATMENT OF STILLBORN CHILDREN AS INSURABLE DEPENDENTS UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.**

(a) TREATMENT.—Section 1965 of title 38, United States Code, is amended—

(1) in paragraph (10), by adding at the end the following new subparagraph:

“(C) The member’s stillborn natural child.”; and

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

“(1) The term ‘stillborn natural child’ means a natural child—

“(A) whose death occurs before expulsion, extraction, or delivery; and

“(B) whose—

“(i) fetal weight is greater than 500 grams;

“(ii) in the event fetal weight is unknown, duration in utero exceeds 22 completed weeks of gestation; or

“(iii) in the event neither fetal weight nor duration in utero is known, body length (crown-to-heel) is 25 centimeters or more.”.

(b) CONFORMING AMENDMENT.—Section 101(4)(A) of such title is amended by striking “section 1965(10)(B)” in the matter preceding clause (i) and inserting “subparagraph (B) or (C) of section 1965(10)”.

**SA 5326.** Mr. SMITH (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VI, add the following:

**SEC. 602. ENHANCEMENTS OF SEPARATION ALLOWANCE FOR MEMBERS OF THE UNIFORMED SERVICES.**

(a) SPECIAL DISPLACEMENT ALLOWANCE FOR MEMBERS WITHOUT DEPENDENTS.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 427 the following new section:

**“§ 427a. Special displacement allowance**

“(a) ENTITLEMENT TO ALLOWANCE.—In addition to any allowance or per diem to which such a member may be entitled under this title, a member of the uniformed services without dependents is entitled to a monthly allowance under this section if—

“(1) the member is on duty on board a ship away from the home port of the ship for a continuous period of more than 30 days; or

“(2) the member is on temporary duty away from the member’s permanent station for a continuous period of more than 30 days.

“(b) EFFECTIVE DATE OF ALLOWANCE.—The commencement of entitlement of a member to an allowance under this section shall be determined in accordance with the provisions of section 427(a)(2) of this title.

“(c) AMOUNT.—The amount of the monthly allowance to which a member is entitled under this section is the amount equal to one half the amount of the monthly allowance to which members are entitled under section 427(a) of this title for the month concerned.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 427 the following new item:

“427a. Special displacement allowance.”.

(b) ANNUAL INCREASE IN MONTHLY AMOUNT OF FAMILY SEPARATION ALLOWANCE.—Section 427 of such title is amended—

(1) in subsection (a)(1), by striking “\$250” in the matter preceding subparagraph (A) and inserting “\$250 (as increased from time to time under subsection (e))”; and

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

“(e) ANNUAL INCREASE IN AMOUNT.—With respect to any fiscal year, the Secretary of Defense shall provide a percentage increase in the monthly amount of the allowance payable under subsection (a) equal to the percentage of such amount by which—

“(1) the Consumer Price Index (all items, United States City average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

“(2) such Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on September 30, 2008, and shall apply with respect to months, and, in the case of the increase required by subsection (e) of section 427 of title 37, United States Code (as added by subsection (b)(2) of this section), fiscal years, beginning after that date.

**SA 5327.** Mr. CHAMBLISS (for himself, Mr. KERRY, Mr. ALEXANDER, Mrs. CLINTON, Mrs. LINCOLN, Mr. JOHNSON, Mr. PRYOR, Mr. SESSIONS, Mr. KENNEDY, Mr. ROBERTS, Mr. NELSON of Florida, Mr. THUNE, Mr. INHOFE, Mr. SMITH, Mr. ISAKSON, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

**SEC. 642. INCLUSION OF SERVICE AFTER SEPTEMBER 11, 2001, IN DETERMINATION OF REDUCED ELIGIBILITY AGE FOR RECEIPT OF NON-REGULAR SERVICE RETIRED PAY.**

Section 12731(f)(2)(A) of title 10, United States Code, is amended—

(1) by striking “the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008” and inserting “September 11, 2001”; and

(2) by striking “in any fiscal year after such date” and inserting “in any fiscal year after fiscal year 2001”.

**SA 5328.** Mr. HATCH (for himself and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

On page 455, after line 19, add the following:

**SEC. 2822. LAND CONVEYANCE, BUREAU OF LAND MANAGEMENT LAND, CAMP WILLIAMS, UTAH.**

(a) CONVEYANCE REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Interior, acting through the Bureau of Land Management, shall convey, without consideration, to the State of Utah all right, title, and interest of the United States in and to certain lands comprising approximately 431 acres, as generally depicted on a map entitled “Proposed Camp Williams Land Transfer” and dated March 7, 2008, which are located within the boundaries of the public lands currently withdrawn for military use by the Utah National Guard and known as Camp Williams, Utah, for the purpose of permitting the Utah National Guard to use the conveyed land as provided in subsection (c).

(b) REVOCATION OF EXECUTIVE ORDER.—Executive Order No. 1922 of April 24, 1914, as amended by section 907 of the Camp W.G.

Williams Land Exchange Act of 1989 (title IX of Public Law 101-628; 104 Stat. 4501), shall be revoked, only insofar as it affects the lands identified for conveyance to the State of Utah under subsection (a).

(c) REVERSIONARY INTEREST.—The lands conveyed to the State of Utah under subsection (a) shall revert to the United States if the Secretary of the Interior determines that the land, or any portion thereof, is sold or attempted to be sold, or that the land, or any portion thereof, is used for non-National Guard or non-national defense purposes. Any determination by the Secretary of the Interior under this subsection shall be made in consultation with the Secretary of Defense and the Governor of Utah and on the record after an opportunity for comment.

(d) HAZARDOUS MATERIALS.—With respect to any portion of the land conveyed under subsection (a) that the Secretary of the Interior determines is subject to reversion under subsection (c), if the Secretary of the Interior also determines that the portion of the conveyed land contains hazardous materials, the State of Utah shall pay the United States an amount equal to the fair market value of that portion of the land, and the reversionary interest shall not apply to that portion of the land.

**SEC. 2823. LAND CONVEYANCE, ARMY PROPERTY, CAMP WILLIAMS, UTAH.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the State of Utah on behalf of the Utah National Guard (in this section referred to as the “State”) all right, title, and interest of the United States in and to two parcels of real property, including any improvements thereon, that are located within the boundaries of Camp Williams, Utah, consist of approximately 608 acres and 308 acres, respectively, and are identified in the Utah National Guard master plan as being necessary acquisitions for future missions of the Utah National Guard.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a), or any portion thereof, has been sold or is being used solely for non-defense, commercial purposes, all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. It is not a violation of the reversionary interest for the State to lease the property, or any portion thereof, to private, commercial, or governmental interests if the lease facilitates the construction and operation of buildings, facilities, roads, or other infrastructure that directly supports the defense missions of the Utah National Guard. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the State to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the State in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the State.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the

conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SA 5329.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

**SEC. 587. PROCEDURES FOR COLLECTION AND DELIVERY OF MARKED ABSENTEE BALLOTS OF ABSENT OVERSEAS UNIFORMED SERVICES VOTERS.**

(a) IN GENERAL.—The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended by inserting after section 103 the following new section:

**“SEC. 103A. PROCEDURES FOR COLLECTION AND DELIVERY OF MARKED ABSENTEE BALLOTS OF ABSENT OVERSEAS UNIFORMED SERVICES VOTERS.**

“(a) COLLECTION.—The Presidential designee shall establish procedures for collecting marked absentee ballots of absent overseas uniformed services voters in regularly scheduled general elections for Federal office, including absentee ballots prepared by States and Federal write-in absentee ballots prescribed under section 103, and for delivering the ballots to the appropriate election officials.

“(b) ENSURING DELIVERY PRIOR TO CLOSING OF POLLS.—

“(1) IN GENERAL.—Under the procedures established under this section, the Presidential designee shall ensure that any marked absentee ballot for a regularly scheduled general election for Federal office which is collected prior to the deadline described in paragraph (3) is delivered to the appropriate election official in a State prior to the time established by the State for the closing of the polls on the date of the election.

“(2) CONTRACT WITH EXPRESS MAIL PROVIDERS.—

“(A) IN GENERAL.—The Presidential designee shall carry out this section by contract with one or more providers of express mail services.

“(B) SPECIAL RULE FOR VOTERS IN JURISDICTIONS USING POST OFFICE BOXES FOR COLLECTION OF MARKED ABSENTEE BALLOTS.—In the case of an absent uniformed services voter who wishes to use the procedures established under this section and whose marked absentee ballot is required by the appropriate election official to be delivered to a post office box, the Presidential designee shall enter into an agreement with the United States Postal Service for the delivery of the ballot to the election official under the procedures established under this section.

“(3) DEADLINE DESCRIBED.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the deadline described in

this paragraph is noon (in the location in which the ballot is collected) on the last Friday that precedes the date of the election.

“(B) AUTHORITY TO ESTABLISH ALTERNATIVE DEADLINE FOR CERTAIN LOCATIONS.—If the Presidential designee determines that the deadline described in subparagraph (A) is not sufficient to ensure timely delivery of the ballot under paragraph (1) with respect to a particular location because of remoteness or other factors, the Presidential designee may establish as an alternative deadline for that location the latest date occurring prior to the deadline described in subparagraph (A) which is sufficient to ensure timely delivery of the ballot under paragraph (1).

“(4) PROHIBITION ON REFUSAL BY STATES TO ACCEPT MARKED ABSENTEE BALLOTS NOT DELIVERED BY POSTAL SERVICE OR IN PERSON.—A State may not refuse to accept or process any marked absentee ballot delivered under the procedures established under this section on the grounds that the ballot is received by the State other than through delivery by the United States Postal Service.

“(c) TRACKING MECHANISM.—Under the procedures established under this section, the entity responsible for delivering marked absentee ballots to the appropriate election officials shall implement procedures to enable any individual whose ballot for a regularly scheduled general election for Federal office is collected by the Presidential designee to determine whether the ballot has been delivered to the appropriate election official, using the Internet, an automated telephone system, or such other methods as the entity may provide.

“(d) ABSENT OVERSEAS UNIFORMED SERVICES VOTER DEFINED.—In this section, the term ‘absent overseas uniformed services voter’ means an overseas voter described in section 107(5)(A).

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Presidential designee such sums as may be necessary to carry out this section.

“(f) EFFECTIVE DATE.—This section shall apply with respect to the regularly scheduled general election for Federal office held in November 2008 and each succeeding election for Federal office.”

(b) CONFORMING AMENDMENTS.—

(1) FEDERAL RESPONSIBILITIES.—Section 101(b) of such Act (42 U.S.C. 1973ff(b)) is amended—

(A) by striking “and” at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting “; and”; and

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

“(8) carry out section 103A with respect to the collection and delivery of marked absentee ballots of absent overseas uniformed services voters in elections for Federal office.”

(2) STATE RESPONSIBILITIES.—Section 102(a) of such Act (42 U.S.C. 1973ff-1(a)) is amended—

(A) by striking “and” at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting “; and”; and

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

“(6) carry out section 103A(b)(2) with respect to the processing and acceptance of marked absentee ballots of absent overseas uniformed services voters.”

(c) OUTREACH FOR ABSENT OVERSEAS UNIFORMED SERVICES VOTERS ON PROCEDURES.—The Presidential designee shall take appropriate actions to inform individuals who are anticipated to be absent overseas uniformed services voters in the regularly scheduled general election for Federal office held in

November 2008 of the procedures for the collection and delivery of marked absentee ballots established pursuant to section 103A of the Uniformed and Overseas Citizens Absentee Voting Act, as added by subsection (a), including the manner in which such voters may utilize such procedures for the submittal of marked absentee ballots in regularly scheduled elections for Federal office.

(d) **REPORTS ON UTILIZATION OF PROCEDURES.**—

(1) **REPORTS REQUIRED.**—Not later than 180 days after each regularly scheduled general election for Federal office held after January 1, 2008, the Presidential designee shall submit to the congressional defense committees a report on the utilization of the procedures for the collection and delivery of marked absentee ballots established pursuant to section 103A of the Uniformed and Overseas Citizens Absentee Voting Act, as so added, during such general election.

(2) **ELEMENTS.**—Each report under paragraph (1) shall include, for the general election covered by such report, a description of the utilization of the procedures described in that paragraph during such general election, including the number of marked absentee ballots collected and delivered under such procedures.

(e) **DEFINITIONS.**—In this section:

(1) The term “absent overseas uniformed services voter” has the meaning given that term in section 103A(d) of the Uniformed and Overseas Citizens Absentee Voting Act, as added by subsection (a).

(2) The term “Presidential designee” means the official designated under section 101(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(a)).

**SA 5330.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

**SEC. 587. OPPORTUNITY FOR VOTER REGISTRATION OR UPDATE BY MEMBERS OF THE ARMED FORCES DURING PERMANENT CHANGE OF DUTY STATION.**

(a) **IN GENERAL.**—Each Secretary of a military department shall take appropriate actions to ensure that each member of the Armed Forces under the jurisdiction of such Secretary who is undergoing a permanent change of duty station is provided the opportunity, as part of processing upon arrival at the member's new duty station, to register to vote in elections for public office or update the member's existing voter registration.

(b) **ASSISTANCE.**—In providing a member an opportunity to register or update an existing registration under subsection (a), the Secretary of a military department shall provide the member with the necessary assistance, including the provision of appropriate forms.

**SA 5331.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, 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 mili-

tary personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

**SEC. 556. PROHIBITION ON AVAILABILITY OF FEDERAL FUNDS TO LOCAL EDUCATIONAL AGENCIES THAT PREVENT ACCESS TO JROTC ON CAMPUSES OF SECONDARY SCHOOLS.**

(a) **PROHIBITION.**—

(1) **IN GENERAL.**—Chapter 49 of title 10, United States Code, is amended by inserting after section 983 the following new section:

**“§983a. Local educational agencies that prevent JROTC access on secondary school campuses**

“(a) **DENIAL OF FUNDS FOR PREVENTING JROTC ACCESS TO CAMPUS.**—No funds described in subsection (c) may be provided by contract, grant, or cooperative agreement to a local educational agency (or any subelement of that agency) if the Secretary of Defense determines that that agency (or any subelement of that agency) has a policy or practice (regardless of whether implemented) that either prohibits, or in effect prevents—

“(1) the Secretary of a military department from maintaining, establishing or operating a unit of the Junior Reserve Officers' Training Corps (in accordance with chapter 102 of this title and other applicable Federal law) at any secondary school served by that agency; or

“(2) a student at any secondary school served by that agency from enrolling in a unit of the Junior Reserve Officers' Training Corps at another secondary school.

“(b) **EXCEPTION.**—The limitation in subsection (a) shall not apply to any local educational agency (or any subelement of that agency) if the Secretary of Defense determines that the agency (and each secondary school served by that agency) has ceased the policy or practice described in that subsection (a).

“(c) **COVERED FUNDS.**—The limitation in subsection (a) shall apply to the following:

“(1) Any funds made available to the Department of Defense.

“(2) Any funds made available for any department or agency for which regular appropriations are made in a Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act.

“(3) Any funds made available to the Department of Homeland Security.

“(4) Any funds made available for the National Nuclear Security Administration of the Department of Energy.

“(5) Any funds made available for the Department of Transportation.

“(d) **NOTICE OF DETERMINATIONS.**—Whenever the Secretary of Defense makes a determination under subsection (a) or (b), the Secretary—

“(1) shall transmit a notice of the determination to the Secretary of Education, to the head of each other department or agency the funds of which are subject to the determination, and to Congress; and

“(2) shall publish in the Federal Register a notice of the determination and the effect of the determination on the eligibility of the local educational agency (and any subelement of that agency) for contracts and grants.

“(e) **SEMIANNUAL NOTICE IN FEDERAL REGISTER.**—The Secretary of Defense shall publish in the Federal Register once every six months a list of each local educational agency that is currently ineligible for contracts and grants by reason of a determination of the Secretary under subsection (a).

“(f) **DEFINITIONS.**—In this section:

“(1) The term ‘local educational agency’ has the meaning given that term in section

9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

“(2) The term ‘secondary school’ has the meaning that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 49 of such title is amended by inserting after the item relating to section 983 the following new item:

“983a. Local educational agencies that prevent JROTC access on secondary school campuses.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 1, 2008, and shall apply with respect to funds available for fiscal years beginning on or after that date.

**SA 5332.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

**SEC. 133. REPORT ON FUTURE JET CARRIER TRAINER REQUIREMENTS OF THE NAVY.**

Not later than 120 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report on future jet carrier trainer requirements. The report shall include a plan to address future jet carrier trainer requirements, which plan shall be based on the following:

(1) Studies conducted by independent organizations concerning future jet carrier trainer requirements.

(2) The results of a cost-benefit analysis comparing the creation of a new jet carrier trainer program with the modification of the current jet carrier trainer program in order to fulfill future jet carrier trainer requirements.

**SA 5333.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1083. MEDICAL CARE FOR VETERANS IN FAR SOUTH TEXAS.**

(a) **DETERMINATION AND NOTICE.**—

(1) **DETERMINATION.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall determine, and notify Congress pursuant to paragraph (2), whether the needs of veterans in Far South Texas for acute inpatient hospital care should be met—

(A) through a project for a public-private venture to provide inpatient services and long-term care to veterans in an existing facility in Far South Texas;

(B) through a project for construction of a new full-service, 50-bed hospital with a 125-bed nursing home in Far South Texas; or

(C) through a sharing agreement with a military treatment facility in Far South Texas.

(2) NOTIFICATION AND PROSPECTUS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report—

(A) identifying which of the three options specified in paragraph (1) has been selected by the Secretary; and

(B) providing, for the option selected, a prospectus that includes, at a minimum, the matter specified in paragraphs (1) through (8) of section 8104(b) of title 38, United States Code, and the project timelines.

(b) PUBLIC-PRIVATE VENTURE FOR MEDICAL CARE FOR VETERANS IN FAR SOUTH TEXAS.—

(1) PROJECT.—If the option selected by the Secretary of Veterans Affairs under subsection (a)(1) is the option specified in subparagraph (A) of such subsection for a project of a public-private venture to provide inpatient and long-term care to veterans at an existing facility in Far South Texas, then the Secretary shall, subject to the availability of appropriations for such purpose, take such steps as necessary to enter into an agreement with an appropriate private-sector entity to provide for inpatient and long-term care services for veterans at an existing facility in one of the counties of Far South Texas. Such an agreement may include provision for construction of a new wing or other addition at such facility to provide additional services that will, under the agreement, be leased by the United States and dedicated to care and treatment of veterans by the Secretary under title 38, United States Code.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary for a public-private venture project under this subsection.

(c) NEW DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, FAR SOUTH TEXAS.—

(1) PROJECT AUTHORIZATION.—If the option selected by the Secretary of Veterans Affairs under subsection (a)(1) is the option specified in subparagraph (B) of such subsection for a project for construction in Far South Texas of a new full-service, 175-bed facility providing inpatient and long-term care services, such facility shall be located in the county in Far South Texas that the Secretary determines most suitable to meet the health care needs of veterans in the region.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Construction, Major Projects, account of the Department of Veterans Affairs, in addition to any other amounts authorized for that account, the amount of \$175,000,000 for the project authorized by paragraph (1).

(d) SHARED FACILITY WITH DEPARTMENT OF DEFENSE, FAR SOUTH TEXAS.—

(1) PROJECT AUTHORIZATION.—If the option selected by the Secretary of Veterans Affairs under subsection (a)(1) is the option specified in subparagraph (C) of such subsection for a project of a Department of Veterans Affairs-Department of Defense shared facility to provide inpatient and long-term care to veterans at an existing facility in Far South Texas, then the Secretary shall, subject to the availability of appropriations for such purpose, take such steps as necessary to enter into an agreement with an appropriate military treatment facility to provide for inpatient and long-term care services for veterans at an existing facility in one of the counties of Far South Texas. Such an agreement may include provision for construction of a new wing or other addition at such facility to provide additional services that will, under the agreement, be leased by the United States and dedicated to care and treatment of veterans by the Secretary under title 38, United States Code.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary for a Department of Veterans Affairs-Department of Defense venture project under this subsection.

(e) FAR SOUTH TEXAS DEFINED.—In this section, the term “Far South Texas” means the following counties of the State of Texas: Aransas, Bee, Brooks, Calhoun, Cameron, Crockett, DeWitt, Dimmit, Duval, Goliad, Hidalgo, Jackson, Jim Hogg, Jim Wells, Kenedy, Kleberg, Nueces, Refugio, San Patricio, Starr, Victoria, Webb, Willacy, and Zapata.

**SA 5334.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . DESIGNATION OF NATIONAL CENTER FOR HUMAN PERFORMANCE.**

(a) IN GENERAL.—The National Center for Human Performance at the Texas Medical Center is hereby designated as a national center for research and education in medicine and related sciences to enhance human performance which could include matters of relevance to the Armed Forces.

(b) CONSTRUCTION.—Nothing in this section shall be construed to convey on such Center status as a center of excellence under the Public Health Service Act or as a center of the National Institutes of Health under title IV of such Act.

**SA 5335.** Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

**SEC. 556. INCREASE IN NUMBER OF UNITS OF JUNIOR RESERVE OFFICERS' TRAINING CORPS.**

(a) PLAN FOR INCREASE.—The Secretary of Defense, in consultation with the Secretaries of the military departments, shall develop and implement a plan to establish and support 4,000 Junior Reserve Officers' Training Corps units not later than fiscal year 2020.

(b) EXCEPTIONS.—The requirement imposed in subsection (a) shall not apply—

(1) if the Secretary fails to receive an adequate number or requests for Junior Reserve Officers' Training Corps units by public and private secondary educational institutions; or

(2) during a time of national emergency when the Secretaries of the military departments determine that funding must be allocated elsewhere.

(c) COOPERATION.—The Secretary of Defense, as part of the plan to establish and support additional Junior Reserve Officers' Training Corps units, shall work with local educational agencies to increase the employment in Junior Reserve Officers' Training Corps units of retired members of the Armed Forces who are retired under chapter 61 of

title 10, United States Code, especially members who were wounded or injured while deployed in a contingency operation.

(d) REPORT ON PLAN.—Upon completion of the plan, the Secretary of Defense shall provide a report to the congressional defense committees containing, at a minimum, the following:

(1) A description of how the Secretaries of the military departments expect to achieve the number of units of the Junior Reserve Officers' Training Corps specified in subsection (a), including how many units will be established per year by each service.

(2) The annual funding necessary to support the increase in units, including the personnel costs associated.

(3) The number of qualified private and public schools, if any, who have requested a Junior Reserve Officers' Training Corps unit that are on a waiting list.

(4) Efforts to improve the increased distribution of units geographically across the United States.

(5) Efforts to increase distribution of units in educationally and economically deprived areas.

(6) Efforts to enhance employment opportunities for qualified former military members retired for disability, especially those wounded while deployed in a contingency operation.

(e) TIME FOR SUBMISSION.—The plan required under subsection (a), along with the report required by subsection (d), shall be submitted to the congressional defense committees not later than March 31, 2009. The Secretary of Defense shall submit an updated report annually thereafter until the number of units of the Junior Reserve Officers' Training Corps specified in subsection (a) is achieved.

(f) ADDITIONAL CURRICULUM ELEMENT.—The Secretary of each military department shall develop and implement a segment of the Junior Reserve Officers' Training Corps curriculum that includes the contribution and defense historiography of gender and ethnic specific groups.

**SA 5336.** Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle F of title VIII, add the following:

**SEC. 854. REPORT ON CONTRACTS FOR MORALE, WELFARE, AND RECREATION TELEPHONE SERVICES FOR MILITARY PERSONNEL SERVING IN COMBAT ZONES.**

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on current contracts of the Department of Defense for morale, welfare, and recreation telephone services for military personnel serving in combat zones.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of each contract for morale, welfare, and recreation telephone services for military personnel serving in combat zones that was entered into or agreed upon by the Department of Defense after January 28, 2008, and, for each such contract, an assessment of the extent to which the entry into or agreement upon such contract complied with the requirements of section 885 of

the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 265).

(2) A statement of the average cost per minute of telephone service for military personnel serving in combat zones under each contract of the Department of Defense for morale, welfare, and recreation telephone services for such personnel that is in effect as of the date of the enactment of this Act, and a statement of the average amount of such cost that is returned to the contractor under such contract as a return on investment or profit.

**SA 5337.** Mr. REID (for Mr. BIDEN (for himself, Mr. CASEY, Mr. INHOFE, and Mr. CARPER)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

On page 311, between lines 13 and 14, insert the following:

**SEC. 1083. TRANSFER OF NAVY AIRCRAFT N40VT.**

(a) **AUTHORITY TO CONVEY.**—The Secretary of the Navy may convey, without consideration, to Piasecki Aircraft Corporation of Essington, Pennsylvania (in this section referred to as “transferee”), all right, title, and interest of the United States, except as set forth elsewhere herein, in and to Navy aircraft N40VT (Bureau Number 163283) and associated components and test equipment, previously specified as Government furnished equipment, specified in contract N00019-00-C-0284. The conveyance shall be made by means of a deed of gift.

(b) **CONDITION OF AIRCRAFT.**—The aircraft shall be conveyed under subsection (a) in its current, “as is” condition. The Secretary is not required to repair or alter the condition of the aircraft before conveying ownership of the aircraft.

(c) **CONVEYANCE AT NO COST TO THE UNITED STATES.**—The conveyance of the aircraft under subsection (a) shall be made at no cost to the United States. Any costs associated with the conveyance shall be borne by the transferee.

(d) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with a conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

(e) **CLARIFICATION OF LIABILITY.**—Notwithstanding any other provision of law, upon the conveyance of the Navy aircraft N40VT (Bureau Number 163283) under subsection (a), the United States shall not be liable for any death, injury, loss, or damage that results from the use of that aircraft by any person other than the United States.

**SA 5338.** Mr. REID (for Mr. BIDEN (for himself, Mr. KENNEDY, Mrs. MCCASKILL, and Mr. BAYH)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 3001, 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; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

**SEC. 587. EXCLUSION OF CERTAIN REST AND RECOVERY LEAVE FROM LIMITATIONS ON LEAVE ACCUMULATED BY MEMBERS OF THE ARMED FORCES.**

Section 705 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) Any period of rest and recuperation absence received by a member under subsection (b)(2) shall not be treated as leave accumulated by the member for purposes of section 701 of this title.”.

#### NOTICE OF HEARINGS

##### PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs will hold a hearing entitled, “Dividend Tax Abuse: How Offshore Entities Dodge Taxes On U.S. Stock Dividends.” The Subcommittee hearing will examine how some financial institutions have designed, marketed, and implemented transactions to enable foreign taxpayers, including offshore hedge funds, to dodge millions of dollars of taxes on U.S. stock dividends. The hearing will also examine whether current law relating to dividend taxation and withholding should be strengthened. The Subcommittee expects to issue a Subcommittee staff report in conjunction with the hearing summarizing its investigative findings and recommendations. Witnesses will include representatives of U.S. financial institutions, offshore hedge funds, a tax expert, and the Internal Revenue Service.

The Subcommittee hearing is scheduled for Thursday, September 11, 2008, at 9 a.m., in Room 106 of the Dirksen Senate Office Building. For further information, please contact Elise Bean of the Permanent Subcommittee on Investigations at 202-224-9505.

##### COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. KERRY. Mr. President, I would like to inform Members that the Committee on Small Business and Entrepreneurship will hold a hearing entitled “Business Start-up Hurdles in Underserved Communities: Access to Venture Capital and Entrepreneurship Training,” on Thursday, September 11, 2008 at 10 a.m., in room 428A of the Russell Senate Office Building.

##### COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, Thursday, September 11, at 9:30 a.m. in room 628 of the Dirksen Senate Office Building to conduct a hearing on (1) S. 3128, the White Mountain Apache Tribe Rural Water System Loan Authorization Act; (2) S. 3355, the Crow Tribe Water Rights Settlement Act of 2008; and (3) S. 3381, a bill to authorize

the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande Basin, and to approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, Tesuque, and Taos.

Those wishing additional information may contact the Indian Affairs Committee at 202-224-2251.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, the Senate Committee on Energy and Natural Resources will hold a business meeting on Thursday, September 11, 2008 at 12 noon, in room SD-366 of the Dirksen Senate Office Building.

The purpose of the Business Meeting is to consider pending legislation.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

##### SUBCOMMITTEE ON ENERGY

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Energy Subcommittee of the Committee on Energy and Natural Resources. The hearing will be held on Tuesday, September 16, 2008, at 2:30, in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on recent analyses of the role of speculative investment in energy markets.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to Gina weinstock@energy.senate.gov.

For further information, please contact Angela Becker-Dippmann at (202) 224-5269 or Gina Weinstock at (202) 224-5684.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, September 9, 2008, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEVIN. 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 September 9, 2008, at 10 a.m., to conduct a hearing entitled “Strengthening the Ability of Public Transportation To Reduce Our Dependence on Foreign Oil.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, September 9, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled "Improving Health Care Quality: An Integral Step Toward Health Reform".

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, September 9, 2008, at 3:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LEVIN. 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 "Nominations" on Tuesday, September 9, 2008, at 10 a.m., in room SD-562 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LEVIN. 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 "Protecting the Right to Vote: Oversight of the Department of Justice's Preparation for the 2008 General Election" on Tuesday, September 9, 2008, at 2:15 p.m., in room SD-562 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Tuesday, September 9, 2008 at 10 a.m. in room 406 of the Dirksen Senate Office Building to hold a hearing entitled, "Economic Development Administration Oversight."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. LEVIN. Mr. President, I ask unanimous consent that MAJ Anthony Williams, Mr. Yariv Pierce, and Mr. Ramy Yaacoub be granted the privilege of the floor for the remainder of the week on behalf of Senator BILL NELSON.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPOTTSWOOD W. ROBINSON III AND ROBERT R. MERHIGE, JR., FEDERAL COURTHOUSE

Mr. REID. Mr. President, I ask unanimous consent that the Chair lay before the Senate the House message to accompany S. 2403.

The PRESIDING OFFICER (Mr. MENENDEZ) laid before the Senate the amendments of the House of Representatives to the bill (S. 2403) entitled "An Act to designate the new Federal Courthouse, located in the 700 block of East Broad Street, Richmond, VA, as the 'Spottswood W. Robinson III and Robert R. Merhige, Jr., Federal Courthouse'." do pass with the following amendments:

S. 2403

*Resolved*, That the bill from the Senate (S. 2403) entitled "An Act to designate the new Federal Courthouse, located in the 700 block of East Broad Street, Richmond, Virginia, as the 'Spottswood W. Robinson III and Robert R. Merhige, Jr. Federal Courthouse'." do pass with the following amendments:

Strike out all after the enacting clause and insert:

**SECTION 1. DESIGNATION.**

*The United States courthouse located in the 700 block of East Broad Street, Richmond, Virginia, shall be known and designated as the "Spottswood W. Robinson III and Robert R. Merhige, Jr., United States Courthouse".*

**SEC. 2. REFERENCES.**

*Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Spottswood W. Robinson III and Robert R. Merhige, Jr., United States Courthouse".*

Amend the title so as to read: "An Act to designate the United States courthouse located in the 700 block of East Broad Street, Richmond, Virginia, as the 'Spottswood W. Robinson III and Robert R. Merhige, Jr., United States Courthouse'."

Mr. REID. Mr. President, it is my understanding there is no objection to this, and it has been cleared by the Republicans. I ask unanimous consent that the Senate concur in the House amendments, that the motion to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I rise today to speak on S. 2403, a bill to name the new U.S. courthouse in Richmond, VA, after two distinguished jurists and sons of Virginia.

Senator WEBB and I introduced this bill last year, and the bill passed the Senate on June 24, 2008. The House of Representatives passed the bill last night, with a minor technical change, by a vote of 376 to 0. Tonight, I would like to thank the Senate for accepting this minor modification and once again passing this bill.

Our bill recognizes two of Virginia's outstanding jurists: Spottswood Robinson III and Robert Merhige, Jr. They were lawyers who throughout their careers adhered to the principle of "equal justice under law."

The first, Spottswood William Robinson III, was born in Richmond, VA, on

July 26, 1916. He attended Virginia Union University and then the Howard University School of Law, graduating first in his class in 1939 and serving as a member of the faculty until 1947.

Judge Robinson was one of the core attorneys of the NAACP Legal Defense and Educational Fund from 1948 to 1960, achieving national prominence in the legal community with his representation of the Virginia plaintiffs in the 1954 U.S. Supreme Court case *Brown v. Board of Education*. *Brown* outlawed public school segregation declaring "separate but equal" schools unconstitutional.

In 1964, Judge Robinson became the first African American to be appointed to the U.S. District Court for the District of Columbia, and in 1966, President Johnson appointed Judge Robinson the first African American to the U.S. Court of Appeals for the District of Columbia Circuit. Finally, on May 7, 1981, Judge Robinson became the first African American to serve as Chief Judge of the District of Columbia Circuit.

Our second jurist, Judge Robert R. Merhige, Jr., was born in 1919 and later attended High Point College in North Carolina. He subsequently earned his law degree from the T.C. Williams School of Law at the University of Richmond, from which he graduated at the top of his class in 1942.

From 1942 to 1945, Judge Merhige served in the U.S. Air Force. He practiced law in Richmond from 1945 to 1967, establishing himself as a formidable trial lawyer representing criminal defendants as well as dozens of insurance companies.

On August 30, 1967, Judge Merhige was appointed U.S. District Court judge for the Eastern District of Virginia, Richmond Division, by President Lyndon B. Johnson, serving as a Federal judge until 1998. In 1972, Judge Merhige ordered the desegregation of dozens of Virginia school districts. He considered himself to be a "strict constructionist" who went by the law as spelled out in precedents by the higher courts. In 1970, he ordered the University of Virginia to admit women. As evidence of Judge Merhige's groundbreaking decisions, he was given 24-hour protection by Federal marshals due to repeated threats of violence against him and his family. His courage in the face of significant opposition of the times is a testimony to his dedication to the rule of law.

As my colleagues may be aware, I have worked to name the new courthouse in Richmond for these two men for several years. I am proud that the Virginia Congressional Delegation, the Virginia Bar Association, the mayor of Richmond, and many others decided that the best way to honor both men was to have them equally share the honor of having the courthouse so named.

With the ribbon cutting for this grand facility tentatively set for October 17 of this year, I am pleased by the passage of this legislation in honor of

Spottswood Robinson and Robert Merhige. Mr. President, in conclusion, I thank my colleagues in joining me in support of this legislation, and I thank you for this opportunity to speak on behalf of these two great Virginians.

#### ORDERS FOR WEDNESDAY, SEPTEMBER 10, 2008

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, Wednesday, September 10; 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 there then be a period of morning business for up to 1 hour with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of S. 3001, the Defense authorization bill, as provided under a previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. REID. Mr. President, I conferred with Senator LEVIN. It is clear in our minds that we should proceed on this bill. I think we are making progress on it. We may be able to finish this bill. There was some consideration given to filing cloture, but we both agreed that there is no need to do that; that we may be able to complete this legislation this week, and I hope in fact that is the case.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:15 p.m., adjourned until Wednesday, September 10, 2008, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### FEDERAL MARITIME COMMISSION

SEAN T. CONNAUGHTON, OF VIRGINIA, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2012, VICE A. PAUL ANDERSON, RESIGNED.

##### DEPARTMENT OF EDUCATION

JERRY GAYLE BRIDGES, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF EDUCATION, VICE JOHN PORTMAN HIGGINS, RESIGNED.

##### NATIONAL MUSEUM AND LIBRARY SERVICES BOARD

PAMELA A. REDFIELD, OF NEBRASKA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2013, VICE AMY OWEN, TERM EXPIRING.

##### THE JUDICIARY

LORETTA A. PRESKA, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT, VICE CHESTER J. STRAUB, RETIRED.

J. MAC DAVIS, OF WISCONSIN, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WISCONSIN, VICE JOHN C. SHABAZ, RETIRING.

##### FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

##### DEPARTMENT OF STATE

ORNA T. BLUM, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, EFFECTIVE JANUARY 9, 2008:

##### DEPARTMENT OF STATE

MIN CHANG, OF CALIFORNIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

##### DEPARTMENT OF STATE

ALYCE ABDALLA, OF CALIFORNIA  
MICHAEL A. AGUILERA, OF WASHINGTON  
JEAN ELIZABETH AKERS, OF THE DISTRICT OF COLUMBIA  
DAVID CHRISTOPHER ALLEN, OF VIRGINIA  
MARCIA SOFIA ANGLARILL, OF MARYLAND  
CLAUDIA L. BAKER, OF CALIFORNIA  
PETER R. BARTE, OF VIRGINIA  
ARTHUR J. BELL, OF CALIFORNIA  
CARLA ANN BENINI, OF WASHINGTON  
MICHAEL L. BENTON, OF MARYLAND  
KATHARINE E. BERNSOHN, OF THE DISTRICT OF COLUMBIA  
WENDY S. BRAFMAN, OF SOUTH CAROLINA  
BRETT PLITT BRUEN, OF NEW YORK  
MALGORZATA BULA-DUANE, OF NEW YORK  
DEBORAH LYNN CAMPBELL, OF FLORIDA  
KELLY HAPKA CARRILLO, OF TEXAS  
MARK A. CAUDILL, OF VIRGINIA  
HUNTER B. CHEN, OF CALIFORNIA  
CECILIA S. CHOI, OF CALIFORNIA  
CHARLOTTE ANN CROUCH, OF ARIZONA  
JENNIFER D. CROW, OF CALIFORNIA  
BRIAN SEAN DARIN, OF NEW YORK  
HILARY CHISATO WATANABE DAUER, OF VIRGINIA  
LEARNED H. DEES, OF THE DISTRICT OF COLUMBIA  
GARY LEE DEWEY, OF ARIZONA  
DANIELA A. DIPIERRO, OF MASSACHUSETTS  
TIMOTHY PATRICK DOUGHERTY, OF CALIFORNIA  
JAMES A. DRAGON, OF VIRGINIA  
JOHN HOLMES DUNNE, OF ALASKA  
ARTHUR THOMPSON EVANS IV, OF OHIO  
CHRISTIANA MARIE FOREMAN, OF CALIFORNIA  
ERIC M. FRATER, OF CALIFORNIA  
WARREN MITCHELL GRAY, OF FLORIDA  
PHEAEDRA MARIE GWYN, OF TEXAS  
JENNIFER DIANA HARRIS, OF FLORIDA  
JOHN CHARLES HARTMAN, OF TEXAS  
CHRIS DHARMAN HENSMAN, OF RHODE ISLAND  
ANDREW JAY, OF NEW YORK  
DENISE JOBIN WELCH, OF VIRGINIA  
PETER JAMES KAUFMAN, OF CALIFORNIA  
BARBARA S. KEARY, OF THE DISTRICT OF COLUMBIA  
JULIANNA JUNGHWANG KIM, OF ILLINOIS  
LAWRENCE JOHN KIMMEL, OF WASHINGTON  
JOEY E. KLINGER, OF PENNSYLVANIA  
WENDY A. KOLLS, OF CALIFORNIA  
MARIA V. LANE, OF COLORADO  
JOHN S. LAROCHELLE, OF FLORIDA  
ALICA EMIN LEJLIC, OF ILLINOIS  
DEBORAH BERNS LINGWOOD, OF FLORIDA  
SARA L. LITKE, OF WASHINGTON  
INGA LITVINSKY, OF MASSACHUSETTS  
DONALD E. LOCKE, OF TEXAS  
STEPHEN E. LYNAGH, OF NEW YORK  
JOSLYN MACK-WILSON, OF VIRGINIA  
HONG-GEOK T. MAERKLE, OF CALIFORNIA  
RYAN D. MATHENY, OF CALIFORNIA  
BRIAN J. MCGRATH, OF NEW YORK  
ALEXANDER J. MCLAREN, OF VIRGINIA  
ROBERT R. MEARKLE, OF MINNESOTA  
CHRISTINE ELIZABETH MEYER, OF TEXAS  
LIA N. MILLER, OF NEW YORK  
SUMRENN K. MIRZA, OF CALIFORNIA  
GLADYS ANGEL MOREAU, OF CALIFORNIA  
BINDI KIRIT PATEL, OF CALIFORNIA  
SARAH CATHERINE PECK, OF MASSACHUSETTS  
ANDREW POSNER, OF CALIFORNIA  
IDRIS RAHIMI, OF VIRGINIA  
RONA RATHOD, OF CALIFORNIA

GARY L. REX, OF FLORIDA  
MICHELLE LEE RIEBELING, OF MISSOURI  
BRADLY J. ROBERSON, OF CALIFORNIA  
KRISTIN LYNN ROCKWOOD, OF FLORIDA  
MICHAEL R.J. ROTH, OF NEW MEXICO  
JASON D. SEYMOUR, OF CALIFORNIA  
JASON W. SHEETS, OF CALIFORNIA  
FRANC XAVIER SHELTON, OF TEXAS  
CARRIE ANNA SHIRTZ, OF WISCONSIN  
NOAH SIEGEL, OF OREGON  
RUSSELL SINGER, OF NEW YORK  
ANDREW LEWIS SISK, OF VIRGINIA  
LINDSEY DIANE SNOW, OF WASHINGTON  
G. MICHAEL SNYDER, OF VIRGINIA  
MICHAEL G. SPRING, OF ILLINOIS  
RAYMOND W. STEPHENS III, OF NEW YORK  
ROY THERRIEN, OF CALIFORNIA  
CAROLYN L. TURPIN, OF FLORIDA  
BERNARD CHITONGGO UADAN, OF FLORIDA  
PAUL M. VALDEZ, OF TEXAS  
NAOMI JOYCE WALCOTT, OF CONNECTICUT  
CHARLENE WANG, OF CALIFORNIA  
RUDDY KERFUN WANG, OF CALIFORNIA  
ELIJAH J. WATERMAN, OF PENNSYLVANIA  
SAMUEL WERBERG, OF NEW YORK  
JOHN WILLIAM WHITELEY, OF ILLINOIS  
NINGCHUAN ZHU, OF TEXAS

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

##### DEPARTMENT OF COMMERCE

LINDA L. CARUSO, OF WISCONSIN  
JENNIFER GOTHARD, OF THE DISTRICT OF COLUMBIA  
GREGORY HARRIS, OF WASHINGTON  
ILONA SHTRUM, OF THE DISTRICT OF COLUMBIA  
ALIZA L. TOTAYO, OF MARYLAND  
MARK WILDMAN, OF MARYLAND

##### DEPARTMENT OF STATE

KATHRYN E. ABATE, OF NEW JERSEY  
MARK J. ABREU, OF VIRGINIA  
JANICE ANDERSON, OF CALIFORNIA  
RAMONA APONTE, OF MARYLAND  
JASON M. ARVEY, OF VIRGINIA  
DEBORAH H. ASCHENBACH, OF ILLINOIS  
SHELLEY J. ASHER, OF VIRGINIA  
ERIC TRANSFELDT ATKINS, OF WASHINGTON  
MARK MADISON ATKISSON, OF MARYLAND  
KARA L. AYOTTE, OF NEW MEXICO  
ROLANDA N. BECKWITH, OF VIRGINIA  
BARRY M. BELKNAP, OF MINNESOTA  
JAMES M. BLACK, OF MARYLAND  
BILLY BRIAN BLACKWELL, OF CALIFORNIA  
DANIEL J. BLANK, OF VIRGINIA  
ELIZABETH J. BLUMENTHAL, OF THE DISTRICT OF COLUMBIA  
DANIEL C. BOLSSINGER, OF NEW MEXICO  
AMY BOYD, OF VIRGINIA  
MEGHAN EILEEN BRADLEY, OF VIRGINIA  
ERIC CHRISTOPHER BRIANS, OF VIRGINIA  
RONALD A. BRIGGS, OF MARYLAND  
PETER BROADBENT, OF TEXAS  
LORETTA A. BUSHNELL, OF VIRGINIA  
HARRY T. CALL, OF VIRGINIA  
LEANNE R. CANNON, OF VIRGINIA  
GEORGE EDWARD CARR, OF THE DISTRICT OF COLUMBIA  
HEATHER K. CARSON, OF VIRGINIA  
TYLER J. CARSON, OF VIRGINIA  
AMANDA J. CAULDWELL, OF VIRGINIA  
SUNG W. CHOI, OF NEW YORK  
KAREN E. COX, OF VIRGINIA  
FILOMENA C. CRAWFORD, OF VIRGINIA  
JEFFREY D. DAHLBY, OF VIRGINIA  
REBECCA M. DANIS, OF MISSOURI  
ERICK M. DANZER, OF WISCONSIN  
AMANDA R. DEKIEFFER, OF VIRGINIA  
JAMES BUTLER DEWEY, OF IDAHO  
CHRISTOPHER D. DOEHLE, OF VIRGINIA  
JUAN DOMENECH CLAR, OF PUERTO RICO  
NICOLE MARIE DUTRA, OF VIRGINIA  
KATHERINE E. EISENLOHR, OF MICHIGAN  
JAMES E. ERDMAN III, OF MICHIGAN  
BRADLEY J. FERNANDEZ, OF VIRGINIA  
RONALD A. FERRY, OF KENTUCKY  
MARY FRANGAKIS, OF NEW YORK  
KIMBERLY R. FURNISH, OF FLORIDA  
PETRA SELVAGGIA GARDNER, OF VIRGINIA  
NEIL S. GIPSON, OF NEBRASKA  
GUDRUN ERIKA GOMEZ, OF MARYLAND  
CARISSA EILEEN GONZALEZ, OF VIRGINIA  
KATY A. GORE, OF VIRGINIA  
KAREN GRAHAM, OF VIRGINIA  
SARA D. GREENGRASS, OF FLORIDA  
DERRICK J. GWYN, OF VIRGINIA  
CRAIG ACTON HALBMAIER, OF NEW HAMPSHIRE  
COURTNEY A. HAMMOND, OF VIRGINIA  
BENJAMIN C. HARVEY, OF VIRGINIA  
JOHN C. HEINBECK, OF MICHIGAN  
JAMES HENDERSON, OF VIRGINIA  
DANIEL J. HORNING, OF MICHIGAN  
SHARON A. HOWE, OF TEXAS  
TRACY E. HUFF, OF VIRGINIA  
FRANK A. INHOFF, OF VIRGINIA

KATHERINE N. ISGAR, OF NEW YORK  
 MARCUS R. JACKSON, OF FLORIDA  
 MATTHEW JAROSZEWSKI, OF VIRGINIA  
 DAVID JOHNSON, OF VIRGINIA  
 LOUISE A. JOHNSON, OF NEW HAMPSHIRE  
 KRISTEN-MARIE DILEO KACZYNSKI, OF MASSACHUSETTS  
 STEVEN COLLAT KAMENY, OF CALIFORNIA  
 ANGELA P. KATCHEVES, OF TEXAS  
 GARY B. KEELEY, OF VIRGINIA  
 BROOKE G. KIDD, OF VIRGINIA  
 MARY MARTHA KOBUS, OF VIRGINIA  
 ROBERT M. KOKTA, OF VIRGINIA  
 CHRISTINA B. KROUSE, OF VIRGINIA  
 PETER J. KUNKEL, OF VIRGINIA  
 DANA LAST, OF VIRGINIA  
 ANGELA LEIGH LEWIS, OF VIRGINIA  
 BRUCE WILLIAM LIBERI, OF VIRGINIA  
 MATTHEW R. LOHR, OF VIRGINIA  
 LAVONNE LEE LOVEDAY, OF VIRGINIA  
 JENNIFER L. LUERS, OF NEBRASKA  
 AARON P. LUKAS, OF VIRGINIA  
 JOAN E. MARSHALL, OF VIRGINIA  
 VALERIE J. MARTIN, OF CONNECTICUT  
 MARTHA C. MASHAV, OF THE DISTRICT OF COLUMBIA  
 KUROSH MASSOUD ANSARI, OF VIRGINIA  
 BEVERLY E. MATHER-MARCUS, OF MARYLAND  
 THERESA JEAN MATTHEWS, OF MINNESOTA  
 SHANNON K. MCCOMBIE, OF VIRGINIA  
 DEREK MERCER, OF VIRGINIA  
 JAMIE L. MIGNON, OF VIRGINIA  
 MARK IAN MISHKIN, OF CALIFORNIA  
 LISA ANN MOOTY, OF GEORGIA  
 NEAL SHAUN MURATA, OF CALIFORNIA  
 BEN MURPHY, OF VIRGINIA  
 KENNETH LEE MYERS, OF VIRGINIA  
 MARGOT L. NADEL, OF VIRGINIA  
 ANDREW NELSON, OF CALIFORNIA  
 SELENA NELSON-SALCEDO, OF MINNESOTA  
 BRENT S. O'CONNELL, OF VIRGINIA  
 AAMOD OMPRAKASH, OF NEW YORK  
 JEFFREY M. O'NEAL, OF TEXAS  
 MICHAEL OSE, OF IOWA  
 MAYSA M. OSMAN, OF VIRGINIA  
 ABRAM WIL PALEY, OF TEXAS  
 MATTHEW J. PASCHKE, OF THE DISTRICT OF COLUMBIA  
 MICHAEL D. PEARLSTEIN, OF THE DISTRICT OF COLUMBIA  
 DONALD G. PETKOVICH, OF VIRGINIA  
 SARAH MOORE PRATT, OF THE DISTRICT OF COLUMBIA  
 RAUL ENRIQUE PULIDO, OF COLORADO  
 DELIA DAY QUICK, OF TEXAS  
 MICHAEL QUIGLEY, OF VIRGINIA  
 SCOTT D. QUINLAN, OF VIRGINIA  
 MICAH RAPOPORT, OF THE DISTRICT OF COLUMBIA  
 MARQUEX DOMINIQUE REY, OF TENNESSEE  
 MARISSA K.E. ROLLENS, OF TEXAS  
 KRISTIN JOY RUNZEL, OF VIRGINIA  
 TAMANNA S. SALIKUDDIN, OF VIRGINIA  
 J.M. SAXTON-RUIZ, OF VIRGINIA  
 DOROTHY I. SCANLAN, OF VIRGINIA  
 JOSHUA SHEN, OF VIRGINIA  
 JEFFREY J. SILLMAN, OF VIRGINIA  
 KARL ALEXANDER SNYDER III, OF VIRGINIA  
 REBECCA ANN SNYDER, OF VIRGINIA

SARA VELDTHUIZEN STEALY, OF VIRGINIA  
 ANTHONY J. STROMMEYER, JR., OF VIRGINIA  
 TIMOTHY W. SWETT, OF ILLINOIS  
 JESSUP L. TAYLOR, OF NORTH CAROLINA  
 GREGORY JAMES THOMPSON, OF VIRGINIA  
 TEDDE H. THOMPSON, OF VIRGINIA  
 DANIEL A. THORLEY, OF MARYLAND  
 ANNA E. TIEDECK, OF THE DISTRICT OF COLUMBIA  
 JON THOMAS TOLLEFSON, OF MINNESOTA  
 PATRICIA ELAIN TRIPLETT, OF VIRGINIA  
 JOSEPH GREGG TRIPOLI, OF VIRGINIA  
 NEAL W. TURNER, OF GEORGIA  
 AMY UNANDER, OF ILLINOIS  
 STANLEY J. UNDERDAL, JR., OF VIRGINIA  
 WILBUR A. VELARDE, OF CONNECTICUT  
 JOHN L. VENABLE II, OF VIRGINIA  
 ANNE WAN, OF CALIFORNIA  
 BRIAN W. WARDNER, OF MARYLAND  
 MATTHEW DANIEL WARIN, OF VIRGINIA  
 DANIEL W. WARNER, OF VIRGINIA  
 MARK THOMAS WHITEHEAD, OF VIRGINIA  
 CAROLINE G. WIDEGREN, OF VIRGINIA  
 ERIC CODY WILLIAMS, OF VIRGINIA  
 BEN YATES, OF TEXAS  
 RACHAEL ZASPEL, OF TEXAS  
 THOMAS S. ZIA, OF THE DISTRICT OF COLUMBIA

CONSULAR OFFICER IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

STEPHEN G. FAKAN, OF OHIO

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR, EFFECTIVE NOVEMBER 27, 2006:

EDWIN RICHARD NOLAN, OF VIRGINIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR, EFFECTIVE JANUARY 06, 2008:

ALICE G. WELLS, OF VIRGINIA

#### IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY IN THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### *To be lieutenant general*

LT. GEN. H. STEVEN BLUM

#### IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER SECTION 271, TITLE 14, U.S. CODE:

#### *To be rear admiral*

REAR ADM. (LH) THOMAS F. ATKIN

REAR ADM. (LH) KEVIN S. COOK  
 REAR ADM. (LH) DANIEL A. NEPTUN  
 REAR ADM. (LH) THOMAS P. OSTEBRO  
 REAR ADM. (LH) STEVEN H. RATTI  
 REAR ADM. (LH) JAMES A. WATSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C. SECTION 271:

#### *To be rear admiral (lower half)*

CAPTAIN ROBERT E. DAY, JR.  
 CAPTAIN JOHN H. KORN  
 CAPTAIN WILLIAM D. LEE  
 CAPTAIN CHARLES D. MICHEL  
 CAPTAIN ROY A. NASH  
 CAPTAIN MICHAEL N. PARKS

#### IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

#### *To be lieutenant colonel*

DARRELL I. MORGAN

#### *To be major*

ROGER E. JONES

#### IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

#### *To be colonel*

MARK V. FLASCH

## WITHDRAWALS

Executive Message transmitted by the President to the Senate on September 9, 2008 withdrawing from further Senate consideration the following nominations:

JOAQUIN F. BLAYA, OF FLORIDA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2008, (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON OCTOBER 18, 2007.

DENNIS M. MULHAUPT, OF CALIFORNIA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2008, VICE BLANQUITA WALSH CULLUM, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON OCTOBER 18, 2007.



## EXTENSIONS OF REMARKS

HONORING WORLD WAR II VETERANS 1ST CLASS MACHINIST MATE ROYCE DAVID AND SIGNALMAN THIRD CLASS JACK GOODWIN

### HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. HENSARLING. Madam Speaker, today I rise to recognize two World War II veterans, 1st Class Machinist Mate Royce David and Signalman Third Class Jack Goodwin, for their distinguished service in the U.S. Navy.

On the morning of April 16, 1945, Japanese suicide pilots in the South Pacific attacked the USS *Laffey* and nearby sister ship USS *LCS 51*. The heavy strikes began at 8:27 a.m. when two planes headed for the bow and two other planes headed for the stern of USS *Laffey*. With the assistance of USS *LCS 51*, all four planes were shot down. In fact, it would take six more kamikazes to finally penetrate the ships. The USS *Laffey* caught fire when the seventh plane crashed. While most ships would sink after just one plane hit, *Laffey* withstood eight more plane crashes and bombs.

All total, twenty-two planes attempted to attack the USS *Laffey*, nine of which were shot down. *Laffey* survived the attacks, despite heavy damage to the ship, including a complete loss of electrical power, and pulled into port the following day.

On board these two ships were two men from North Texas. Mr. David, of Mesquite, Texas, was serving in the engine room of USS *Laffey*. Meanwhile, Mr. Goodwin, of Garland, Texas, was aboard the USS *51*, which picked up several of *Laffey's* overboard crewmembers, fought fires, and helped shoot down suicide bombers.

Mr. Goodwin, along with the rest of USS *LCS 51* crew, earned the Presidential Unit Citation for his action and assistance on April 16, 1945. A year later, Mr. Goodwin received an honorable discharge from the U.S. Navy Reserves as a Signalman Third Class and returned to Texas to work as a structural ironworker and in the freight industry as a truck driver.

Mr. David served in the U.S. Navy for two more years and then returned to Texas to work for the U.S. Post Office. Sixty-three years later, these two gentlemen are finally receiving their long overdue medals. I am honored to recognize Mr. David for earning the Navy Good Conduct Medal, World War II Victory Medal, American Campaign Medal, Asiatic Pacific Campaign Medal, European-African-Middle Eastern Campaign with one bronze star, the Combat Action Ribbon, a Honorable Service Lapel Pin (Ruptured Duck), and a Discharge Button.

I also want to recognize Mr. Goodwin for earning the Combat Action Ribbon, the Honorable Service Lapel Pin (Ruptured Duck), and the Navy Discharge Button.

Today, these gentlemen live in neighboring cities in North Texas, attend the same church, and have formed a deep friendship.

Madam Speaker, on behalf of the Fifth District of Texas, I am humbled and privileged to recognize Mr. Royce David and Mr. Jack Goodwin. As Calvin Coolidge once said, "The nation which forgets its defenders will itself be forgotten." I for one am committed to ensuring this nation never forgets.

### HONORING THE VOLUNTEERS OF THE MUNCIE ROTARY

### HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. PENCE. Madam Speaker, I rise to thank the Rotary Club of Muncie, Indiana for their invaluable service to the residents of my hometown of Columbus, Indiana following catastrophic flooding that city experienced in early June.

"The Power of One," by Tom Farris was published in the Muncie Star Press on August 10, 2008. The article outlines the tremendous support provided by the Muncie Rotary Club and the leadership they provided in the early clean-up efforts. Tom Farris writes:

Often when we think of Rotary relief and assistance programs, we picture people in need halfway around the globe or the worldwide eradication of polio. However, the summertime flooding, which has been labeled a once-in-several-hundred-years disaster, caused hundreds of millions of dollars in damages in Indiana and proved that those in need can be as close as several counties away.

Congressman Mike Pence visited the Muncie Rotary Club on June 17 to provide an update on what had been going on in Washington. But since he had been back in Indiana visiting the flood-ravaged areas of his district, he focused on the extensive damage he had observed in many parts of eastern Indiana, especially severe in the Columbus area . . .

While the Congressman spoke to us, a banner in the Indiana Room at Minnetrista proclaimed the theme "The Power of One." Within 24 hours, "The Power of One" was well underway to connect the Muncie Rotary Club to flood victims in Columbus, thanks to Muncie Rotarian Gay Nation, the Club's then incoming chairman for community service. Gay is well-known for taking a project and putting her mind and heart into it for dramatic results. She contacted the Columbus Sunrise and Noon Rotary Clubs to offer help and by the following Tuesday, four work trips were planned—July 12, 19, 26 and Aug. 2—so Muncie Rotary Club members could volunteer to assist in Columbus.

Gay learned bottled water was in great demand, so she clipped coupons from the Sunday edition of The Star Press, contacted retailers and Rotary began accepting donations to purchase water and cleaning supplies. Plus Rotarians began contacting other organizations to make them aware of the needs and to connect them to the relief efforts.

Members of the Muncie Rotary Club participating in the Columbus area flood relief

efforts included: Doug Bakken, Marlin Creasy, Roni Johnson, Gay Nation, Jim Needham, Pat Garofolo, Lois Rockhill, Bob Gortner, Loyal Cutforth, Leslie Anderson and Ray Montagno, along with Bill Green, a neighbor of Gay Nation. Tom Kosar from the Muncie Sunrise Rotary Club collected funds for the purchase of 28 cases of water. Columbus Sunrise Rotary Club members assisting with the relief efforts included: Jodi Engelstad (president), Charles Dewey, Mike Ferree, Paula Ferree, Don Harvey, Cindy Greene, Owen Hungerford, Lyn Morgan, Kara Steele, Celeste Racette, Jill Shedd, Mary Tucker, Loretta Ulery, Bia Carasco (an exchange student from Brazil) and David "Mac" McCorry, president of the Columbus Noon Rotary Club.

Additional donors to the project include Muncie Sunrise Rotary Club, which donated 28 cases of water; Lynette Freeman of Cardinal Greenway, more 111 gallons of water, plus 28 cases of water and soda; Mary Alice Hatten, CVS store manager, personally donated two large coolers and 10 cases of water; K-Mart store manager Joetta Roysden donated three large coolers and allowed Rotary to purchase 10 cases of water at a great discount, plus Rotarians donated over \$750 to a matching fund to provide a new \$3,000 camera for Columbus Regional Hospital. In total, Rotary delivered 2,280 bottles of water.

Never underestimate "The Power of One" in getting people engaged to assist neighbors in need—or people they don't even know. Although the flood devastation in the Columbus area didn't receive great media attention, people were hurting and the need for help was real. I think Rotary's Flood Relief Efforts provide a perfect illustration of the Rotary motto "Service Above Self."

I commend each of the individuals mentioned in this article, and extend my deepest gratitude to this dedicated group of volunteers who went out of their way to help fellow Hoosiers in need.

### RECOGNITION OF CHARLIE WEEMS' SERVICE ON THE LSU BOARD OF SUPERVISORS

### HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. ALEXANDER. Madam Speaker, I rise today to commend Mr. Charlie Weems and his service on the Louisiana State University (LSU) Board of Supervisors.

For 17 years Mr. Weems served on the LSU Board of Supervisors with meritorious distinction, providing tireless energy and superb leadership.

A former chairman of the Board of Supervisors, Mr. Weems was at the forefront of the long, tedious task of upgrading LSU at Alexandria into an institution granting baccalaureate degrees. During his service, he was a tenacious proponent of the Flagship Agenda and Forever LSU campaign that have generated a Top Tier designation by U.S. News & World Report for the first time in LSU history.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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



Had I been present for rollcall No. 430, I would have voted "aye." Had I been present for rollcall No. 429, I would have voted "aye." Had I been present for rollcall No. 428, I would have voted "aye." Had I been present for rollcall No. 427, I would have voted "nay." Had I been present for rollcall No. 426, I would have voted "aye." Had I been present for rollcall No. 425, I would have voted "aye."

Had I been present for rollcall No. 424, I would have voted "aye." Had I been present for rollcall No. 423, I would have voted "aye." Had I been present for rollcall No. 422, I would have voted "aye." Had I been present for rollcall No. 421, I would have voted "aye." Had I been present for rollcall No. 420, I would have voted "nay." Had I been present for rollcall No. 419, I would have voted "aye." Had I been present for rollcall No. 418, I would have voted "aye." Had I been present for rollcall No. 417, I would have voted "aye." Had I been present for rollcall No. 416, I would have voted "aye." Had I been present for rollcall No. 415, I would have voted "aye." Had I been present for rollcall No. 414, I would have voted "aye." Had I been present for rollcall No. 413, I would have voted "aye." Had I been present for rollcall No. 412, I would have voted "aye." Had I been present for rollcall No. 411, I would have voted "nay." Had I been present for rollcall No. 410, I would have voted "aye." Had I been present for rollcall No. 409, I would have voted "aye." Had I been present for rollcall No. 408, I would have voted "aye." Had I been present for rollcall No. 407, I would have voted "aye." Had I been present for rollcall No. 406, I would have voted "aye." Had I been present for rollcall No. 405, I would have voted "aye."

Had I been present for rollcall No. 404, I would have voted "aye." Had I been present for rollcall No. 403, I would have voted "aye." Had I been present for rollcall No. 402, I would have voted "aye." Had I been present for rollcall No. 401, I would have voted "aye." Had I been present for rollcall No. 400, I would have voted "aye." Had I been present for rollcall No. 399, I would have voted "nay." Had I been present for rollcall No. 398, I would have voted "aye." Had I been present for rollcall No. 397, I would have voted "nay." Had I been present for rollcall No. 396, I would have voted "aye." Had I been present for rollcall No. 395, I would have voted "aye." Had I been present for rollcall No. 394, I would have voted "aye." Had I been present for rollcall No. 392, I would have voted "aye." Had I been present for rollcall No. 391, I would have voted "aye." Had I been present for rollcall No. 390, I would have voted "aye." Had I been present for rollcall No. 389, I would have voted "aye." Had I been present for rollcall No. 388, I would have voted "aye." Had I been present for rollcall No. 387, I would have voted "nay." Had I been present for rollcall No. 386, I would have voted "aye." Had I been present for rollcall No. 385, I would have voted "nay." Had I been present for rollcall No. 384, I would have voted "nay."

Had I been present for rollcall No. 383, I would have voted "aye." Had I been present for rollcall No. 382, I would have voted "aye." Had I been present for rollcall No. 381, I would have voted "aye." Had I been present for rollcall No. 380, I would have voted "aye." Had I been present for rollcall No. 379, I would have voted "aye." Had I been present for rollcall No. 378, I would have voted "nay."

Had I been present for rollcall No. 377, I would have voted "aye." Had I been present for rollcall No. 376, I would have voted "aye." Had I been present for rollcall No. 375, I would have voted "aye." Had I been present for rollcall No. 374, I would have voted "aye." Had I been present for rollcall No. 373, I would have voted "aye." Had I been present for rollcall No. 372, I would have voted "aye." Had I been present for rollcall No. 371, I would have voted "aye." Had I been present for rollcall No. 370, I would have voted "aye." Had I been present for rollcall No. 369, I would have voted "aye." Had I been present for rollcall No. 368, I would have voted "aye." Had I been present for rollcall No. 367, I would have voted "aye."

HONORING THE PHOENIXVILLE  
AREA VIOLENCE PREVENTION  
NETWORK

**HON. JIM GERLACH**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Mr. GERLACH. Madam Speaker, I rise today to honor an organization that has been committed for nearly a decade to improving the quality of life in Southeastern Pennsylvania.

The Phoenixville Area Violence Prevention Network has been working with community leaders since 1999 on strategies for strengthening neighborhoods and aiming to rid the Borough of violence. With countless hours of hard work and scores of dedicated volunteers, this organization has brought together schools, church groups and other members of the community to institute a call for peace and zero tolerance for violence.

The network will commemorate its ninth annual Day of Remembrance and Hope on Sunday, September 14 in Reeves Park. The event will remember the victims of violence, promote anti-violence activities and recognize local individuals who exemplify and work to advance peace in the community.

Madam Speaker, I ask that my colleagues join me today in recognizing the Phoenixville Area Violence Prevention Network and all those who give some of their time and energy in hopes of building better communities.

EXPRESSING THE CONDOLENCES  
OF THE HOUSE OF REPRESENTA-  
TIVES ON THE DEATH OF THE  
HONORABLE STEPHANIE TUBBS  
JONES, A REPRESENTATIVE OF  
THE STATE OF OHIO

SPEECH OF

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 8, 2008*

Mr. RANGEL. Mr. Speaker, I rise today to pay special tribute to one of our own; my friend and colleague, the Honorable Chairwoman STEPHANIE TUBBS JONES who represented the 11th congressional district of Ohio for five terms. Sadly she passed away at the young age of 59 on August 20, 2008 from an aneurysm in her brain. She is survived by

her son, Mervyn L. Jones II, and her sister Barbara Walker.

Congresswoman TUBBS JONES truly was a pioneer. She became the first African-American woman to chair the Committee on Standards of Official Conduct in the 110th Congress and the first African-American woman to serve on the Committee on Ways and Means in the 108th Congress where she played an important role on the health subcommittee. She fought tirelessly for wealth building and economic development, access and delivery of health care, and quality education for all. The Congresswoman had the ability to remain grounded and always continued to work and include the interests of her constituents when dealing with issues.

It was an honor and a privilege to have worked directly with her on the Committee on Ways and Means. On the Health Subcommittee she focused on End Stage Renal Disease (ESRD), disparities and she played an important role in the SCHIP debate. She was a strong supporter of tax provisions designed to encourage the rehabilitation of historic, and other real property, and to encourage community development. Despite her constituency that is mainly unionized, she supported the Peru Trade Promotion Agreement and other free-trade agreements as long as they met the International Labor Organizations Declaration on Fundamental Principles and Right to Work.

She will be missed by members on both sides of the aisle and by staff on the hill who admired and enjoyed working with her as well. We who knew and worked with her will surely be among many who will miss her smile, her tenacity, and her infectious love of life. She leaves us an inspirational legacy, a memorable record of public service and a charge to keep fighting for what is right and just. She will forever be in our hearts.

MR. STEVE TOKARSKI

**HON. PETER J. VISCLOSKY**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Mr. VISCLOSKY. Madam Speaker, It is with great honor and pleasure that I stand before you today to recognize Mr. Steve Tokarski. I can truly say that when it comes to service to one's community, few people can match the outstanding efforts of Steve Tokarski. Steve has always been a dedicated, distinguished, and honorable citizen. Having known him for many years, I can say with certainty that he is one of the most involved citizens I have ever known. Steve has served the Polish American community in Northwest Indiana and beyond for many years, and for his efforts, he will be honored at a banquet hosted by the Silver Bell Club on Sunday, September 21, 2008, at the Salvatorian Monastery in Merrillville, Indiana.

An attorney by trade, Steve began his career after completing his Doctor of Jurisprudence degree from the Indiana University School of Law in 1969. Prior to that, he attended Purdue University, where he earned his Bachelor of Arts degree. Mr. Tokarski's desire to serve his community, paired with his passion for his chosen profession, eventually led to him serving not only as a deputy prosecutor for Lake County, Indiana, but also as

the attorney for the City of Lake Station and the Town of Schererville. Steve's knowledge of law and his overwhelming desire to serve his community made him a perfect fit to continue his work on behalf of the Polish American community, and his willingness to serve has made him very successful in the many posts he has held.

Indisputably, Steve Tokarski has been extremely successful throughout his legal career. However, his efforts on behalf of the Polish American community have truly set him apart from his peers. As a member of the Polish National Alliance (PNA), he has served as the Director for the Indiana/Michigan region, as a member of the Board of Directors, as Chairperson of the Rules and Regulations Committee, and as a member of the Education Committee, the Financial Control Committee, and the Membership Committee. He also served as Parliamentarian, First Vice-Chairperson, and Secretary for various conventions. Additionally, Steve has served as President of PNA Council Number 127 and of PNA Lodge Number 2365—Silver Bell Club.

In addition to his efforts with the PNA, Steve has also been extremely active in the Polish American Congress (PAC), currently serving as the President for its Indiana division, a position he has maintained since 1977. Mr. Tokarski has also served as the National Director and the Parliamentarian for the Council of National Directors of the PAC and as Chairperson of the By-Laws and Grievance Committees. He has also served as Vice President of the PAC's charitable foundation since 1995.

Steve's community involvement does not end with his service to these two outstanding organizations. He is also an active member of several Purdue University alumni associations, as well as the Purdue President's Council, and he has held positions as Secretary-Treasurer and State Vice President of the National Advocates Society since 1984.

When not engaged within the community, Steve spends his spare time with his loving wife of 35 years, Marsha. Steve and Marsha, a stained glass artist and former science teacher, have two sons: David and Christopher.

Madam Speaker, Steve Tokarski has given his time and efforts selflessly to his church, his community, and the Polish American people of Northwest Indiana and beyond. His efforts have touched the hearts of many people throughout the years, and at this time, I ask that you and all of my distinguished colleagues join me in commending him for his lifetime of service and dedication.

IN RECOGNITION OF THE RETIREMENT OF COLONEL RICKY CREWS, UNITED STATES AIR FORCE

### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Mr. MILLER of Florida. Madam Speaker, I rise to honor the service of Colonel Ricky Crews, U.S. Air Force, who is retiring after 33 years of dedicated service to this Nation. A graduate of the University of West Florida and Troy State University, Colonel Crews is the Installation Inspector General for the 94th Airlift

Wing, Dobbins Air Reserve Base, GA. Colonel Crews acted as the "eyes and ears" of the Wing Commander as he identified and corrected problems and coordinated the installation Fraud, Waste and Abuse monitoring program.

Colonel Crews enlisted in the Air Force in 1975. He completed basic training at Lackland AFB, TX before receiving specialized training at Keesler AFB, MS in Signals Intelligence. He performed tours of duty with the 6987th Security Group at Shu Lin Kou, AS in Taipei, Taiwan and with the 6917th Security Group, at San Vito AS, in Brindisi, Italy. He finished his active duty commitment with an assignment as a Communications Specialist at Strategic Air Command Headquarters in Omaha, NE.

Colonel Crews joined the Air Force Reserve in 1979 at Eglin Air Force Base Aux Field 3 (Duke Field), FL as an Airborne Weapons Mechanic, flying AC-130A Gunship missions worldwide. Upon his commissioning in 1983 through Officer Training School, he was assigned back to the 711th Special Operations Squadron at Eglin AF Aux Field 3 (Duke Field), FL, as a Fire Control Officer. He was responsible for directing and controlling the tactical operations of the AC-130A aircraft during both training and actual combat operations. In 1988, Colonel Crews moved forward in the AC-130A to assume the duties of Mission Navigator. During his assignment at Duke Field, Colonel Crews participated in several real world contingencies including operations in Panama, Haiti, and Iraq.

Colonel Crews' other assignments include: the 911th Airlift Wing, Pittsburgh, PA, the 908th Airlift Wing, Assistant Director of Operations for the 357th Airlift Squadron, 908th Operations Support Flight Commander and the Deputy Commander, 908th Operations Group, Air Force Reserve Command in Maxwell AFB, AL, 908th Aeromedical Evacuation Support, and the 908th Operations Support Squadron. This assignment included recruiting, equipping and training combat aircrews to ensure combat readiness to meet all Air Force Reserve and global airlift requirements in peace and wartime in support of the Total Force. While assigned at Maxwell, Colonel Crews served in both Afghanistan and Iraq in support of the Global War on Terror.

A navigator with over 3,500 hours, Colonel Crews has flown global close air support and airlift missions including combat missions in Iraq, Kuwait and Afghanistan and combat support missions in Panama, Haiti, Qatar and Uzbekistan. He completed Air War College in 2004 and Air Command and Staff College in 2001.

Madam Speaker, few can match the dedication and professionalism of Colonel Ricky Crews. He is a man of honor and a man of principle. On behalf of the United States Congress and a grateful Nation, I wish to thank Colonel Crews for his years of dedicated service. Vicki and I wish him, his wife, Debbie, and their daughter, Alyssa Ivey our best wishes for continued success and happiness in the future.

IN RECOGNITION OF THE 50TH ANNIVERSARY OF MR. AND MRS. JOE ADERHOLT

### HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Mr. ROGERS of Alabama. Madam Speaker, I respectfully request the attention of the House to pay recognition to an important day in the lives of two constituents of mine, Mr. and Mrs. Joe Aderholt.

On August 24, the Aderholts celebrated their 50th wedding anniversary. Joe Marvin Aderholt was born on March 25, 1936, in Cedar Springs, AL, and his wife, Mary Jane Finley, was born on September 19, 1936 also in Cedar Springs. Joe and Jane met and married in the small community of Weaver, AL. Over the years, they have been blessed with two daughters, Alison and Angie, six grandchildren, and five great-grandchildren. Joe and Jane have been active members of Weaver Baptist Church where Joe has been a soloist in the church choir.

They celebrated their 50th Anniversary on August 23 at Weaver Baptist Church with a reception honoring them given by friends and family.

I would like to congratulate Joe and Jane for reaching this important milestone in their lives. They are shining examples of love and dedication for us all, and I wish them and their family all the best at this important occasion.

HONORING THE MEMORY OF JOSEPH J. MICARE

### HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Mr. BONNER. Madam Speaker, the city of Mobile and the State of Alabama recently lost a dear friend, and I rise today to honor Judge Joseph J. Micare and pay tribute to his memory.

A native of Albany, NY, Joseph Micare served in the U.S. Navy during World War II. He graduated from Albany Law School and was past Venerable of the Albany Chapter of the Sons of Italy and a lifetime member of the Bucci McTeague Post.

Judge Micare served for many years as the chief counsel for the New York Liquor Authority. He worked as an assistant attorney general for the State of New York before he was appointed administrative law judge with the Social Security Administration.

Judge Micare and his family have proudly called southwest Alabama home for the past 25 years.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader, a friend to many throughout Alabama, as well as a wonderful husband, father, and grandfather.

Judge Joseph L. Micare will be dearly missed by his family—his wife of 35 years, Sharleen McClellan O'Hare Micare; his son, Pascal Micare; his daughters, Jan Micare and Gina Micare; his stepson, Shawn O'Hare; his stepdaughter, Meghan O'Hare; his 10 grandchildren, Deana Corrigan, Marc Micare, Jason

Micare, Hanna Spongberg, Kate Spongberg, Brandon Grant, Justin Grant, Sam O'Hare, Jack O'Hare, and Dee Dee Micare; his six great-grandchildren; and his two sisters, Rose Delehanty and Angie Shiek—as well as the countless friends he leaves behind.

Our thoughts and prayers are with them all during this difficult time.

## PAYCHECK FAIRNESS ACT

SPEECH OF

### HON. CAROL SHEA-PORTER

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 31, 2008*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1338) to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes:

Ms. SHEA-PORTER. Mr. Chairman, I rise to express my enthusiastic support for H.R. 1338, the Paycheck Fairness Act, and thank Chairman MILLER of the Education and Labor Committee and Congresswoman DELAURO, the sponsor of this legislation for their tireless work and leadership on this issue.

To paraphrase James Madison, "If men [and women] were angels, no government would be necessary." And in an ideal world, we wouldn't need legislation to reinforce the concept of equal pay for equal work. But even today in 2008, when women make on average only 77 cents for every one dollar made by their male counterparts, the importance of the Paycheck Fairness Act is clear.

Gender-based wage discrimination has been illegal in this country since the Equal Pay Act of 1963 was signed into law. Yet, the pay disparity between women and men that still persists today highlights the need to take another look at our wage discrimination laws. This disparity, by the way, is estimated to cost a working woman between \$400,000 and \$2 million over a lifetime.

I am a proud cosponsor of the Paycheck Fairness Act. It is about equal pay for equal work—and it is about time!

## TRIBUTE TO ED SMITH: RETIREE OF THE YEAR

### HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Mr. FILNER. Madam Speaker, I rise today to honor a long-time leader in the labor movement, Ed Smith. I am very proud and happy to join with the San Diego Labor Community in honoring Ed as the "2008 Johns Retiree of the Year!"

Ed began working in small "Mom and Pop" grocery stores at the age of 13. By the age of 18, he was a full time journeyman grocery store clerk and a member of Local 1222, Retail Clerks, which is now known as U.F.C.W. 135. In December of 1966, he went to work for Coca-Cola Bottling Company of San Diego as a route sales driver and joined Teamster Local Union 683. While at Coke, he held various leadership positions.

In May of 1977, he went to work for I.T.T. Continental Baking Company-Wonder Bread as a route sales driver. While at Wonder Bread, he assumed the role of shop steward and quickly became interested in worker's rights. In October 1991, he was appointed trustee to the Executive Board of Teamsters Local 683. In January of 1994, he was hired as a business agent and served in that capacity for 5½ years.

Upon Rich Truffa's retirement in November of 1999, Ed was appointed secretary-treasury, a position he held until his retirement on January 1, 2005. Ed currently resides in San Diego with his wife, Linda. They have been married for 43 years, and have one daughter and two grandchildren, a 12-year old grandson, and an 8-year granddaughter.

In his retirement, our Retiree of the Year, Ed Smith, continues to support and champion worker's rights and remains active in the labor community!

## INTRODUCTION OF THE COMMUNITY PROTECTION AND RESPONSE ACT

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Mrs. MALONEY of New York. Madam Speaker, today I am introducing the Community Protection and Response Act to eliminate confusion in responding to disasters following homeland security events.

One of the major lessons learned in the aftermath of September 11th, 2001 is that timely response is critical. Any delay complicates short-, medium-, and long-term recovery efforts. Sadly, many of the lessons that we have learned have gone without an appropriate response.

In response to the attacks of September 11th, for example, Congress took a series of actions to bring relief to affected areas. These legislative actions along with existing statutes, including the Robert T. Stafford Relief and Emergency Act and the Disaster Mitigation Act, formed the framework for the Federal Government's response. The magnitude of the attacks and the need for Congress to take action before certain relief could be delivered added to the challenge of the recovery efforts and exposed critical weaknesses in Federal authority to respond.

The Community Protection and Response Act would amend the Stafford Act along with other statutes and would give the President a series of policy options to choose from following a homeland security event. A homeland security event is defined as an event that poses a significant risk to the security of people and property and is of such magnitude that effective response is beyond the scope and capability of the affected State and local government. Many of these options are based on congressional action following September 11th, or other policy suggestions in reports by the Congressional Research Service, the General Accounting Office and the New York branch of the Federal Reserve. Specifically, in the event of a homeland security event, the President can provide grants for lost tax revenue, aid to school systems, and assistance to medical facilities and utility companies. The

bill also establishes guidelines to ensure the public health of area residents and disaster workers.

This bill is an important failsafe and preventive measure that will ensure America is prepared to respond to any homeland security event in the future.

## IN RECOGNITION OF THE 165TH ANNIVERSARY OF THE FOUNDING OF THE HOPEWELL METHODIST EPISCOPAL CHURCH

### HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Mr. ROGERS of Alabama. Madam Speaker, I respectfully ask the attention of the House today to pay recognition to the members of Hopewell Methodist Episcopal Church in Valley, Alabama, who on September 7, 2008, celebrated their congregation's 165th anniversary.

Church founder James M. Spear began holding Methodist class meetings in his home in the early 1840s. Hopewell's first church was erected in 1843, and the congregation moved to the current site in 1853. Since that time, the church has seen many changes, including renovations to its historic sanctuary and the addition of a parsonage in 1966. The celebration on September 7th paid tribute to the work of Hopewell on behalf of its members and community.

I am pleased to recognize the Hopewell Methodist Episcopal Church today for reaching this important milestone in the history of their congregation and wish its members all the best in its next 165 years of faith and witnessing in the community.

## EXPRESSING THE CONDOLENCES OF THE HOUSE OF REPRESENTATIVES ON THE DEATH OF THE HONORABLE STEPHANIE TUBBS JONES, A REPRESENTATIVE OF THE STATE OF OHIO

SPEECH OF

### HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 8, 2008*

Mr. UDALL of New Mexico. Mr. Speaker, history will remember STEPHANIE TUBBS JONES as a trailblazer. News reports about her death are littered with firsts: first black woman to represent Ohio in the House, first black woman on Ways and Means, first woman and first African-American prosecutor in Cuyahoga County.

Those who worked with her will remember her electric smile, the kind of smile that made you feel like everything would be alright. We will remember her warmth, how she could hug somebody and give them a piece of her high spirits. She had that uncanny ability to make everybody she encountered—from presidents to homeless constituents—feel like they had known her for years. Her gift was to connect with people on a purely human level. No pretense. When confronted with immensely powerful men and women, she would treat them

with the same casual kindness that won her the love of her constituents back in Cleveland.

Most importantly, we will remember her courage. STEPHANIE was never intimidated by anybody or anything. When she saw injustice, she did something about it, even when the battle would be difficult and victory uncertain. She spoke for those in need of a champion. In her career, she transcended the barriers of race, class and gender that continue to undermine the great American creed of equal opportunity. In her work, she helped ensure that those barriers will not stop future generations of Americans from achieving their potential.

STEPHANIE loved warm words, but she preferred strong actions. Let her example help us to speak truth to power and stand up for justice. The best tribute we could offer to so passionate and committed a public servant is to continue her work.

HONORING THE SPECIAL  
ACHIEVEMENTS OF JIM TUCKER

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Mr. COSTA. Madam Speaker, I rise today along with my colleagues from California, Mr. RADANOVICH, Mr. NUNES and Mr. CARDOZA to pay tribute and congratulate the distinguished public service and educational career of Mr. Jim Tucker. After 19 years, Jim Tucker is leaving his position as host of the Valley Press Show. Mr. Tucker will be honored at a reception held by Valley Public Television on Wednesday, August 27, 2008.

During his 19 years of service, Mr. Tucker has hosted the Valley Press Show and has interviewed more than 1,500 guests on more than 650 episodes and hosted 40 political debates. His guests included national, state and local politicians, celebrities, authors, historians, sports figures, religious, educational and community leaders, as well as, numerous members of our local Valley media. He planned, prepared, wrote, scheduled and hosted the weekly program. Valley Press is the signature KVPT public affairs program; it provides viewers with an in-depth look at major local area news stories. Mr. Tucker has been responsible for researching topics of interest and contacting the numerous guests for the program. Mr. Tucker has dedicated himself tirelessly to KVPT—Valley Public Television and to his community.

Mr. Tucker also taught journalism in the Mass Communications Department at California State University, Fresno. Due to his vast wisdom and knowledge of journalism and reporting, he has been honored with many distinctions recognition awards throughout the years. His awards include Outstanding Journalism Professor of the Year in 1996, twice nominee for a regional Emmy award and California State University of Fresno Provost's Award for excellence in Teaching in 1997.

For those who have had the wonderful opportunity to be one of the guests on Jim's show, it has always been a learning experience. The same dedication and knowledge of journalism he shared with his students at Fresno State was always demonstrated in his efforts to bring as much information as possible from his guests to the public at large.

That is what made his show one of the best of its kind, and why he had such a large following throughout the Valley and across the entire political spectrum. As a result, Jim Tucker is the quintessential journalist; always seeking answers to tough questions in an attempt to try and better inform the public, who are the critical link in making representative democracy work effectively.

Madam Speaker, I rise today to commend and congratulate Jim Tucker upon his retirement from Valley Public Television. As a valley resident his journalistic integrity and credibility have been greatly appreciated. Upon his retirement, as he prepares to spend more time with his family and endeavors of interest to him, we thank him for his service and we wish him continued success and best of luck for the future.

HONORING THE DEDICATION OF  
RUDDER HIGH SCHOOL IN  
BRYAN, TX

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Mr. EDWARDS of Texas. Madam Speaker, I rise today to honor the newly dedicated James Earl Rudder High School in the community of Bryan-College Station, TX.

There is something very special about the dedication of a new school. It is a place where so many lives will be shaped, so many memories made, a place where hopes for a better world will become a reality. Add to that that James Earl Rudder was a true American hero, and it makes the dedication of this high school a memorable event in the history of Brazos County.

Superintendent Cargill and Principal Piatt, thank you for giving me the privilege of being there, because the Rudder family has had a very personal impact on my life. Mrs. Earl Rudder was like a second mother to me, although in fairness, I should point out that she effectively adopted thousands of Aggies over several generations. That did not make her any less special to me, and I want to thank Ann, Linda, Bud and Bob for sharing for so many years your mother and father with all of us in your extended Aggie family.

I never met General Rudder, because he died just months before I enrolled at A&M in 1970, but like every American and every citizen of the world who benefited from the defeat of Nazi forces in World War II, I am the beneficiary of his indomitable courage on D-Day, which marked the beginning of the end for Hitler's plan of world domination.

In a more personal way, I paid for my graduate school education with the scholarship I received when I was awarded the Earl Rudder Award upon my graduation from A&M in 1974. Nevertheless, receiving that award has always been a source of deep humility to me, because I know that I could not even walk in the shadows of this great American's shoes.

I want to salute the school board members, Superintendent Cargill, Principal Piatt, and all who made this new school possible. James Earl Rudder High School is far more than brick, glass and mortar, because a school represents the very best of our values as a community. This school represents the commit-

ment of one generation to the next. It represents this community's willingness to tax itself to ensure that its children have a fair chance to reach their highest God-given potential.

It is in our schools and houses of worship that we witness our best sense of community, a sense that we truly are our brothers' keepers. It is in our schools that we Americans strive to provide for equality of opportunity for all. Ours is an imperfect, never ending journey, but in that march toward equality for all, we show our greatness and goodness as a nation.

Thomas Jefferson was the 33-year-old author of our Declaration of Independence. He was our third and one of our greatest Presidents. Yet, before he died, he made it clear that he wanted it etched on his gravestone that he was the founder of a university. In his wisdom, Thomas Jefferson understood the importance of education to our democracy.

Two centuries later, I believe that each of you who played a role in founding James Earl Rudder High School shares the right to be proud of your accomplishment. It is my hope that the life and values of Earl Rudder will be an inspiration to every student here from this day forward. We should never forget the story of Earl Rudder, because his is the story of the American spirit. It is a story from which we can all learn.

Born in the small town of Eden, Texas, Earl Rudder did not inherit material wealth, but his family, faith and education helped mold a true leader. Like so many Americans, he dedicated his life to helping others, to serving his country.

After graduating from Texas A&M in 1932, Earl Rudder was commissioned as a Second Lieutenant in the U.S. Army Reserves. He then chose the noble profession of teaching—first as a coach and teacher at Brady High School and later at Tarleton State College. In 1941, his country called him to duty, and did he ever answer that call. Rising through the ranks because of his integrity, courage and leadership skills, he was chosen to lead the 2nd Ranger Battalion by one of the most respected Generals to ever serve in the U.S. Army, General Omar Bradley.

His D-Day mission was to lead the best of the best up the 100-foot cliffs of Pointe du Hoc to disarm massive German guns that could have killed thousands of American G.I.s and put the Allied invasion of France at risk.

General Bradley said this about the responsibility given then Lt. Colonel Earl Rudder:

"No soldier in my command has ever been wished a more difficult task than that which befell the thirty-four-year-old Commander of this Provisional Ranger Force."

Two hundred and twenty-five Rangers began their mission on that perilous day when literally the fate of the world was in their hands. Only ninety-nine survived, but because of the heroism of Earl Rudder and Rudder's Rangers that day, our world survived the tyranny of Adolf Hitler. Lt. Colonel Rudder, this great Aggie and American, didn't stop there. He went on to lead a unit in the Battle of the Bulge and became one of the most decorated veterans of World War II.

Having every right to say his public service was completed at the end of World War II, Earl Rudder did what so many of America's veterans have done throughout our history. He spent the rest of his life in service to others

and to the country he loved. He moved back to Brady, Texas and became its mayor. He was elected Land Commissioner of Texas, a position he used to clean up abuses in veterans' land programs.

When he became the President of Texas A&M University, his beloved alma mater, Earl Rudder told his close classmate of '32 and my mentor, Congressman Olin E. Teague, that he had to make a decision that in some ways brought more heat on him than German guns at Pointe du Hoc. He decided to allow women into A&M and to make the Corps of Cadets voluntary for A&M students.

Some Aggies didn't talk to President Rudder ever again. But, just as he did on D-Day, Earl Rudder showed the courage of his conviction. Just as D-Day literally helped save the world as we know it, President Rudder's decision in the 1960s saved the future of Texas A&M. It was, perhaps, the most important decision ever made by any President of Texas A&M, and I am not sure if any other person but Earl Rudder could have made it. In 1967, President Lyndon Johnson presented Earl Rudder with the Distinguished Service Medal, our Nation's highest civilian award.

Love of faith, family and country; courage under fire; integrity; and lifelong service to others—these were the values of Earl Rudder. They are the quintessential American values that have made ours the greatest nation in the world.

My hope is that the story and values of Earl Rudder will inspire the lives of everyone who walks through these doors for generations to come. If so, then ours will be a better community and a better country, and we will have truly honored the service of this American hero.

May God bless James Earl Rudder High School and all who will serve there.

BUD DOGGETT

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Mr. HOYER. Madam Speaker, I rise in memory of my good friend, and a pillar of our Washington community, L.B. "Bud" Doggett, Jr. Bud died last month, while Congress was out of session, but I want to take this moment to note how dearly he will be missed, and how many will miss him.

Bud was one of Washington's most successful businessmen, who turned a small parking company founded by his parents into a local business powerhouse. But he was far from content to simply enjoy his success; instead, he made himself into a vital civic leader, contributing immeasurably to Washington's development into a world-class city. Bud was born here in the District, and he always said he never crossed "the Potomac Ocean" unless absolutely necessary. Everyone who lives here is a beneficiary of his dedication to his hometown.

But to Bud, leadership meant service as much as it meant power. He learned the spirit of service in the European Theater of World War II, and he put it to work back home. Perhaps his most lasting accomplishment was the foundation of Heroes Inc., a charity that for the last 45 years has provided for the families of

police officers and firefighters killed in the line of duty. As his wife, Cherrie Wanner Doggett, said at his funeral: "What he most loved was watching his friends and the people he loved being happy. His pleasure in life was doing for others—especially when he knew he was helping someone who could never give him anything in return."

Our community was blessed to have a servant-leader like Bud Doggett, for so long. He will be dearly missed.

EXPRESSING THE CONDOLENCES OF THE HOUSE OF REPRESENTATIVES ON THE DEATH OF THE HONORABLE STEPHANIE TUBBS JONES, A REPRESENTATIVE OF THE STATE OF OHIO

SPEECH OF

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 8, 2008*

Mr. RYAN of Ohio. Mr. Speaker, I rise today to honor my friend, mentor, and a true pioneer. Congresswoman STEPHANIE TUBBS JONES was taken from us at far too young an age when she passed away on August 20th. On August 30th, during a memorial ceremony held at the Cleveland Public Hall, I addressed the hundreds of friends and family in attendance to pay tribute to STEPHANIE and I would like to share those remarks here as well:

There was a famous song a few years back called, "I Hope You Dance." And it's a song that passes along some advice to all of us, and the refrain of the song says, "If you have the choice to sit it out or dance, I hope you dance." And we all know that STEPHANIE didn't sit it out; she danced. She danced through this life with a style all her own, and she now gets to dance once again with her favorite partner, Mervin. Whether literally dancing on the dance floor or dancing through life, she possessed the key quality of any great dancer—she was fearless. She wasn't real concerned with criticism because she got her instructions from the inside. And as Connie Shultz pointed out last week in her wonderful column, "When the rough and tumble side of Cleveland politics reared its head and threatened STEPHANIE, she simply said, 'I don't have time for fear.'"

Gandhi said, "My life is my message." And so it is with STEPHANIE. Her life instructs us that if we live a life without fear, we allow God's light to pour through us, like His light poured through STEPHANIE. We saw this light in her bright smile and her catchy laugh; her high-fives she always liked to give when she made a witty comment; and the nicknames she gave us, as Congressman MEEK said, I was the "white son." We felt this light in her passion for justice and her warmth for humanity. Her life teaches us that if we live with courage and allow God's light to shine, we can travel farther and higher than we ever dreamed; that we can achieve the seemingly unachievable; and that we can break glass ceilings and overcome barriers with grace and joy. Whether it's Mervin, or Barbara, or her staff, or Members of Congress, or Senators, or presidential candidates, STEPHANIE's death gives us what she gave us so many times in life—our marching orders: To live a fearless life. To let our light shine. To bring joy and

hope. To lift people. To dance. The daughter of Cleveland's life mission. And the credo she asks us to live by is reflected in the short poem called, "I Am One."

I am only one,  
But I am one.  
I cannot do everything,  
But I can do something.  
And that which I can do,  
I ought to do.  
And that which I ought to do,  
By the grace of God, I shall do.

We love you, STEPHANIE.

INTRODUCTION OF THE REPUBLIC OF GEORGIA ENHANCED TRADE ASSISTANCE, ECONOMIC RECOVERY, AND RECONSTRUCTION ACT OF 2008

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Mr. HASTINGS of Florida. Madam Speaker, today I rise to introduce the Republic of Georgia Enhanced Trade Assistance, Economic Recovery, and Reconstruction Act of 2008. This bill will provide urgently needed economic and reconstruction assistance to the people of Georgia following Russia's invasion of that sovereign and independent country last month.

Madam Speaker, the war between Russia and Georgia resulted in the displacement of tens of thousands of men, women, and children from the conflict zone in South Ossetia and elsewhere in Georgia. There is credible evidence that at least some villages were hit because they were populated by ethnic Georgians. As we know, people can't work when they have nowhere to live and their basic needs are not being met. Additionally, the Russians clearly targeted critical components of Georgia's economic infrastructure for destruction, resulting in the disruption of domestic and regional commerce.

The dire circumstances in the aftermath of the invasion require timely action by the United States and the international community.

As Chairman of the Commission on Security and Cooperation, the body charged by Congress with monitoring human rights throughout Europe and beyond, I am deeply concerned over developments in and around Georgia, a country I have visited on numerous occasions, most recently in January. It pains me that there is a need for the kind of legislation I am introducing today—an urgent measure to aid one OSCE country—Georgia—which is recovering from devastating damage done to its people, economy, infrastructure, and environment by another OSCE country—Russia.

The Helsinki principles were meant to preclude such armed conflict between participating states. Among them were the commitments to refrain from the threat of or use of force to resolve conflicts; and respect for the sovereignty and territorial integrity of other states. In invading Georgia, Russia has violated these OSCE commitments and I am saddened to be compelled to condemn Russia's conduct.

Madam Speaker, it is apparent that Russia deliberately sought to cripple Georgia's economy, wreaking economic hardship and perhaps seeking to foment upheaval. In the process, Russia has sought to degrade key economic and commercial zones in the region, and I'm concerned that the most serious long-term damage could be the loss of confidence in Georgia as a reliable transit point for oil and gas pipelines—currently the only transit point for oil to Europe from central Asia and the Caucasus that does not go through Russia.

This legislation, while it cannot undo all of the damage done to Georgia's economy and infrastructure, will go far in helping Georgia, a strategic U.S. partner, begin to rebuild its economy and critical infrastructure while helping to create new trade, business, and economic opportunities among key countries in the region.

I welcome the administration's announcement of a package of U.S. emergency assistance to be provided to Georgia. My legislation seeks to complement these preliminary efforts with the aim of ensuring the kind of sustained assistance the people of Georgia will need in the coming months to rebuild their lives and country.

Madam Speaker, I urge my colleagues to support this important legislation and ensure its timely passage.

RABBI STANLEY HALPERN

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Mr. VISCLOSKY. Madam Speaker, it is with great pleasure and admiration that I congratulate Rabbi Stanley Halpern as he celebrates a milestone, his 20th anniversary as Rabbi at Temple Israel in Gary, IN. Throughout his years of service at Temple Israel, Rabbi Halpern has been one of northwest Indiana's most dedicated and distinguished citizens. The people of northwest Indiana have certainly been rewarded by the service and uncompromising loyalty he has displayed to the parish and the entire community, and for his outstanding efforts, he was recognized at a dinner in his honor at Sand Creek Country Club in Chesterton, IN, on September 6, 2008. As part of the celebration, a very special Shabbat service also took place the previous night.

Stanley Halpern was born and raised in Spokane, WA, where he received an intensive Jewish education at Keneseth Israel Synagogue. Following his graduation from Lewis & Clark High School, he went on to receive his Bachelor's and Master's degrees from the University of Washington, where his studies were focused on Philosophy and Near Eastern Languages and Literature. He also served as Scholar in Residence at Dropsie College in Philadelphia, PA. Following his ordination, Rabbi Halpern spent the next ten years focusing on fundraising and Jewish educational work as the Executive Director of the Bureau of Jewish Education in Sacramento. Finally, in 1988, Rabbi Halpern settled into his first pulpit, Temple Israel in Gary, IN, where he has served since 1988.

Temple Israel's long tradition of dedication to social justice and active involvement in the life of northwest Indiana was a perfect fit for

Rabbi Halpern's commitment to Tikkun Olan, the obligation in Judaism of each individual to do all they can for the healing of the world.

Under Rabbi Halpern's leadership, the people of Temple Israel have involved themselves in a myriad of social and community projects, including: the Open Housing Center of Northwest Indiana, the Interfaith Clergy Council of Gary, and Muslim/Jewish Dialogue—Breaking Down Barriers by Breaking Bread Together. Temple Israel has also played a major role in assisting local veterans by teaching skills to prepare them for re-entry into the workforce. Through Rabbi Halpern's involvement with Hospice, the Bio-Ethics Committee of Community Hospital, and AIDS awareness, they have also been very active in Northwest Indiana's health care community, and they have been outstanding advocates in the fight against domestic abuse through their efforts with the Domestic Relations Counseling Bureau of Lake County. With a focus on doing what is right, Rabbi Halpern and Temple Israel have remained active in these causes, all while continuing to prosper in the building of a vibrant Jewish community in northwest Indiana.

Rabbi Halpern and his wife, Carol, reside in Portage, IN. They are the proud parents of one daughter, who also resides in Portage, and Carol's son, who resides in the Boston, MA, area.

Madam Speaker, northwest Indiana is a better place because of the tireless service of people like Rabbi Halpern. He is a man who has dedicated himself to serving others. I ask that you and my other distinguished colleagues join me in commending Rabbi Halpern for his many years of enduring service and the unforgettable effect he has had on the people of Temple Israel, as well as the entire northwest Indiana community, and I ask that you join me in congratulating him on this impressive milestone.

HONORING THE MEMORY OF  
CHARLES JOSEPH POLLMAN

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Mr. BONNER. Madam Speaker, the city of Mobile and the State of Alabama recently lost a dear friend, and I rise today to honor Charles Joseph Pollman and pay tribute to his memory.

A lifelong resident of Mobile, Charles graduated from McGill Institute and Spring Hill College. He served in the U.S. Army Air Corps, Second Air Division, in Norwich, England, during World War II.

After his service in the war, he used his veteran benefits to attend the Dunwoody Institute in Minneapolis, MN, where he studied baking. He followed in the footsteps of his father, Fred Pollman Sr., and became owner and operator of his parents' bakery, Pollman's Bake Shop. He started working in the family bakery when he was just 12 years old, and at the age of 88, he was still going to the bakery several days a week.

Three generations of the Pollman family have been baking in Mobile since 1918, and his passing is a tremendous loss to the city. Every Mobilian cherishes Pollman brownies, and many a schoolchild in Mobile County has

carried a Pollman po'boy in their lunch box. From ham biscuits to king cakes—Pollman's is the place to go downtown or in west Mobile. It is not an overstatement to say that thousands of wedding cakes have had the Pollman touch.

Charles Pollman also devoted much of his time to his community. He was a member of St. Pius X Catholic Church and the Knights of Columbus Council No. 666.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader, a friend to many throughout southwest Alabama, as well as a wonderful husband and devoted father. Charles Pollman will be dearly missed by his family—his wife, Beverly Pollman; their six children, Chase J. Pollman, Mary Corinne Pollman, Thomas L. Pollman, Leannah P. Duncan, Frederick J. Pollman, III, and Page H. Pollman; his sister, Mary Pollman Bender; his seven grandchildren, Zachary J. Pollman, Fred J. Pollman, IV, Michelle C. Pollman, Charles B. Duncan, Adrienne D. Duncan, Blake H. Pollman, and T. Bender Pollman—as well as the many countless friends he leaves behind. Our thoughts and prayers are with them all during this difficult time.

RECOGNITION OF THE NORTH  
CAROLINA AZALEA FESTIVAL

HON. MIKE MCINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Mr. MCINTYRE. Madam Speaker, it is my great pleasure to rise today to ask you to join me in recognizing the long and important tradition of the North Carolina Azalea Festival, held each year in Wilmington, NC. The North Carolina Azalea Festival's rich history reminds us of its rightful place among our nationally-recognized festivals.

Founded in 1948 as the Wilmington Azalea Festival, the festival has since grown and is now recognized at the North Carolina Azalea Festival. Now, preparing for its 62nd year, this festival deserves to be nationally recognized as a valuable tradition. It is a unique showcase for our community's rich array of artwork, gardens, history and culture through recreational, educational and family-oriented events. Furthermore, the Festival encourages volunteerism and civic participation as it contributes to the region's economy and promotes the rare qualities of Wilmington's river-to-the-sea community.

Throughout the last 62 years the North Carolina Azalea Festival has brought numerous entertainers and celebrities to the port city, including Frankie Avalon, Cab Calloway, Dionne Warwick, Bob Hope, Barbara Mandrell, Marie Osmond, Tom Jones, the Judds, Frank Sinatra, Ronald Reagan, the Beach Boys, Tim McGraw, Jessica Simpson, and Carrie Underwood. Also, it is attended each year by local, State and nationally-elected officials. The 3-day Street Fair along the Cape Fear Riverwalk brings hundreds of thousands of people out to see the local entertainers, arts, crafts, and food booths, multicultural stage performances, fireworks show, and of course the annual North Carolina Azalea Festival Parade. A Coin Show, Horse Show, Boxing Event, Circus,



Shag Contest, Queen's Coronation, and Variety Show are among the other events put on by the Festival. Wilmingtonians have long worked to organize this legendary festival so that Americans might come from near and far to enjoy its distinctive charm.

Madam Speaker, thank you for allowing me to speak about one of North Carolina's most treasured events. I rise today to ask my colleagues to join me in recognition of the North Carolina Azalea Festival as a great American tradition.

CONGRESSIONAL BLACK CAUCUS  
TRIBUTE TO THE HONORABLE  
STEPHANIE TUBBS JONES

SPEECH OF

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 8, 2008*

Mr. HASTINGS of Florida. Mr. Speaker, I rise to honor the life and contributions of Congresswoman STEPHANIE TUBBS JONES. STEPHANIE was a good friend of mine, and I am still in shock by her sudden passing. She brought energy and enthusiasm, brilliance and dedication to this Congress, and her presence is already sorely missed.

In the weeks since her passing, I have been reflecting on her many contributions to her constituents, her state, and her country, not only most recently in the House of Representatives but also in a lifetime of service. She broke barriers, and in the process elevated the lives of those she touched, both professionally and personally. The first African-American woman elected to Congress from the state of Ohio, STEPHANIE has set the bar incredibly high with her dedication and devotion, and paved the way for future generations to follow. As an attorney, judge, and Member of Congress, she worked tirelessly on behalf of reducing poverty, ensuring access to education and affordable health care, and advocating for the rights of minorities nationwide. STEPHANIE and I saw eye-to-eye on many important issues, whether it was fighting to ensure affordable housing, or for greater protection for Haitian and other refugees, or for the simple notion that every vote should be counted. In the 110th Congress alone STEPHANIE introduced legislation to revitalize low-income communities, protect and ensure voting rights, curtail predatory lending, and provide greater resources for uterine fibroids research, a personal commitment of hers that I know she has carried for many years.

STEPHANIE and I have similar backgrounds as lawyers, judges, and of course Members of Congress, and thus I have always thought that she and I shared a kinship that went beyond just our professional responsibilities. I hold her in the highest degree of respect and admiration. Since her untimely passing, I find myself recalling her personal inspiration as she and I and so many others in this body continue to fight for a better, more equal, and more prosperous society. She is the very definition of a role model.

Mr. Speaker, STEPHANIE's presence will not be easily replaced, if it ever can. The country should value her service; and I, for one, also value her friendship.

30TH ANNIVERSARY OF THE  
AMERICAN CITIZENS ABROAD

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Mrs. MALONEY of New York. Madam Speaker, I rise today to recognize the 30th anniversary of American Citizens Abroad, ACA. This organization deserves to be honored for promoting and protecting the rights of the global American community thereby contributing to the political, social and economic prosperity of all Americans.

Americans living abroad are a key demographic in many ways and are often overlooked in Washington. Americans living abroad continue to vote and pay taxes in the United States. Their role in extending American influence around the globe is vital to the well-being of our Nation. Moreover, they are unofficial ambassadors, often the first contact many people around the world have with America and our nation's representatives abroad.

The ACA provides reports containing important information and statistics free of charge to contribute to hearings and debates in the Congress on issues of importance to the American community abroad and to all citizens at home. These efforts are designed to help Congress and the Federal government better understand and serve the members of the American community abroad. The ACA also works hard to ensure that Americans are aware of their rights and privileges while living abroad.

The ACA was founded on July 10th, 1978 in Geneva, Switzerland. Since its inception the ACA has brought together U.S. citizens living all over the world to work together to promote and protect their rights. As a cofounder of the Americans Abroad Caucus with Rep. JOE WILSON, it gives me great pleasure to stand before this Congress and honor the 30th anniversary of this wonderful organization.

IN MEMORY OF MR. S. LEE KLING

**HON. IKE SKELTON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Mr. SKELTON. Madam Speaker, it is with deep sadness that I inform the House of the death of Mr. S. Lee Kling of Country Life Acres, Missouri.

Mr. Kling was born and raised in St. Louis, Missouri. He attended the New York Military Academy and graduated from Washington University, St. Louis. He served in the U.S. Army from 1950 to 1952.

Mr. Kling had a commitment to political service that broke the boundaries of partisanship. He worked as finance chairman for the Democratic National Committee and served as treasurer of President Jimmy Carter's re-election campaign and treasurer of Congressman Richard Gephardt's presidential committee. He received the Democratic National Committee's Distinguished Service Award in 1982. Mr. Kling also held fundraisers for several Republican candidates, and in 2006, Governor Matt Blunt appointed him to the Missouri Veterans' Commission, as well as the Missouri Development and Finance Board in the spring of 2008.

Mr. Kling's political dedication also extended to the international level. In 1977, he represented President Carter at the funeral of the president of Cyprus, Archbishop Makarios III. He co-chaired a committee for the ratification of the Panama Canal treaties. In 1979, he served as an economic adviser during the peace negotiations between Israel and Egypt. He was also a civilian aide to Secretary of the Army.

Mr. Kling was appointed by President Clinton to head the Base Realignment and Closure Commission in 1995. Three years later, Gephardt asked him to head the Amtrak Reform Council. In addition, Mr. Kling was the chairman of the board of the Bames-Jewish Hospital Foundation and chairman of the Kling Co., an insurance, consulting and investment firm.

Madam Speaker, Mr. Kling was a valuable leader, businessman, philanthropist, and public servant. I know the members of the House will join me in extending heartfelt condolences to his family: his wife, Rosalyn Kling; his four sons, Stephen, Lee, Allan and Frank; and his two grandchildren.

HONORING THE DISTINGUISHED  
SERVICE OF THE HONORABLE  
ROBERT H. OLIVER

**HON. JIM COSTA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Mr. COSTA. Madam Speaker, I rise today along with my colleagues from California, Mr. RADANOVICH, Mr. NUNES and Mr. CARDOZA to pay tribute to the distinguished public service of Judge Robert H. Oliver. After more than 15 years, Judge Oliver is stepping down as Chairman of the California State University, Fresno Board of Governors in September of this year.

During his tenure with the University, Robert worked tirelessly to improve the Foundation Board, and its service to both the school and the community by increasing the orderly annual contributions to the University Advancement Division, as well as developing a strong executive committee structure within the organization. It is because of these endeavors and others like them that Robert was able to serve the second longest term as Chairman in the 76 year history of the foundation. It goes without saying that his dedication to the community is to be commended.

Due to his vast wisdom and knack for educating others, Robert was frequently called upon to lecture on or moderate discussion of a diverse variety of issues including: domestic violence, the history of traditional jazz in America, juvenile justice, and leadership in the volunteer sector. Throughout his distinguished career, Robert has served on numerous committees, boards, and panels such as the Fresno County Interagency Council for Children and Families, the Rotary Club of Fresno, and the Board of Governors of the State Bar of California. His service and work have been recognized by countless awards and honors, not the least of which is his recognition as an "Outstanding Alumnus" from both the Craig School of Business at California State University, Fresno and Golden Gate University School of Law in San Francisco.

Throughout his career, Robert Oliver has proven to be a highly effective leader who was always committed to excellence in public service. As he gets ready to spend more time on other causes and endeavors of interest to him, we thank him for his service and we wish him continued success and best of luck for the future.

HONORING THE LIFE OF CITY COUNCILMEMBER MATT GARCIA OF THE FAIRFIELD, CA CITY COUNCIL

**HON. ELLEN O. TAUSCHER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Mrs. TAUSCHER. Madam Speaker, I rise to recognize Councilmember Matt Garcia, who faithfully served the city of Fairfield and whose life was tragically taken last week.

Councilman Garcia, in his 22 years, made an indelible mark on the city of Fairfield and as a young leader he inspired many to make this a better world through service and sacrifice.

As the youngest member ever elected to the Fairfield City Council, Matt understood the potential for young people to effect change in their communities.

He coached Little League, rejuvenated the Fairfield Youth Commission, and vigorously supported the Police Athletics League; Councilman Garcia was a tireless advocate for the youth of Fairfield.

At the age of 16, Matt told his fellow students that he would become the mayor of Fairfield one day and never lost sight of that goal.

From his days at Armijo High to his victorious race for City Council, Matt was able to bring together diverse people and organizations.

My thoughts and prayers are with Councilmember Garcia's family and our community at this very difficult time. I am deeply saddened by his passing and know his memory will live on for generations through the work of those he inspired.

IN RECOGNITION OF JOHN W. RODGERS—SUPERINTENDENT OF SCHOOLS, SANTA ROSA COUNTY SCHOOL DISTRICT

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Mr. MILLER of Florida. Madam Speaker, I rise to recognize my good friend and neighbor, Superintendent Johnny Rodgers. Johnny has been the Superintendent of Schools, Santa Rosa County since 1999. The people of Santa Rosa County re-elected him twice since then and he is retiring from public service at the end of this year.

A career educator, the Pensacola News Journal recently wrote "For years, Santa Rosa County has relished the title of being a high-performing public school system." As Johnny gets ready to turn over the reins to a new superintendent, he should be proud of how good a school system he has led and mentored.

Johnny started his life of public service in 1968 in the United States Air Force. He served honorably in Vietnam and Thailand and upon returning to civilian life, Johnny received his bachelor's and master's degrees from the University of West Florida. Johnny doesn't talk much about his service during the Vietnam conflict but we all know how important his contributions were and I want to thank him again for his service during a time of war.

Before Johnny's current position, he served in numerous public education positions in Santa Rosa County, including teacher, coach, assistant principal and principal. Named Elementary School Principal of the Year in 1994 and Middle School Principal of the Year in 1997, Johnny has done it all.

He has been married to the former Vick Rogers for 40 years and together they have two children and four grandchildren.

HONORING THE MEMORY OF JORGE ALBERTO SUBIRATS

**HON. JO BONNER**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Mr. BONNER. Madam Speaker, the city of Mobile and the State of Alabama, recently lost a dear friend, and I rise today to honor Jorge Alberto Subirats and pay tribute to his memory.

A native of Havana, Cuba, Jorge came to the United States at the age of 12. He, along with his brothers and sisters, left Cuba in 1961 and flew to Miami. Jorge and his siblings soon moved to Birmingham, Alabama, where they were joined by the rest of their family in 1963. Jorge graduated from John Carroll High School in Birmingham in 1967 and from Auburn University in 1972.

A resident of Mobile for 36 years, Jorge was perhaps most widely known for his service as a realtor with Roberts Brothers for 31 years. He was consistently one of the company's top agents each year, an achievement due in large part to the trust and admiration he earned from his clients.

Jorge met every definition of a community leader—he served as a high school teacher and coach, a swim and dive coach, and a Sunday school leader. He was active in many civic organizations, including the Mobile Area Kiwanis Club and the Mobile Association of Realtors.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader, a friend to many throughout Alabama, as well as a wonderful husband and devoted father. Jorge Alberto Subirats will be dearly missed by his family—his wife of 25 years, Valerie Jean Subirats; their four children, Lindsey Loper, Michael Jorge Subirats, Laura Katherine Subirats, and Katherine Anne Subirats; his mother, Elvira Margaret Subirats; his brothers, Fernando Subirats, Gustavo Subirats, and Luis Subirats; and his two sisters, Silvia Theye and Margaret Hopkins—as well as the many countless friends he leaves behind. Our thoughts and prayers are with them all during this difficult time.

TRIBUTE TO 173RD AIRBORNE PARATROOPERS

**HON. JO ANN EMERSON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Mrs. EMERSON. Madam Speaker, I rise to recognize and to submit for the RECORD a story concerning the events of July 13, 2008, and an account of the heroics of the paratroopers of the 173rd Airborne. Reports such as this one remind every American of the bravery, the courage, and the willingness to sacrifice of every servicemember in the U.S. Armed Forces—but this tale is an exceptional example. I am honored to share it with you and with the American people.

I'm sure you heard about 9 soldiers being killed in Afghanistan a couple of weeks ago. As AP reported it, it was a "setback", the "newly established base" there was 'abandoned' by the Americans. That, of course, was the extent of their coverage.

Steve Mraz of Stars and Stripes and Jeff Emanuel tell the rest of the story. Emanuel, who went out and dug into the story sets the enemy force at 500 while AP sets it at 200. Frankly I'm much more inclined to believe Emanuel than AP.

July 13, 2008 was the date, and Jeff Emanuel, an independent combat reporter sets the scene:

Three days before the attack, 45 U.S. Paratroopers from the 173d Airborne [Brigade Combat Team], accompanied by 25 Afghan soldiers, made their way to Kunar province, a remote area in the northeastern Afghanistan-Pakistan border area, and established the beginnings of a small Combat Outpost (COP). Their movement into the area was noticed, and their tiny numbers and incomplete fortifications were quickly taken advantage of.

A combined force of up to 500 Taliban and al Qaeda fighters quickly moved into the nearby village of Wanat and prepared for their assault by evicting unallied residents and according to an anonymous senior Afghan defense ministry official, "us [ing] their houses to attack us."

Tribesmen in the town stayed behind "and helped the insurgents during the fight," the provincial police chief, told The Associated Press.

Dug-in mortar firing positions were created, and with that indirect fire, as well as heavy machine gun and RPG fire from fixed positions, Taliban and al Qaeda fighters rushed the COP from three sides.

As Emanuel notes, the odds were set. 500 vs. 70. Even so, Emanuel entitled his article, "An Alamo With a Different Ending." The 500 terrorists apparently didn't realize they were attacking US Army paratroopers.

The unit in question was 2nd Platoon, Company C, 2nd Battalion, 503rd Infantry Regiment (Airborne), 173rd Airborne Brigade Combat Team, led by 1LT Jonathan Brostrom.

The first RPG and machine gun fire came at dawn, strategically striking the forward operating base's mortar pit. The insurgents next sighted their RPGs on the tow truck inside the combat outpost, taking it out.

That was around 4:30 a.m.

This was not a haphazard attack. The reportedly 500 insurgents fought from several positions. They aimed to overrun the new base. The U.S. Soldiers knew it and fought like hell. They knew their lives were on the line.

The next target was the FOB's observation post, where nine soldiers were positioned on

a tiny hill about 50 to 75 meters from the base. Of those nine, five died, and at least three others—Spc. Tyler Stafford among them—were wounded.

When the attack began, Stafford grabbed his M-240 machine gun off a north-facing sandbag wall and moved it to an east-facing sandbag wall.

Moments later, RPGs struck the north-facing wall, knocking Stafford out of the fighting position and wounding another soldier.

Stafford thought he was on fire so he rolled around, regaining his senses. Nearby, Cpl. Gunnar Zwilling, who later died in the fight, had a stunned look on his face.

Immediately, a grenade exploded by Stafford, blowing him down to a lower terrace at the observation post and knocking his helmet off. Stafford put his helmet back on and noticed how badly he was bleeding.

Cpl. Matthew Phillips was close by, so Stafford called to him for help.

Phillips was preparing to throw a grenade and shot a look at Stafford that said, "Give me a second. I gotta go kill these guys first."

This was only about 30 to 60 seconds into the attack.

Kneeling behind a sandbag wall, Phillips pulled the grenade pin, but just after he threw it an RPG exploded at his position. The tail of the RPG smacked Stafford's helmet. The dust cleared. Phillips was slumped over, his chest on his knees and his hands by his side. Stafford called out to his buddy three or four times, but Phillips never answered or moved.

"When I saw Phillips die, I looked down and was bleeding pretty good, that's probably the most scared I was at any point," Stafford said.

"Then I kinda had to calm myself down and be like, 'All right, I gotta go try to do my job.'"

The soldier from Parker, Colo., loaded his 9 mm handgun, crawled up to their fighting position, stuck the pistol over the sandbags and fired.

Stafford saw Zwilling's M-4 rifle nearby so he loaded it, put it on top of the sandbag and fired. Another couple RPGs struck the sandbag wall Stafford used as cover. Shrapnel pierced his hands.

Stafford low-crawled to another fighting position where Cpl. Jason Bogar, Sgt. Matthew Gobble and Sgt. Ryan Pitts were located. Stafford told Pitts that the insurgents were within grenade-tossing range. That got Pitts' attention.

With blood running down his face, Pitts threw a grenade and then crawled to the position from where Stafford had just come. Pitts started chucking more grenades.

The firefight intensified. Bullets cut down tree limbs that fell on the soldiers. RPGs constantly exploded.

Back at Stafford's position, so many bullets were coming in that the soldiers could not poke their heads over their sandbag wall. Bogar stuck an M-249 machine gun above the wall and squeezed off rounds to keep fire on the insurgents. In about five minutes, Bogar fired about 600 rounds, causing the M-249 to seize up from heat.

At another spot on the observation post, Cpl. Jonathan Ayers laid down continuous fire from an M-240 machine gun, despite drawing small-arms and RPG fire from the enemy. Ayers kept firing until he was shot and killed.

Cpl. Pruitt Rainey radioed the FOB with a casualty report, calling for help. Of the nine soldiers at the observation post, Ayers and Phillips were dead, Zwilling was unaccounted for, and three were wounded.

Additionally, several of the soldiers' machine guns couldn't fire because of damage. And they needed more ammo.

Rainey, Bogar and another soldier jumped out of their fighting position with the third

soldier of the group launching a shoulder-fired missile.

All this happened within the first 20 minutes of the fight.

Platoon leader 1st Lt. Jonathan Brostrom and Cpl. Jason Hovater arrived at the observation post to reinforce the soldiers. By that time, the insurgents had breached the perimeter of the observation post.

Gunfire rang out, and Rainey shouted, "He's right behind the sandbag."

Brostrom could be heard shouting about the insurgent as well.

More gunfire and grenade explosions ensued. Back in the fighting position, Gobble fired a few quick rounds. Gobble then looked to where the soldiers were fighting and told Stafford the soldiers were dead.

Of the nine soldiers who died in the battle, at least seven fell in fighting at the observation post.

The insurgents then started chucking rocks at Gobble and Stafford's fighting position, hoping that the soldiers might think the rocks were grenades, causing them to jump from the safety of their fighting hole.

One rock hit a tree behind Stafford and landed directly between his legs.

He braced himself for an explosion. He then realized it was a rock.

Stafford didn't have a weapon, and Gobble was low on ammo.

Gobble told Stafford they had to get back to the FOB. They didn't realize that Pitts was still alive in another fighting position at the observation post. Gobble and Stafford crawled out of their fighting hole.

Gobble looked again to where the soldiers had been fighting and reconfirmed to Stafford that Brostrom, Rainey, Bogar and others were dead.

Gobble and Stafford low-crawled and ran back to the FOB. Coming into the FOB, Stafford was asked by a sergeant what was going on at the observation post. Stafford told him all the soldiers there were dead.

Stafford lay against a wall, and his fellow soldiers put a tourniquet on him.

From the OP, Pitts got on the radio and told his comrades he was alone.

Volunteers were asked for to go to the OP. SSG Jesse Queck sums up the reaction to the call: "When you ask for volunteers to run across an open field to a reinforced OP that almost everybody is injured at, and everybody volunteers, it feels good."

There were a lot of guys that made me proud, putting themselves and their lives on the line so their buddies could have a chance."

At least three soldiers went to the OP to rescue Pitts, but they suffered wounds after encountering RPG and small-arms fire, but Pitts survived the battle.

At that time, air support arrived in the form of Apache helicopters, A-10s and F-16s, performing bombing and strafing runs.

The whole FOB was covered in dust and smoke, looking like something out of an old Western movie.

"I've never seen the enemy do anything like that," said Sgt. Jacob Walker, who was medically evacuated off the FOB in one of the first helicopters to arrive. "It's usually three RPGs, some sporadic fire and then they're gone . . . I don't where they got all those RPGs. That was crazy."

Two hours after the first shots were fired, Stafford made his way—with help—to the medevac helicopter that arrived.

"It was some of the bravest stuff I've ever seen in my life, and I will never see it again because those guys," Stafford said, then paused.

"Normal humans wouldn't do that. You're not supposed to do that—getting up and firing back when everything around you is popping and whizzing and trees, branches com-

ing down and sandbags exploding and RPGs coming in over your head . . . It was a fist-fight then, and those guys held 'em off."

Stafford offered a guess as to why his fellow soldiers fought so hard.

"Just hardcoreness I guess," he said. "Just guys kicking ass, basically."

"Just making sure that we look scary enough that you don't want to come in and try to get us."

Jeff Emanuel summed the fight up very well:

"Perhaps the most important takeaway from that encounter, though, is the one that the mainstream media couldn't be bothered to pay attention long enough to learn: that, not for the first time, a contingent of American soldiers that was outnumbered by up to a twenty-to-one ratio soundly and completely repulsed a complex, pre-planned assault by those dedicated enough to their cause to kill themselves in its pursuit."

That kind of heroism and against-all-odds success is and has been a hallmark of America's fighting men and women, and it is one that is worthy of all attention we can possibly give it."

Of the original 45 paratroopers, 15 were wounded and The Sky Soldiers lost 9 killed in action in the attack. They were:

1LT Jonathan Brostrom of Aiea, Hawaii  
SGT Israel Garcia of Long Beach, California  
SPC Matthew Phillips of Jasper, Georgia  
SPC Pruitt Rainey of Haw River, North Carolina  
SPC Jonathan Ayers of Snellville, Georgia  
SPC Jason Bogar of Seattle, Washington  
SPC Sergio Abad of Morganfield, Kentucky  
SPC Jason Hovater of Clinton, Tennessee  
SPC Gunnar Zwilling of Florissant, Missouri.

Of the 9 that were lost, Sgt Walker says: "I just hope these guys' wives and their children understand how courageous their husbands and dads were. They fought like warriors."

They fought like warriors.

Last week, there were 9 funerals in the United States. 9 warriors were laid to rest. 9 warriors who had given their all for their country.

All proud members of a brotherhood that will carry on in their name. They fought and died in what most would consider impossible circumstances, and yet they succeeded. A nameless fight in a distant war which, until you understand the facts, could be spun as a defeat. It wasn't. And it is because of the pride, courage and fighting spirit of this small unit that it was, in fact, a victory against overwhelming odds. And there's little doubt, given that pride and given that fighting spirit, that they'll be back to reestablish the base, this time with quite a few more soldiers just like the ones who "kicked ass" the last time there.

HONORING THE SERVICE OF JUDY GILBERT-GOULD AND HER WORK WITH THE GREATER MIAMI JEWISH FEDERATION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to honor one of south Florida's great citizens, Judy Gilbert-Gould. She has spent most of her life working on behalf of the Greater Miami Jewish Federation. She has spent a lifetime of service to the community. For the past 25 years, Judy has been advocating for equality and respect for Jews across the globe.

Judy's desire to serve and lifelong commitment to helping those in need was spurred by her father, the late Stanley C. Myers, who founded the Greater Miami Jewish Federation in his backyard in 1939. Before joining the federation full-time, Judy worked as director of Victim-Witness Services at the Florida State attorney's office, community services director for the Miami Beach Redevelopment Agency, and as executive director of the American Jewish Congress.

Judy's dedication not only led her to help those in her community, but she also became a voice for many around the world. She worked on behalf of Soviet Jews who were trying to escape the horrors of communism by fleeing to Israel. She worked closely with the Florida delegations in the U.S. House of Representatives and the U.S. Senate to encourage our Nation's strong partnership with Israel, as well as to denounce the genocide in Sudan and to care for Holocaust survivors.

Judy has received awards from the national Council of Jewish Women, the city of Miami Beach, and from Jewish Community Services of South Florida, to name a few. I am proud to be her representative in Congress. Judy serves as an example for countless individuals throughout south Florida. I am sure she will continue on with her mission to empower those most vulnerable among us.

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LINCOLN'S JOURNEY OF  
REMEMBRANCE

**HON. BARON P. HILL**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Mr. HILL. Madam Speaker, this year marks the 200th anniversary of the birth of President Abraham Lincoln, one of our Nation's greatest Presidents. Our Nation began a three-year celebration this year honoring Lincoln's life. This bicentennial celebration includes a number of events throughout the Nation—including events in my southern Indiana congressional district, where Lincoln grew from a young boy to a man between 1816 and 1830. Throughout Lincoln's formative years in southern Indiana, he experienced a number of life-changing events including the tragic loss of his mother, Nancy Hanks Lincoln, and his sister, Sarah Lincoln Grigsby.

One of the events commemorating President Lincoln's time in Indiana is the recreation of his 1828 flatboat trip to New Orleans, Louisiana, where he delivered a load of produce for a local merchant. Popular lore indicates that it was on this trip that Lincoln witnessed a slave auction, helping to shape his views on the practice of slavery. The voyage also illustrates Lincoln's enterprising nature at a relatively young age.

The recreation of this journey will include 22 stops over 27 days down the Ohio and Mississippi Rivers in eight States: Indiana, Kentucky, Illinois, Missouri, Arkansas, Tennessee, Mississippi, and Louisiana. At each stop, the flatboat crew will educate citizens about the importance of Abraham Lincoln's legacy, as well as increasing awareness of the Abraham Lincoln historical sites in southern Indiana, including the Lincoln Boyhood National Memorial in Lincoln City, Indiana.

The flatboat journey, dubbed Lincoln's Journey of Remembrance, will begin today, September 9, 2008, with a ceremony in Rockport, Indiana. The ceremony will include remarks by State and local officials, as well as patriotic musical performances. Hundreds of residents and school children will witness the event, and dignitaries will join crew members for the first leg of the voyage to Owensboro, Kentucky. The Rockport Post Office will also issue a commemorative postmark cancellation stamp to commemorate the occasion.

Lincoln's Journey of Remembrance will reach out to citizens that otherwise would not have known or experienced an Abraham Lincoln bicentennial event. The chance to educate individuals outside Kentucky, Indiana, Illinois, and Washington, DC, cannot be undervalued and is one of the primary responsibilities for the bicentennial celebration. I am proud that this recreation, which also recreates a similar 1958 trip, was developed by my fellow Hoosiers.

This project would have not been possible without the assistance of Mr. Ron Drake, the flatboat owner and project underwriter, as well as several local and regional business and civic contributors. On behalf of my constituents, I wish to thank and commend these individuals and organizations. Special tribute must also be paid to the Lincoln's Journey of Remembrance Organizing Committee for their dedication and hard work, which ranged from raising funds to support the voyage to physically refitting the flatboat for this adventure. It has been a pleasure to work with them to facilitate this voyage.

It is an honor and privilege to represent Rockport and the Abraham Lincoln Boyhood National Memorial in Congress. It is my sincere hope that other Members of Congress and citizens from across the Nation will participate in the many planned public events commemorating President Lincoln. I congratulate the community on organizing this celebration and wish the crew Godspeed.

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HONORING THE SAGINAW FIRE  
DEPARTMENT

**HON. DALE E. KILDEE**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Mr. KILDEE. Madam Speaker, I rise today to pay tribute the Saginaw Michigan Fire Department. The Department celebrated 150 years of protecting the public at a celebration on September 6th in Saginaw.

The idea for a fire department in Saginaw was born in 1854 as the result of a tragic fire that year. Business leaders in the South and East Villages of Saginaw held initial organization meetings in 1857 and the fire department became operational in 1858. Originally a volunteer department with one Engine House, the first career fire fighters were employed full-time in the 1880s.

As the City of Saginaw grew so did the fire department. There are now four fire stations and the department is a member of the Regional Response Team Network created to respond to hazardous materials incidents. The

Saginaw Fire Department employs technology in fighting fires through the use of ISI Breathing Air System, thermal imaging equipment, and onboard computerization in command vehicles. They also utilize a six-story fire-training tower.

The Saginaw Fire Department is active in fire prevention. They conduct fire safety education, maintain an Insurance Services Office insurance classification 3, enforce Fire Codes, and operate a Fire Safety House. The Saginaw Fire Department is committed to providing the highest level of service to the citizens of Saginaw.

Madam Speaker, I ask the House of Representatives to join me in congratulating Chief E. Dean Holland and the men and women of the Saginaw Fire Department for 150 years of protecting and safeguarding the public. Their courage and dedication are an inspiration to the community and may they continue their diligent service in safety for many, many years to come.

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HONORING THE 130TH ANNIVERSARY  
OF SECOND MORNING  
STAR MISSIONARY BAPTIST  
CHURCH

**HON. SANFORD D. BISHOP, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Mr. BISHOP of Georgia. Madam Speaker, I rise today to honor Second Morning Star Missionary Baptist Church in Attapulgus, Georgia, which for the past 130 years, has been a beacon of hope and a sacred place of worship for many in the Second Congressional District.

According to a warranty deed dated February 11, 1878, Second Morning Star Missionary Baptist Church has existed at approximately the same location since its founding. In addition to providing a place of worship, the site also served as a school house for African-American children in the community at the beginning of the 20th century—an invaluable resource at a time in our Nation's history when education for African-Americans was a rare thing.

Building of the current structure was completed in 1956, under the Reverend J.L. Wingfield, a faithful servant of God and one of the church's thirteen pastors during its long and venerable history. The longest-serving pastor, Reverend C.D. Hammonds, served Christ, his community and the church for thirty wonderful years. The church's current pastor, Reverend Randall Hines, is in his seventh year and has overseen a large amount of growth, as well as an expansion of the sanctuary.

Second Morning Star now has worship services every Sunday, and is able to spread the word with the glorious sound of four choirs, Christian education classes for new members, and different ministries which serve every sector of the congregation.

Madam Speaker, it indeed is an honor and a privilege to know this church is in my district. I am proud to be able to serve Second Morning Star Church, and wish its members many more years of blessed service to their Lord and community.

RECOGNIZING SOUTH DAKOTA  
DIRECT SUPPORT PROFESSIONALS

**HON. STEPHANIE HERSETH SANDLIN**

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Ms. HERSETH SANDLIN. Madam Speaker, I rise today to recognize the hard work of employees at three excellent South Dakota organizations, Black Hills Workshop and Training Center, Northern Hills Training Center, and Community Connections, who have each sent representatives to Washington, DC, this week to take part in the American Network of Community Options and Resources (ANCOR) 2008 Governmental Activities Seminar.

In my work in Congress, I have made fair and equitable treatment of people with disabilities a priority. Identifying the key issues and areas on which to focus has been the result of a dialogue with those who know the issues best: people like the employees at Black Hills Workshop, Northern Hills Training Center, and Community Connections. These good folks are working in South Dakota right now to provide direct support and services to individuals with disabilities of all ages.

Black Hills Workshop and Training Center, Northern Hills Training Center, and Community Connections employ nearly 600 direct support professionals (DSPs) who provide a range of supports seven days a week, 24-hours a day to help those with mental and physical disabilities live and work in their community. Together this outstanding, highly trained, highly skilled, and highly committed workforce supports nearly 800 people with disabilities in South Dakota as they strive to live up to their potential and be as independent as they can be. Many of the people receiving supports from DSPs, both at these three agencies and around the country, hold paid and volunteer jobs, contributing a great deal to their communities. But without the dedicated daily work of DSPs, such contributions may not be possible and the lives of individuals with disabilities and their families would be disrupted and unfulfilled.

Without an adequately paid, trained and dedicated workforce, our Nation's individuals with disabilities and their families face a less secure future. Without the necessary workforce, providers cannot help our Nation fulfill the commitment Congress made to people with disabilities in the Americans with Disabilities Act, as the U.S. Supreme Court affirmed in its Olmstead decision.

I applaud the people at Black Hills Workshop and Training Center, Northern Hills Training Center, and Community Connections for taking a lead on this workforce issue. And, as a member of the Bipartisan Disabilities Caucus and the Congressional Mental Health Caucus, I encourage all of my Colleagues to examine their commitment to providing the best support possible to the people with disabilities in their districts.

There is no better way to recognize the contribution DSPs make to the Nation than to ensure that they are fairly compensated. Direct support professionals make a difference; they should make a living too. I ask that my colleagues join with me in cosponsoring the bipartisan Direct Support Professionals Fairness and Security Act (H.R. 1279) and to urge hearings on this important issue in the coming months.

HONORING THE MEMORY OF MR.  
JAMES HERMAN FAULKNER, SR.

**HON. JO BONNER**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Mr. BONNER. Madam Speaker, Bay Minette and indeed the entire State of Alabama recently lost a dear friend, and I rise today to honor him and pay tribute to his memory.

Mr. James H. Faulkner, Sr., known to his many friends simply as Mr. Jimmy, was a devoted family man and dedicated community leader throughout his life. In a loving tribute, Mobile's Press-Register noted that Mr. Jimmy "left behind a lasting legacy of achievements that contributed to the economic, educational, and cultural well-being of his community, his county and his state."

First and foremost, Mr. Jimmy loved Bay Minette; he loved Alabama; and he loved his country. In fact, he was one of the most patriotic men I have ever known.

He answered his Nation's call to service and attained the rank of first lieutenant serving as pilot and flight instructor in the U.S. Army Air Corps during World War II. When Mr. Jimmy went back to Alabama following his military service, he returned to what was already a successful career. He was the owner of the Baldwin Times newspaper and had served as mayor of his beloved Bay Minette. In fact, when Mr. Jimmy was elected mayor in 1941, he was said to be the youngest mayor in Alabama.

Years later, Mr. Jimmy went on to serve Baldwin, Monroe, and Escambia Counties by becoming one of Alabama's most respected and influential State senators. He also ran twice for Governor of Alabama.

Mr. Jimmy blazed a trail of success in the world of business, spanning 42 years as the owner and publisher of a chain of south Alabama newspapers, and he served as president of seven radio stations in Alabama and Georgia. However, he was not a person to rest on his laurels.

Mr. Jimmy's entrepreneurial talents gave him the confidence to start Loyal American Life Insurance Company of Mobile. During most of the past 50 years, he was associated with Volkert & Associates, one of the top engineering, architectural, planning, and environmental firms in the United States. He served on the boards of two Baldwin County banks as well as the board of Alpine Laboratories of Bay Minette.

Undoubtedly, Mr. Jimmy's legacy will be his lifelong dedication to improving education. He served as chairman of the board of directors for Alabama Christian College in Montgomery, which was renamed Faulkner University in his honor and now has campuses in Huntsville and Mobile. He was instrumental in bringing a 2-year college to Baldwin County, which became the James H. Faulkner State Community College in Bay Minette. During his tenure as a State senator, Mr. Jimmy was credited with establishing the teachers' retirement system. He was awarded eight honorary doctorate degrees in law and humane letters, and he served on several commissions that worked to improve Alabama's secondary education system.

Over his lifetime, Mr. Jimmy received more than 35 awards. He was named the North

Baldwin Chamber of Commerce Person of the Century in 2000, and in 2003, he was awarded the Alabama Press Association's Lifetime Achievement Award. In 1992, the Alabama State Senate and House of Representatives passed a resolution commending Mr. Jimmy for his outstanding personal achievement.

Madam Speaker, there has been no other individual more important to south Alabama or to the life of his community than James H. Jimmy Faulkner, Sr. Mr. Jimmy will be deeply missed by his family—his wife, Karlene Faulkner; his sons, James H. Faulkner, Jr., and his wife, Beverly Faulkner, and Dr. Henry Wade Faulkner and his wife, Ann Blackburn Faulkner; his eight grandchildren, and his 14 great grandchildren—as well as the countless friends he leaves behind.

Our thoughts and prayers are with them all during this difficult time.

TRIBUTE TO HANNIBAL LAGRANGE  
COLLEGE

**HON. KENNY C. HULSHOF**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Mr. HULSHOF. Madam Speaker, I rise today to mark a significant date in higher education in northeast Missouri. My congressional district is privileged to be home to many honorable and successful institutions of higher learning. Among them, Hannibal-LaGrange College this very month celebrates its sesquicentennial. For 150 years, Hannibal-LaGrange has provided quality Christian education to untold thousands of students while remaining true to its God-given principles and beliefs.

The humble journey began in LaGrange, MO, about 30 miles north of the college's current campus. The college opened its doors on September 15, 1858, as the LaGrange Male and Female Seminary, founded by the Wyaconda Baptist Association. Steering this ship on the first leg of its journey was William Ellis. Ellis was the college's first president and just 24 years old when classes started in September 1858. The school's young journey was derailed just 4 years later when Union troops commandeered the college's facilities for use during the Civil War.

Once the college reopened in 1866, Dr. Joshua Flood Cook, the new president, faced the awesome tasks of replacing equipment, textbooks, faculty and staff, as well as rebuilding campus facilities, community support and confidence. Cook successfully fought these battles and served as president for 30 years, advancing the institution perhaps more than any other single individual in its history.

After 70 years in its LaGrange home, college leadership accepted an overture to move the campus south to the northeast edge of Hannibal. In 1927, Hannibal-LaGrange College opened the doors to its Hannibal campus, which still sits today on those 110 acres of scenic hills and woods on the bluffs overlooking the Mississippi River.

The college continued to grow and serve the community through the middle part of the 20th century. In 1973, however, the college faced its first real test since the move to Hannibal. Inflation and other financial strains put the college's very future in jeopardy. Community leaders, area residents and HLG personnel forcefully answered in one voice, raising \$85,000 to keep the college's doors open

and averting what would have been the college's immediate closure.

While 1973 marked the college's first test in Hannibal, it wasn't the last or most severe. Sixteen years later, on June 22, 1989, a small fire that started in the college's cafeteria area soon grew to a raging inferno, swallowing many of the college's vital facilities, including the campus' administration building, auditorium and gymnasium. Black smoke billowed into the air, visible from miles away. Emergency responders worked through the night to douse the fire. But doused with the fire were hopes and dreams for the coming fall semester and the collective futures of incoming students. By daylight, as only charred remains of the structures stood, any thoughts of a successful future vanished into the air with the remnants of the previous night's smoke.

However, President Dr. Paul Brown began the next morning with a pledge to hold classes on campus that very fall. Dr. Brown led college trustees and personnel on a massive effort to rebuild and expand the campus. A large burlap tent was erected on campus for chapel services that fall, classes were held in dormitory basements and trailers on campus and a massive reconstruction program began in an effort to rebuild what had been lost.

Just 3 years later, following the construction of a new sports complex, computer center and cafeteria, the college dedicated its new administration building under the leadership of Dr. Brown and current President Dr. Woodrow Burt. On the cornerstone of this building, built on the site of the administration building lost in the 1989 fire, is a passage from Isaiah 61:3, "A crown of beauty instead of ashes." This building was later renamed for Dr. Burt, who became president of the college in 1995 and still proudly yet humbly serves in that position today.

But the journey for HLG is not complete. The vision for the college's growth and service continued forward over the past decade, as the college constructed a new dormitory and the Roland Fine Arts Center, the centerpiece of the college's recent expansions. The college is also in the midst of a \$30-million campaign, "Building for the Future," which calls for the construction of a new library, allied health and science center and dormitory renovations, as well as enhancing the college's endowment.

Throughout this journey, beating in the heart of HLG is a desire to serve Christ, embodied in the college's motto, "Knowledge for Service." HLG strengthened this commitment over the last 4 years through its implementation of missions programs that serve both domestic and international missions opportunities year-round. HLG is a multiple recipient of the Courts Redford Award, the top award among U.S. colleges and universities for mobilizing students for missions with the North American Mission Board. In May of this year, HLG was named number one among 314 colleges and universities that send students to work with the NAMB.

Madam Speaker, I was honored to stand before this Chamber 10 years ago to commend HLG's commitment to excellence and its use of knowledge for service during their 140th anniversary. I am again privileged to stand before this body and congratulate my friends at HLG for 150 years of quality Christian education. May God continue to bless this fine institution for many years to come.

#### PERSONAL EXPLANATION

### HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Mr. WELLER of Illinois. Madam Speaker, I rise today to enter into the RECORD votes I would have cast had I been present for rollcall votes 567 through 569. I was absent on Monday, September 8 due to CODEL travel.

If I were present I would have voted, "aye" on rollcall vote 567, "aye" on rollcall vote 568, and "aye" on rollcall vote 569.

#### PERSONAL EXPLANATION

### HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Mr. BRALEY of Iowa. Madam Speaker, on rollcall 567; S. 2403, I was not present. If I had been there, I would have voted "yea."

On rollcall 568, S. 2837, I was not present. If I had been there, I would have voted "yea."

On rollcall 569, S. 2135, I was not present. If I had been there, I would have voted "yea."

#### IN RECOGNITION OF THE 50TH ANNIVERSARY OF MR. AND MRS. MARSHALL PRICKETT

### HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Mr. ROGERS of Alabama. Madam Speaker, I respectfully request the attention of the House to pay recognition to an important day in the lives of two constituents of mine, Mr. and Mrs. Marshall Prickett.

On September 13, the Pricketts will celebrate their 50th wedding anniversary. Marshall Prickett was born on October 19, 1934, in Alexandria, Alabama, and his wife, Margaret, was born on July 2, 1935, in Weaver. Over the years, Marshall and Margaret have been blessed with three sons, Marshall, Michael, and Matthew, as well as eight grandchildren.

I would like to congratulate Marshall and Margaret for reaching this important milestone in their lives. They are shining examples of love and dedication for us all, and I wish them and their family all the best at this important occasion.

#### CONGRESSIONAL BLACK CAUCUS TRIBUTE TO THE HONORABLE STEPHANIE TUBBS JONES

SPEECH OF

### HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 8, 2008*

Mr. BONNER. Mr. Speaker, it is with great sadness that I rise today to honor the memory of former Ohio Congresswoman STEPHANIE TUBBS JONES and her lifetime of dedication to the people of Ohio and the United States. I

was deeply saddened to learn our colleague passed away so suddenly. We have not only lost a wonderful friend but an individual who made a number of historic achievements during her lifetime.

After graduating from law school at Case Western Reserve University, STEPHANIE began her career with Cleveland's sewer district before serving as an attorney with the city's Equal Employment Opportunity Commission. In 1976, she served as an assistant Cuyahoga County prosecutor before her election as Cleveland Municipal Court judge in 1981. Two years later, the governor of Ohio appointed her to a judgeship with the Court of Common Pleas of Cuyahoga County, and in 1991, STEPHANIE was appointed Cuyahoga County prosecutor.

STEPHANIE was elected to represent the 11th District of Ohio in the U.S. House of Representatives in 1998. Throughout her 5 terms of office, she strove for advances in health care, economic development, and education. Recently, she had become a leader in the fight against predatory lending practices.

Most notably, STEPHANIE's legacy will be her career filled with firsts. She was the first African-American and the first female to serve as prosecutor in her native Cuyahoga County, Ohio. STEPHANIE was the first African-American to be chief prosecutor in the State of Ohio's history. She also became the first African-American woman to represent Ohio in Congress and the first to serve on the House Ways and Means Committee.

At the beginning of the 110th Congress, STEPHANIE was named chairwoman of the House Committee on Standards of Official Conduct, of which I am a member.

STEPHANIE TUBBS JONES will be deeply missed by her family—her son, Mervyn Jones II and her two sisters—as well as the countless friends she leaves behind. Our thoughts and prayers are with them all at this difficult time.

MS. SANDRA IRONS AND MR. MARVIN SETZER, JR.

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Mr. VISCLOSKY. Madam Speaker, it is with great pleasure that I take this time to honor two of Northwest Indiana's most distinguished citizens, Sandra Irons and Marvin Setzer, Jr., upon their retirement from their positions with the Gary, Indiana Teachers Union, Local Number 4, American Federation of Teachers (AFT). Sandra and Marvin's membership in the Gary Teachers Union date back to the beginning of their careers in 1961 and 1962, respectively, and the impact they have had on the quality of life for educators in the city of Gary is immeasurable. For their lifetime of service to the Gary Teachers Union, the Indiana Teachers Union, and the American Federation of Teachers, Sandra and Marvin were honored at a retirement celebration that took place at the Genesis Convention Center in Gary, Indiana, on Friday, August 15, 2008.

Sandra Jean (Carr) Irons' career in education began following her graduation from Kentucky State College in 1960, where she completed her Bachelor's degree in Mathematics and Chemistry. Following that, she

went on to receive her Master's degree in Teaching Mathematics from Purdue University, West Lafayette. Prior to her work with the Gary Teachers Union, Sandra was a mathematics teacher for the Gary School Corporation from 1961 to 1971. Following her ten years in the classroom, Sandra was elected President of the Gary Teachers Union, a position she held until her recent retirement on June 30, 2008. During those years, she served in many other capacities, not only with the Gary Teachers Union, but with the Indiana Federation of Teachers and the American Federation of Teachers as well.

Sandra has also participated in numerous civic and community organizations, including: the National Council of Teachers of Mathematics, Alpha Kappa Alpha Sorority, the National Association for the Advancement of Colored People, the Lake Area United Way, the Lake County Mental Health Association, the Coalition of Labor Union Women, the YWCA, and the Gary Educational Foundation. For her outstanding efforts, Ms. Irons has received many accolades and awards. To name a few, she was awarded the Viola Briley Service Award by the Gary Teachers Union, the Adam Benjamin, Jr., Advocacy Award by the Mental Health Association, the Labor Leader of the Year Award by the Calumet Project, and the United Way of America's Joseph A. Beirne Community Service Award.

Marvin Setzer, Jr., completed his Bachelor's degree in Elementary Education at Winston Salem Teachers' College in North Carolina in 1962, followed by his Master's degree in Elementary Education from Indiana University, Bloomington. From 1962 to 1981, Marvin was employed by the Gary Community School Corporation as an elementary school teacher. During that time, he began his career as the Working Conditions Committee Chairperson for the Gary Teachers Union. He held this position for more than 30 years before his recent retirement on June 30, 2008. During this time, he has also held other positions with the Gary Teachers Union, including the Coordinator for the Pre-Retirement Planning Seminar, as well as several other posts with the Indiana Federation of Teachers, where he served as its president, the Northwest Indiana Council of Teachers Unions, and the American Federation of Teachers' Progressive Caucus.

Throughout the years, Marvin has also donated much of his time to various community and civic organizations, including: the Lake Area United Way, the Referral Emergency Agency, the Northwest Indiana Open Housing Center, Tots and Teens, and Saint Timothy Community Church.

Madam Speaker, Sandra Irons and Marvin Setzer, Jr., have given their time and efforts selflessly to the teachers, as well as to the students and the community, in Gary, Indiana. Throughout the years, and through their efforts, the quality of life for their colleagues has improved, and the pair has served as true role models to their peers and as true friends to Northwest Indiana. I respectfully ask that you and my other distinguished colleagues join me in commending Sandra and Marvin for their outstanding contributions and in wishing them well upon their retirement.

ASSISTANCE NEEDED FOR CAREGIVERS SUPPORTING CITIZENS WITH DISABILITIES

**HON. TOM LATHAM**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Mr. LATHAM. Madam Speaker, I rise today to draw attention to a looming crisis. I have been involved in finding ways to address the growing nursing workforce shortage that threatens access to quality health care for retiring members of the baby boom generation. There is another workforce crisis with which we should also be concerned, which is that facing direct support professionals, often referred to as personal assistants or home health aides. These dedicated individuals provide the kind of daily assistance that allows people with intellectual and developmental disabilities the option to live in home or community-based settings rather than institutions when appropriate. This not only saves taxpayer dollars through the Medicaid program but dramatically improves quality of life for these Americans.

However, wages for direct support professionals have historically been low, particularly those in private non-profit settings. Vacancy rates for direct support professionals are rapidly increasing as other service and health care sector jobs become more competitive. In my home state of Iowa the annual turnover rate at non-profit service providers ranges from 20 percent to more than 40 percent.

It takes individuals with special skills and compassionate motivation to be direct support professionals. For example, Pete Faust has been working at Opportunity Village, a home and community-based services provider in Clear Lake, Iowa, for over 31 years. Although Pete must work extra hours just to pay his bills, he continues to work at Opportunity Village because he understands that consistency and familiarity are what his clients need. Many direct support professionals like Pete would like to continue in this field but are faced with hard choices when there are opportunities to earn more money for their families in other occupations.

The U.S. Bureau of Labor Statistics projects that the demand for this workforce will increase 41 percent by 2014, and the number of people needing personal assistance services will double by 2050. The current crisis will soon grow exponentially. That is why I strongly support measures like H.R. 1279, the Direct Support Professionals Fairness and Security Act, which creates federal-state Medicaid partnerships to find innovative ways to provide incentives such as increased wages for these workers on a sustainable basis.

I urge my colleagues to support this effort by cosponsoring this legislation and urging the leadership of the House of Representatives to move this and similar proposals forward.

IN RECOGNITION OF HERSCHEL ELKINS

**HON. JACKIE SPEIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Ms. SPEIER. Madam Speaker, the consumers of California and our nation will lose

their premier protector when Herschel Elkins retires from the California Attorney General's Office this month. Mr. Elkins has devoted his entire career to public service and protecting California's consumers. He is the most senior attorney and longest-serving employee in the AG's office, having celebrated his 50th anniversary in December, 2006.

Herschel Elkins received his J.D. from UCLA in 1956 and began work the same year as a Deputy Attorney General, where he served briefly in the criminal section before transferring to the civil division. Following the Watts riots in 1965, a report commissioned by Governor Pat Brown cited a contributing factor as frustration in the community with merchants taking unfair advantage of the poor. The legislature acted by bolstering the Attorney General's nascent Consumer Fraud Unit and Mr. Elkins was appointed to lead the effort, a position he occupied until 2004 when he was appointed Special Assistant Attorney General for Consumer Policy, Coordination and Development.

During his long tenure with the Consumer Law Section, Herschel used all the arrows in his quiver—litigation, legislation and education—to protect the rights of consumers and push California to the forefront of consumer protection. Mr. Elkins drafted or shepherded many of our state's vital consumer protection laws, including anti-pyramid statutes, the establishment of the Bureau of Auto Repair, laws providing for a "cooling off period" for home solicitations, and mandating civil penalties for unfair competition. As a litigator, Mr. Elkins has represented the Attorney General in more than 150 appellate cases. He has also publicized the Section's work and educated the public about their rights on hundreds of radio and television programs.

Madam Speaker it was a distinct privilege to work side-by-side with Herschel on consumer issues during my time in the California legislature. His knowledge, passion and creativity improved every piece of legislation he reviewed and made those of us whose names were on the bills look that much smarter. I am just one of hundreds of legislators who owe him a sincere debt of gratitude.

After so many years looking after the public welfare, Herschel and Miriam, his wife of 48 years, will enjoy a retirement devoted to their inspiring and growing family. They will travel to Israel, New York and Pennsylvania to spend time with their three sons, David, Jeremy and Joel and their families. Herschel, known as much for his storytelling ability as his legal brilliance, will entertain his grandchildren and, no doubt, pass along his commitment to community and his profound sense of justice. Our state's loss is the Elkins family's well-earned gain.

But Madam Speaker, a dedicated public servant like Herschel Elkins doesn't just walk away from his life's work. Something tells me that Herschel will make himself available to members of the Consumer Law Section and others devoted to the public good who seek his help and guidance.

On behalf of the many millions of protected consumers in the State of California, I ask that the United States House of Representatives join me in saluting Mr. Herschel Elkins for his long career devoted to protecting and guaranteeing a vibrant, just and equitable marketplace.

PAYING TRIBUTE TO BARRY  
BECKER JR.

**HON. JON C. PORTER**

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Mr. PORTER. Madam Speaker, I rise today to honor the life of my good friend Barry Becker Jr., who passed away August 12, 2008.

Mr. Becker was born on June 11, 1970 in Burbank, California, and within a year of his birth he was a resident of the Las Vegas community. He graduated from Bishop Gorman High School in 1988. After high school he attended Arizona State University where he earned a bachelor's degree in fine arts. After graduating from college, Barry decided to uphold the endeavors and honorable work ethic of his family by joining their business, Becker Realty Corp. His congenial personality and his strong ties to the community were immediate assets to the company, but they also helped make Barry independently successful.

Through his many humanitarian efforts in community and business activities, he continuously demonstrated the honorable principles and standards championed by the Southern Nevada community. A man of great faith, he truly understood the importance of prayer and positivity and he strived to maintain a positive attitude and uplifting spirit.

As son, brother, husband and friend, Mr. Becker never failed to show the utmost respect, dedication and love to everyone around him. I offer my heartfelt condolences and genuine support to his dear wife Shannon, his brothers Danny and Randy, his parents Sue and Barry, his grandmother Betty and to all those who held him dear, of which there were undoubtedly many.

Madam Speaker, I am proud to honor the life and legacy of my friend Barry Becker Jr. His work and dedication to the Las Vegas community were commendable and enriched countless lives. Mr. Becker was a great man and he will always be admired for his compassion, dedication to his family, and his generosity. Most of all, he will be profoundly missed.

IAN RONDALL CALEY

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Ian Rondall Caley, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 100, and by earning the most prestigious award of Eagle Scout.

Ian's Eagle Scout service project consisted of building a scoreboard table for the Bethany Memorial Park Softball Field. Ian supervised other scouts, friends and family that assisted with this project. This project continues the long tradition of community service established by the Boy Scouts of America.

Madam Speaker, I proudly ask you to join me in commending Ian Rondall Caley for his

accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

THE DAILY 45: MENTALLY ILL  
ASSAILANT KILLS SIX

**HON. BOBBY L. RUSH**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Mr. RUSH. Madam Speaker, the Department of Justice tells us that, everyday, 45 people, on average, are fatally shot in the United States, a significant number of those deaths stem from a lethal weapon wielded by a mentally ill assailant. Such was the case, last week, in a small town in Washington state where reports say that a 28-year-old young man killed Skagit County Deputy Sheriff Anne Jackson, and five other men and women who were also in the line of fire.

How did this happen? The assailant's grieving mother, Dennise Zamora, said her son had refused treatment for mental illness for years and, for much of that time, he had been living, literally, in isolation in the woods of the town of Alger where the rampage took place. Mrs. Zamora called police that day in a desperate cry for help as she'd noticed her son invading her neighbors' homes. The responding officer, Sheriff Jackson, was someone who had even tried to help Zamora's son obtain treatment.

My condolences are extended to these victims, this community and the Zamora family in the wake of these senseless deaths.

Americans of conscience must come together to stop the senseless death of "The Daily 45." When will we say "enough is enough, stop the killing!"

25TH ANNIVERSARY OF THE ARMY  
FAMILY ACTION PLAN

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Mr. WOLF. Madam Speaker, I rise today to recognize the 25th anniversary of the establishment of the Army Family Action Plan which took place on August 15.

The Army Family Action Plan is an Army-wide program that aims to improve Army quality of life. Through this plan, all members of the Army, including active, reserve, and National Guard soldiers, family members, retirees, surviving spouses, DA civilians, and military technicians have a forum to voice concerns to Army leadership and make recommendations for a change regarding standards of living.

The past 25 years has proven to be a success for the Army Family Action Plan as the Army leadership has trusted its recommendations and taken action on many new policies due to the plan's ideas.

I was originally involved with the creation of the Army Family Action Dad Plan after watching a film called "Where's Dad" by Dr. James Dobson. This video addresses some of the great-

est threats to meaningful family life: fatigue, time pressures, overcommitment and workaholic watching it was a life changing experience for me. Afterward, I changed my priorities, put my family first and committed to keeping Sundays free of events to spend more time with my family. Because this video had such a profound impact on me, I shared it with others who I thought it may help, including other members of Congress and also General Wickham, who was instrumental in developing the Army Family Action Plan.

I commend the Army for enacting this plan which provides soldiers and their families a way to get their perspective heard which in turn betters the quality of life of those who serve or have served in the Army.

I am proud to join with the Army in celebrating this significant anniversary.

DAR: ALIVE AND WELL IN  
GUILFORD COUNTY

**HON. HOWARD COBLE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Mr. COBLE. Madam Speaker, September 17, 2008, begins the national celebration of Constitution Week. Since being signed into law by President Dwight D. Eisenhower in 1956, Americans have set aside time each year to celebrate the document upon which our nation was founded. Constitution Week also highlights the important work performed by the DAR—Daughters of the American Revolution. The DAR is a volunteer women's service organization dedicated to keeping America strong by promoting patriotism, preserving U.S. history, and supporting education programs.

The Guilford Battle Chapter of the DAR, founded in Greensboro, NC, in 1901, has been hard at work since its inception in promoting Constitution Week. On behalf of the citizens of the Sixth District of North Carolina, we congratulate the Guilford Battle Chapter for its more than a century of dedicated service, and we send best wishes to all of its members for a successful event this year.

As a proud member of the Sons of the Revolution, a counterpart to the DAR, I am well aware of the many contributions made by the DAR—particularly the Guilford Battle Chapter. As many of our schools have reduced or eliminated teaching basic civics lessons, the work of the DAR has taken on even more significance. For example, many people do not know that the U.S. Constitution is the oldest Constitution still in active use in the world today and remains the basic document of our Republic. The DAR is committed to preserving and defending the Constitution through its educational and public service programs.

On September 17, take a moment to reflect on what the U.S. Constitution means to you. If you know anyone who is a member of the Daughters of the American Revolution, take another moment to thank her for her service. In particular, if you know anyone who is a member of the Guilford Battle Chapter of the DAR, tell her that Congressman HOWARD COBLE is proud of her efforts.



HONORING BOOKS FOR AFRICA  
FOR 25 YEARS OF SERVICE

**HON. BETTY McCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Ms. McCOLLUM of Minnesota. Madam Speaker, I rise to honor the work of an internationally recognized nongovernmental organization based in St. Paul, Minnesota, that for the past 25 years has helped to transform the lives of millions of people—young and old—across the continent of Africa. With commitment and a passion for putting a book in the hands of children and elders hungry for knowledge, Books for Africa is an organization that has shipped more than 20 million books to more than 35 African countries since 1988. In so many African cities, towns and rural schools, where students had no access to books, there are now books for learning, enjoyment, and to experience the wonders of the world.

Mr. Tom Warth is the founder of Books for Africa and he is an inspirational humanitarian. Tom's vision, enthusiasm, and his ongoing commitment, along with the work of all the board of directors of Books for Africa, continues to transform lives by facilitating the shipment of container after container of books that put real books in the hands of real people.

Now, under the strong leadership of Mr. Pat Plonsky, I am proud to continue my office's ongoing relationship with Books for Africa. Their collaborations with Peace Corps volunteers, the State Department, and the U.S. Agency for International Development, USAID, enables the U.S. to demonstrate both its generosity and its willingness to provide a tangible learning tool. Last year, in partnership with USAID's Africa Education Initiative, 18 containers of books were delivered to Ghana, Liberia, Madagascar, Senegal, South Africa, Tanzania, and Zambia. All told, Books for Africa delivered 119 containers of books in 2007 to 22 countries, a truly impressive accomplishment.

This form of public diplomacy—putting the book in the hands of a child or elder—is truly the best face of America and should not only be sustained, but expanded. In the U.S. we take books for granted, but we should never forget the power of a book. And, when they are distributed by the millions, the benefit cannot be overstated.

Let me conclude by also recognizing the extraordinary effort of the volunteers for Books for Africa, as well as the donations of high quality books from publishers, schools and organizations. This combined and coordinated effort is transforming lives. If this generosity and determination to provide books can continue to match the hunger for knowledge, learning, and education by the children and adults all across the African continent, then we will have even greater accomplishments to celebrate in the future.

Again, congratulations to Books for Africa for 25 years of extraordinary work to build a bridge of knowledge, education and hope between Minnesota and communities all across Africa.

IN MEMORY OF JAMES HERBERT  
"JIMMIE RED" JONES

**HON. MIKE ROSS**

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Mr. ROSS. Madam Speaker, I rise today to honor the memory of a great Arkansas statesman MG (Ret.) James Herbert "Jimmie Red" Jones of Hot Springs, Arkansas, who passed away on September 1, 2008 at the age of 88. He was a former Arkansas State auditor and a former adjutant general of the Arkansas National Guard.

I will forever remember Jimmie Red Jones as one of Arkansas's finest. His life was one defined by honor, leadership, and service to the people of Arkansas for over 70 years.

Jimmie Red Jones graduated from Magnolia High School, Southern Arkansas University and Keegan's School of Radio and Television in Memphis. He attended Arkansas Law School and later received the Southern Arkansas University Distinguished Alumni Award in 1988.

Jimmie Red Jones joined the Arkansas National Guard in 1938, and by the time he left active service in 1945, he had received the Distinguished Flying Cross with Oak Leaf Cluster, the Air Medal with four Oak Leaf Clusters (which he particularly cherished), the Joint Service Medal, the European-African Middle Eastern Campaign Medal recognition with five Bronze Stars, and the World War II Victory Medal—along with many others. He later rejoined the National Guard in 1947 and remained with the Guard until his promotion to adjutant general in 1979, earning the Legion of Merit and the Armed Forces Reserve Medals.

Jimmie Red Jones returned to Magnolia after the war and sought to serve his community. He organized the Veterans of Foreign Wars, VFW, and Chamber of Commerce in Magnolia. Governor Francis Cherry appointed him as State land commissioner in 1955 and he was named Magnolia Man of the Year that same year.

He was also elected State auditor in 1956 and served 12 terms. He would later serve as adjutant general of the Arkansas National Guard from 1979 to 1981 and then from 1983 to 1984.

I will especially always remember the many miles and countless hours that I spent with Jimmie Red Jones on the campaign trail while he pursued his active interest in politics serving as state campaign manager for Bill Clinton's 1982 gubernatorial campaign.

Jimmie Red Jones will be forever remembered in Arkansas as an inspiring example of selfless service to state and country. I extend my deepest condolences to his wife, Shirley Ledbetter Jones, Colonel (Ret.); stepsons Bobby Dale Gentry of Pine Bluff, Barry Gentry of Redfield and Chan Holcombe of Fort Smith; his six grand-step-children and his niece and nephew. Jimmie Red Jones will be greatly missed in Arkansas and we are all truly saddened by this loss.

EXPRESSING THE CONDOLENCES  
OF THE HOUSE OF REPRESENTA-  
TIVES ON THE DEATH OF THE  
HONORABLE STEPHANIE TUBBS  
JONES, A REPRESENTATIVE OF  
THE STATE OF OHIO

SPEECH OF

**HON. JOE BACA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 8, 2008*

Mr. BACA. Mr. Speaker, I rise today to offer my sincere condolences for the passing of the Honorable STEPHANIE TUBBS JONES.

Not only was she a true hero and noble leader in the United States Congress, a trail-blazer for all minorities, but she was also a friend who will be dearly missed.

Representative STEPHANIE TUBBS JONES' passing is a tragic loss for this Congress and our Nation. Her leadership on the ethics committee and on voting rights will never be forgotten. On behalf of the Congressional Hispanic Caucus, we send our prayers and condolences to her family, friends and staff.

As Chairman of the Congressional Hispanic Caucus, I worked with Representative JONES together on a variety of projects, including our fundraising efforts for Gallaudet University here in Washington, as well as other endeavors which promoted advocacy for low-income and minority communities.

Having been blessed with the opportunity to get to know her outside the walls of Congress as a team member of the Democratic Congressional Basketball Team, I was impressed by her continually cheerful disposition and lively energy. Due to this vigor, she was always able to spread joy to others and add a positive light no matter the situation.

STEPHANIE'S death will be felt by all, not just within Cleveland community, but also throughout the Nation because of the ideals she stood for. I offer the thoughts and prayers of my wife Barbara and myself to Congresswoman STEPHANIE TUBBS JONES' son Mervyn and for her family for their loss.

EXPRESSING THE CONDOLENCES  
OF THE HOUSE OF REPRESENTA-  
TIVES ON THE DEATH OF THE  
HONORABLE STEPHANIE TUBBS  
JONES, A REPRESENTATIVE OF  
THE STATE OF OHIO

SPEECH OF

**HON. LINDA T. SÁNCHEZ**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 8, 2008*

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise to express my most sincere condolences on the death of the Honorable STEPHANIE TUBBS JONES.

I was extremely saddened to hear the news of Congresswoman JONES' passing. Since 1999, she has proudly and honorably served Ohio's eleventh district.

STEPHANIE TUBBS JONES was the daughter of an Airport skycap. She grew up in Cleveland and graduated from college and law school at Case Western. She began her life of public service when she went to work as a local government lawyer and went on to serve

8 years as a judge on the Court of Common Pleas of Cuyahoga County. As the first African American woman elected from Ohio to serve in Congress, she brought a fresh energy and new perspective to the House. No one was surprised when she quickly rose to a position on the powerful Ways and Means Committee.

I got to know STEPHANIE in my first term in Congress because my office was next door to hers. She was never too busy to help a freshman member in whatever way she could. Her energy was boundless, and I will sorely miss her smile—it could light up a crowded room. Those who had the good fortune to know this incredible woman know what I am talking about.

During her four terms in Congress, she was a champion for the people of the eleventh district. She worked tirelessly to create equal opportunities for all people in this country as she fought to increase the minimum wage, to increase funding to public schools, and to create affordable and accessible healthcare.

The people of Ohio have lost a great political leader, and we have lost a beloved and respected colleague. We will all miss her friendly smile and her passion for her fellow man.

CIVIL WAR SESQUICENTENNIAL:  
VIRGINIA LEADS THE WAY

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Mr. WOLF. Madam Speaker, the years 2011 through 2015 will mark the 150th anniversary of the American Civil War, a momentous milestone for our nation that provides an exceptional opportunity to examine the war, its causes and its legacies. The sesquicentennial commemoration of the American Civil War needs to involve full participation at the local, State and Federal levels. However, as there are currently no Federal plans for the sesquicentennial, the states have stepped in to take the lead in planning for this watershed event. I am proud to announce that Virginia leads the nation in being the first to establish a sesquicentennial commission that is planning events and activities that offer a fair and balanced depiction of Civil War history that includes all perspectives. I am pleased to support the work of the Commission and endorse its plans.

Virginia was the epicenter of the Civil War in the 1860s and continues to be a central location in terms of what visitors can see and experience today. Virginia has more Civil War battlefields, museums and historic sites than any other state, including the historic site of the first land battle of the Civil War at Manassas that is located in the 10th Congressional District, which I represent. Too often when we study history, we tend to think that battles were neatly fought within the split-rail fenced boundaries. In truth, most of Virginia was a battleground during the Civil War.

CIVIL WAR SESQUICENTENNIAL COMMISSION

The Virginia General Assembly created the Virginia Sesquicentennial of the American Civil War Commission in 2006 for the purpose of preparing for and commemorating the sesquicentennial of Virginia's participation in the American Civil War. Speaker of the House of

Delegates William Howell chairs the Commission, whose other members include President Pro Tempore of the Senate Chuck Colgan, members of the House of Delegates and Senate of Virginia, citizens, and the renowned Civil War historian Dr. James I. "Bud" Robertson, Jr., of Virginia Tech. It is important to recall that Dr. Robertson was selected by President Kennedy to serve as executive director of the Federal Centennial Commission 50 years ago.

The Commission is charged with:

Planning commemorative programs and activities that are designed to involve all citizens and result in a positive legacy and long-term public benefit,

Encouraging civic, historical, educational, economic, and other organizations throughout Virginia to organize and participate in activities to expand the understanding and appreciation of the significance of the American Civil War, and

Providing technical assistance to localities and nonprofit organizations to further the commemoration of the sesquicentennial of the American Civil War.

The Commission has established the following goals to guide the commemoration that are reflective of values that are important to Americans today:

**Diversity:** The commemoration will be inclusive of and meaningful to all Virginians, particularly: diverse racial and ethnic groups, citizens who are new to this country and those who do not have a hereditary link to the American Civil War, and young people and others seeking to understand the relevance of the American Civil War to today's society.

**Inclusiveness:** The commemoration will seek to portray a fair and balanced story of Virginia's participation in the American Civil War that includes African-American, Union, and Confederate perspectives.

**Statewide Accessibility:** The commemoration will be statewide, involving all localities and encompassing all Civil War-related institutions, museums, battlefields, parks, and facilities.

**Education:** The commemoration will include a strong education component designed to ignite a renewed interest in Virginia's historical heritage. Opportunities will be provided to re-examine the lessons of the past and the legacies of the Civil War to understand how they affect the present and continue to shape our future.

**Permanence:** The commemoration will imprint Virginia history and leave a positive and rich legacy well beyond 2015.

The Commission has begun to develop plans for how to recognize the magnitude of this occasion. The Commission has adopted a vision statement that will guide the commemoration period, "Understanding Our Past, Embracing Our Future," launched a Web site that is receiving national and international attention ([www.VirginiaCivilWar.org](http://www.VirginiaCivilWar.org)), and is developing a comprehensive array of initiatives, including:

**Statewide coordination:** Linking, coordinating, and promoting the hundreds of Civil War museums and sites throughout the state.

**Museum exhibitions:** Partnering with the Virginia Historical Society to develop a major exhibition, "An American Turning Point: The Civil War in Virginia," as well as the Civil War 150 HistoryMobile, a mobile museum vehicle that will be capable of traveling throughout the nation to bring these important stories directly to the people.

**Legacy Project: Document Digitization:** Using the sesquicentennial as an opportunity to preserve and provide access to unknown diaries, journals, letters, and other documents that are in private hands, the Library of Virginia will lead a major initiative to identify, catalog, and preserve those documents through digitization and web access. Locating and uncovering this material will provide a boon to Civil War research for years to come.

**Signature events:** Signature events begin in 2009 with a conference on the coming of the Civil War at the University of Richmond, and a joint commemorative event with the State of West Virginia, planned in conjunction with the 150th anniversary of John Brown's raid on the federal arsenal at Harper's Ferry. High profile events are planned for the duration of the commemoration to mark important milestones, such as a national event at Manassas in 2011 to mark the 150th anniversary of the first land battle of the war and to set the tone for the sesquicentennial.

I would like to commend the leadership role that the Commonwealth has taken and recognize the work of the Virginia Sesquicentennial of the American Civil War Commission and urge others to join with them to participate in this commemorating this special occasion.

INTRODUCTION OF THE SUSPENSION OF FEDERAL INCOME TAX ON UNEMPLOYMENT BENEFITS ACT OF 2008

**HON. JOHN M. MCHUGH**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Mr. MCHUGH. Madam Speaker, I rise today to introduce legislation, the Suspension of Federal Income Tax on Unemployment Benefits Act of 2008, which is designed to help unemployed Americans as they face increasing living costs and a sluggish economy. Specifically, the bill would suspend the federal income tax on unemployment compensation benefits for two years.

As of August 2008, 9.4 million Americans were unemployed, an increase of 2.2 million from just a year ago. Similarly, the unemployment rate has risen from 4.7 percent to 6.1 percent. Closer to home, as of the end of July, in New York State 522,000 people were unemployed, including 26,200 in the 23rd Congressional District, which I have the privilege of representing. Additionally, six of the 11 counties I represent had unemployment numbers that exceeded the national rate.

On September 4, 2008, the U.S. Department of Labor announced that initial unemployment insurance claims had increased 15,000 to 444,000 and that approximately 3.44 million Americans are now receiving unemployment compensation benefits, which currently average \$294 a week. However, these benefits have been significantly eroded by substantial increases in the prices for consumer goods, perhaps most notably, food and energy.

Many fail to realize that Americans must pay federal income taxes on any unemployment compensation benefits they might receive. However, prior to 1979, those payments were excluded from federal income taxation and it was not until 1986 that Congress made such benefits fully taxable.

Accordingly, someone receiving the average unemployment benefit of \$294 a week (\$1,176 a month) who elects to have federal income taxes withheld will realize a loss of approximately \$117.60 a month—money that might better be used for necessities such as food, housing, health insurance, and gasoline. Moreover, many States also choose to make unemployment compensation subject to state income taxes, which further erodes the assistance these hard-working Americans receive in their time of need.

While I was pleased to join with my colleagues earlier this year to enact legislation to extend unemployment benefits for an additional 13 weeks, I firmly believe that we should take the next step of immediately increasing these benefits by exempting them from the federal income tax. Beyond greater assistance to millions of unemployed Americans, this measure would also act to stimulate the economy. In fact, as the Congressional Budget Office has previously estimated, the cessation of income taxes on unemployment benefits would return at least \$3.1 billion annually to those taxpayers who are most in need.

Accordingly, as we consider new ways to help unemployed Americans and to boost the economy, I ask my colleagues to join with me to enact the Suspension of Federal Income Tax on Unemployment Benefits Act of 2008.

ARMY RESERVE 100TH  
ANNIVERSARY

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Mr. DUNCAN. Madam Speaker, I rise today to honor the centennial of an organization which is vital to our Nation and brings much honor to the State of Tennessee.

The United States Army Reserve celebrated 100 years of service on April 23, 2008, and the history of its citizen warriors exemplifies what makes this Nation the greatest in the world.

The security and strength of our republic has always relied on the readiness and fortitude of its citizens. When the drumbeat of revolution grew loud, it was an army of average citizens who answered the call and fought for our independence. This tradition continues today with the U.S. Army Reserve.

Since its beginning as a 160-person medical corps in 1908, the U.S. Army Reserve has grown into a force which is the support structure for our Nation's armed forces. From World War I to the global war on terror, the soldiers of the U.S. Army Reserve have put their own lives on hold to serve their Nation.

More than 26,000 U.S. Army Reserve soldiers have served in support of military operations since the September 11th attacks. This corps of citizen soldiers brings their expertise—providing half of the Army's combat support—to the front lines in defense of freedom.

My home State of Tennessee is known as the Volunteer State. It is not a term we take lightly, and Tennessee's record of service demonstrates the character of its citizens.

I am especially proud of the 505 soldiers assigned to the 844th Engineer Battalion, headquartered in my district in Tennessee. This battalion is responsible for heavy con-

struction—including roads, living quarters, plumbing, electricity and other infrastructure, keeping our troops safe and more comfortable while serving abroad.

Our Nation's military could not operate without the 844th Engineer Battalion or the United States Army Reserve.

Madam Speaker, in closing, I urge my colleagues to join me as I salute 100 years of the United States Army Reserve and the citizen warriors who stand ready to defend freedom at a moment's notice.

HONORING CALVIN "JIM" BEATTY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Mr. RADANOVICH. Madam Speaker, I rise today to honor the life of Calvin James Beatty for his dedication to his family and community. Mr. Beatty passed away at Madera Community Hospital on August 19, 2008, at the age of eighty two.

Mr. Jim Beatty was born in Puente, California on March 21, 1926. He graduated from Sweetwater High School in National City, California in 1944 and immediately enlisted in the United States Marine Corps. He served in the Western Pacific during World War II and in China after the war. Before leaving the military he attained the rank of sergeant. He received an Honorable Discharge in April 1947.

In 1949, Mr. Beatty settled in Madera, California. He met and married Edith Mae Sciacqua in 1950. They have three sons; Kelly, John and Jerry. He spent most of his life as the manager of a cotton gin and retired in the 1980's. He had many hobbies, including flying. Mr. Beatty maintained a pilot's license for over fifty years. He served as a deputy sheriff in the Madera County Aero Squadron. He was always active in the local chapter of the Veterans of Foreign Wars. He was also involved with the Knights of Columbus and the Young Men's Institute.

Mr. Beatty is survived by his wife and three children, his daughter-in laws; Cheryl, Michele and Brenda, and five grandchildren: Ryan, Meghan, Michael, Christian and Hallie, and one great-grandson: Brannon. He is also survived by his sister, Donna, her husband and numerous extended family members.

Madame Speaker, I rise today to posthumously honor Jim Beatty for his dedication to his family and community. I invite my colleagues to join me in honoring his life and wishing the best for his family.

HONORING THE 9TH ANNUAL KALEIDOSCOPE OF HOPE WALK-A-THON

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to ask my colleagues to join with me in paying tribute to 9th Annual Kaleidoscope of Hope Foundation's Walk-a-thon, which would not be possible without the hard work of Gail MacNeil, a wonderful woman who

truly made her mark as a dynamic advocate on behalf of ovarian cancer. On Sunday, September 14, 2008, the good citizens of Morris County will take part in the Kaleidoscope of Hope's 9th Annual Walk-a-thon at Loantaka Brook Reservation.

Gail was diagnosed with Stage IIIC ovarian cancer over Christmas 1997. Sadly, her cancer recurred in 2002 and from then on she was on non-stop chemotherapy until she ultimately lost her brave battle on June 21, 2008. She was an amazing life force who continued to work full time as a realtor at Coldwell Banker as well as actively lead many initiatives at Kaleidoscope of Hope. She was an inspiration to all that knew and worked with her, her family and especially to all the cancer survivors and other families whose lives she so passionately touched over the past ten years.

In 2000, Gail co-founded the Kaleidoscope of Hope Foundation along with two other ovarian cancer survivors, Lois Myers and Patricia Stewart-Busso. The mission of Kaleidoscope of Hope was to raise awareness of ovarian cancer. Gail, Patty and Lois realized that there was a critical and urgent need for more awareness and research to find an early detection test for ovarian cancer, especially in New Jersey, which has the third highest incidence of ovarian cancer in the nation.

In her role as a co-founder, Gail helped enhance research programs and supported the state's first four year Gynecology Oncology Fellow, based at the Cancer Institute of New Jersey. Last year, Gail initiated the successful "Turn The Towns Teal" campaign which was the first major awareness effort for KOH. At first, this started as a grass-roots teal ribbon tying event in Morris County, New Jersey, however, word quickly spread and people throughout the state joined in and turned their towns teal. Gail also shared her story as part of the Survivors Teaching Students program through the Ovarian Cancer National Alliance.

Madam Speaker, I urge you and my colleagues to join me in congratulating the citizens of the 11th Congressional District of New Jersey and the Kaleidoscope of Hope's Walk-a-thon participants for their efforts to raise awareness for ovarian cancer, and in so doing, celebrating the life of a fine woman and leader.

TRIBUTE TO JOHN JERMANIS, JR.

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Mr. STARK. Madam Speaker, I rise today to pay tribute to John J. Jermanis, Jr. upon his retirement as the City Manager of San Leandro, California. John's career with the City of San Leandro spanned 37 years. His first position was Assistant Finance Director where he served for 11 years; he next served as Finance Director for 15 years, and was then appointed City Manager in 1997, where he completed an 11-year tenure prior to his retirement.

John was born and raised in Berkeley, California. He graduated from Berkeley High School in 1961, received his bachelor's degree in Business Administration from San Francisco State University in 1966, and has furthered his studies in Public Administration at California State University East Bay.

After serving in the Army National Guard from January 1966 to January 1972, John took a position with General Motors' Personnel Division in Fremont from 1967 to 1968. He began his municipal government service in 1969 as an accountant with the city of Livermore, California and in 1971 he was hired by the City of San Leandro.

Under John's management, the City of San Leandro went through one of its largest building periods in history, seeing the completion of the new main library, Creekside Plaza, Hilton Garden Inn, and Westgate Shopping Center.

More recently he has overseen the rejuvenation of Bayfair Center, the opening of the San Leandro History Museum and Art Gallery and the opening of both the Washington Manor Branch Library and the Family Aquatics Center.

Through his guidance, the city has also facilitated a fundamental shift in its business sector, from one largely composed of manufacturing companies to a sector that also includes service and high-tech companies.

John points to his greatest accomplishment as his ability to build and maintain a strong

rapprochement with each council member and city employees with whom he has worked. John also has gained the respect of his colleagues, and elected officials, as well as the San Leandro community.

He has served the city admirably. His expert leadership, intellect and vast talent and experience as the City of San Leandro's top administrator will be missed. My hat is off to John J. Jermanis, Jr. as he departs for a well-earned retirement. Over the past 37 years, he leaves an unmatched legacy of commitment and dedication.

# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S8145–S8219*

**Measures Introduced:** Six bills and one resolution were introduced, as follows: S. 3454–3459, and S. Res. 652. **Page S8179**

#### Measures Reported:

S. 3023, to amend title 38, United States Code, to require the Secretary of Veterans Affairs to prescribe regulations relating to the notice to be provided claimants with the Department of Veterans Affairs regarding the substantiation of claims, with an amendment in the nature of a substitute. (S. Rept. No. 110–449)

S. 2494, to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam. (S. Rept. No. 110–450) **Page S8179**

#### Measures Considered:

**National Defense Authorization Act:** Senate began consideration of S. 3001, 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, after agreeing to the motion to proceed thereto, and taking action on the following amendments proposed thereto:

#### Pending:

Reid Amendment No. 5290, to change the enactment date. **Page S8159**

Reid Amendment No. 5291 (to Amendment No. 5290), of a perfecting nature. **Page S8159**

Motion to recommit the bill to the Committee on Armed Services with instructions to report back forthwith, with Reid Amendment No. 5292 (to the instructions of the motion to recommit), to change the enactment date. **Pages S8159–60**

Reid Amendment No. 5293 (to the instructions of the motion to recommit to the bill), of a perfecting nature. **Page S8160**

Reid Amendment No. 5294 (to Amendment No. 5293), of a perfecting nature. **Pages S8160–61**

Levin (for Leahy/Byrd) Amendment No. 5323, to provide for a suspension of certain statutes of limitations when Congress has authorized the use of military force. **Page S8161**

A unanimous-consent agreement was reached providing that no motion to proceed to any legislative or executive calendar item be in order during the session of the Senate on Tuesday, September 9, 2008. **Page S8161**

A unanimous-consent-time agreement was reached providing that the motion and pending amendments be set aside so that the Senate may consider the following first-degree amendments: Leahy Amendment relative to statute of limitations, Vitter Amendment relative to missile defense with 2 hours of debate, Nelson (FL) Amendment relative to SBP–DIC offset, Kyl Amendment relative to X-ban radar; that no amendments be in order to the amendments prior to a vote; that any debate time provided under the agreement be equally divided and controlled in the usual form; that if a sequence of votes is established under the provisions of a separate unanimous-consent agreement, then there be 2 minutes equally divided and controlled prior to any vote; that in any sequence, the succeeding votes be 10 minutes in limitation; provided further, that during the session of the Senate on Wednesday, September 10, 2008, the ban on motions to proceed continue to be in effect. **Page S8161**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10:30 a.m., on Wednesday, September 10, 2008. **Page S8218**

#### House Messages:

*Spottswood W. Robinson III and Robert R. Herbig, Jr. Federal Courthouse:* Senate concurred in the amendments of the House of Representatives to S. 2403, to designate the new Federal Courthouse located in the 700 block of East Broad Street, Richmond, Virginia, as the “Spottswood W. Robinson III and Robert R. Merhige, Jr. Federal Courthouse”, clearing the measure for the President. **Pages S8217–18**

**Nominations Received:** Senate received the following nominations:

Sean T. Connaughton, of Virginia, to be a Federal Maritime Commissioner for the term expiring June 30, 2012.

Jerry Gayle Bridges, of Virginia, to be Inspector General, Department of Education.

Pamela A. Redfield, of Nebraska, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2013.

Loretta A. Preska, of New York, to be United States Circuit Judge for the Second Circuit.

J. Mac Davis, of Wisconsin, to be United States District Judge for the Western District of Wisconsin.

1 Army nomination in the rank of general.

12 Coast Guard nominations in the rank of admiral.

Routine lists in the Air Force, Army, Foreign Service. **Pages S8218–19**

**Nominations Withdrawn:** Senate received notification of withdrawal of the following nominations:

Joaquin F. Blaya, of Florida, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2008, which was sent to the Senate on October 18, 2007.

Dennis M. Mulhaupt, of California, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2008, which was sent to the Senate on October 18, 2007. **Page S8219**

**Messages from the House:** **Pages S8178–79**

**Additional Cosponsors:** **Pages S8179–81**

**Statements on Introduced Bills/Resolutions:** **Pages S8181–86**

**Additional Statements:** **Pages S8176–78**

**Amendments Submitted:** **Pages S8186–S8216**

**Notices of Hearings/Meetings:** **Page S8216**

**Authorities for Committees to Meet:** **Pages S8216–17**

**Privileges of the Floor:** **Page S8217**

**Adjournment:** Senate convened at 10 a.m. and adjourned at 7:15 p.m., until 9:30 a.m. on Wednesday, September 10, 2008. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8218.)

## Committee Meetings

(Committees not listed did not meet)

### GEORGIA

*Committee on Armed Services:* Committee met in open and closed hearings to examine the current situation in Georgia and implications for United States policy, after receiving testimony from Daniel Fried, Assist-

ant Secretary of State for the Bureau of European and Eurasian Affairs; and Eric S. Edelman, Under Secretary for Policy, Lieutenant General John M. Paxton, Jr., USMC, Director for Operations, J–3, and Brigadier General Michael T. Flynn, Director for Intelligence, J–2, USA, both of the Joint Staff, all of the Department of Defense.

### PUBLIC TRANSPORTATION AND GAS PRICES

*Committee on Banking, Housing, and Urban Affairs:* Committee concluded a hearing to examine strengthening the ability of public transportation systems to reduce the dependence of the United States on foreign oil, after receiving testimony from William M. Millar, American Public Transportation Association, and Robert Puentes, Brookings Institution Metropolitan Infrastructure Initiative, both of Washington, D.C.; Andrew H. Darrell, Environmental Defense Fund, New York, New York; Dorothy W. Dugger, San Francisco Bay Area Rapid Transit District, Oakland, California; Keith Parker, Charlotte Area Transit System, Charlotte, North Carolina; and David W. Kilmer, Red Rose Transit Authority, Lancaster, Pennsylvania.

### ECONOMIC DEVELOPMENT ADMINISTRATION

*Committee on Environment and Public Works:* Subcommittee on Transportation and Infrastructure concluded an oversight hearing to examine the Economic Development Administration, Department of Commerce, after receiving testimony from Benjamin Erulkar, Deputy Assistant Secretary for Economic Development, and Todd J. Zinser, Inspector General, both of the Department of Commerce; David W. Edgerley, Maryland Department of Business and Economic Development, Baltimore; Mayor Larry Thoma, Elgin, Oklahoma; and Leanne Mazer, Tri-County Council for Western Maryland, Cumberland, on behalf of the National Association of Development Organizations.

### HEALTH CARE REFORM

*Committee on Finance:* Committee concluded a hearing to examine improving health care quality, focusing on an integral step toward reforming the health care system, after receiving testimony from Peter V. Lee, Pacific Business Group on Health, San Francisco, California; Samuel R. Nussbaum, WellPoint, Inc., Indianapolis, Indiana; Greg Schoen, Fairview Northland Medical Center, Princeton, Minnesota; Kevin Weiss, American Board of Medical Specialties, Evanston, Illinois; and William Roper, National Quality Forum, Chapel Hill, North Carolina.

**NOMINATION**

*Committee on Homeland Security and Governmental Affairs:* Committee concluded a hearing to examine the nomination of Ruth Y. Goldway, of California, to be a Commissioner of the Postal Regulatory Commission, after the nominee testified, who was introduced by Senator Clinton, and answered questions in her own behalf.

**NOMINATIONS**

*Committee on the Judiciary:* Committee concluded a hearing to examine the nominations of Clark Waddoups, to be United States District Judge for the District of Utah, who was introduced by Senators Hatch and Bennett, Michael M. Anello, to be United States District Judge for the Southern District of California, Mary Stenson Scriven, to be United States District Judge for the Middle District of Florida, Gregory G. Garre, of Maryland, to be Solicitor General of the United States, and Christine

M. Arguello, to be United States District Judge for the District of Colorado, and Philip A. Brimmer, to be United States District Judge for the District of Colorado, who were both introduced by Senators Alard and Salazar, after the nominees testified and answered questions in their own behalf.

**2008 GENERAL ELECTIONS**

*Committee on the Judiciary:* Committee concluded an oversight hearing to examine the Department of Justice, focusing on protecting the right to vote and preparations for the 2008 general election, after receiving testimony from Grace Chung Becker, Acting Assistant Attorney General, Civil Rights Division, and Barry Sabin, Deputy Assistant Attorney General, Criminal Division, both of the Department of Justice; Bryan P. O'Leary, Crowell and Moring, LLP, Washington, D.C.; Gilda R. Daniels, University of Baltimore School of Law, Baltimore, Maryland; and Keshia Anderson, Chesterfield, Virginia.

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# House of Representatives

**Chamber Action**

**Public Bills and Resolutions Introduced:** 12 public bills, H.R. 6842–6853; and 4 resolutions, H. Con. Res. 409; and H. Res. 1420–1422 were introduced. **Page H7955**

**Additional Cosponsors:** **Pages H7955–56**

**Reports Filed:** Reports were filed today as follows:

Supplemental report on H.R. 6322, to amend the District of Columbia School Reform Act of 1995 to permit the District of Columbia government to exercise authority over the Public Charter School Board in the same manner as the District government may exercise authority over other entities of the District government (H. Rept. 110–782, Pt. 2);

H.R. 6608, to provide for the replacement of lost income for employees of the House of Representatives who are members of a reserve component of the armed forces who are on active duty for a period of more than 30 days (H. Rept. 110–832, Pt. 1);

H.R. 6630, 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 (H. Rept. 110–833);

H. Res. 1419, providing for consideration of the bill (H.R. 3667) 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 (H. Rept. 110–834);

H.R. 6308, to ensure uniform and accurate credit rating of municipal bonds and provide for a review of the municipal bond insurance industry, with an amendment (H. Rept. 110–835); and

H.R. 4081, to prevent tobacco smuggling and to ensure the collection of all tobacco taxes, with an amendment (H. Rept. 110–836). **Pages H7954–55**

**Speaker:** Read a letter from the Speaker wherein she appointed Representative Serrano to act as Speaker pro tempore for today. **Page H7857**

**Recess:** The House recessed at 11:13 a.m. and reconvened at 12 p.m. **Page H7861**

**Chaplain:** The prayer was offered by the guest Chaplain, the Most Reverend James A. Tamayo, Bishop of the Diocese of Laredo, Texas. **Page H7861**

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

*Recognizing that we are facing a global food crisis:* H. Con. Res. 344, amended, to recognize that we are facing a global food crisis, by a 2/3 yeas-and-nay vote of 404 yeas to 1 nay with 4 voting "present", Roll No. 570; **Pages H7866–69, H7893–94**

Agreed to amend the title so as to read: “Recognizing the disproportionate impact of the global food crisis on children in the developing world.”

Page H7894

*Expressing the sense of the House of Representatives that the emergency communications services provided by the American Red Cross are vital resources for military service members and their families:* H. Res. 937, amended, to express the sense of the House of Representatives that the emergency communications services provided by the American Red Cross are vital resources for military service members and their families, by a 2/3 yeas-and-nays vote of 411 yeas with none voting “nay”, Roll No. 571;

Pages H7869–70, H7894–95

*Condemning the use of television programming by Hamas to indoctrinate hatred, violence, and anti-Semitism toward Israel in young Palestinian children:* H. Res. 1069, amended, to condemn the use of television programming by Hamas to indoctrinate hatred, violence, and anti-Semitism toward Israel in young Palestinian children, by a 2/3 yeas-and-nays vote of 409 yeas to 1 nay, Roll No. 572;

Pages H7870–74, H7895–96

Agreed to amend the title so as to read: “Condemning the broadcasting of incitement to violence against Americans and the United States in media based in the Middle East, calling for the designation of al-Aqsa TV as a Specially Designated Global Terrorist entity, and for other purposes.”

Page H7896

*Recognizing the historical significance of the United States sloop-of-war Constellation as a surviving witness to the horrors of the Transatlantic Slave Trade and a leading participant in America’s effort to end the practice:* H. Res. 1159, to recognize the historical significance of the United States sloop-of-war Constellation as a surviving witness to the horrors of the Transatlantic Slave Trade and a leading participant in America’s effort to end the practice;

Pages H7874–76

*Supporting the values and goals of the “Joint Action Plan Between the Government of the Federative Republic of Brazil and the Government of the United States of America to Eliminate Racial and Ethnic Discrimination and Promote Equality”, signed by Secretary of State Condoleezza Rice and Brazilian Minister of Racial Integration Edson Santos on March 13, 2008:* H. Res. 1254, amended, to support the values and goals of the “Joint Action Plan Between the Government of the Federative Republic of Brazil and the Government of the United States of America to Eliminate Racial and Ethnic Discrimination and Promote Equality”, signed by Secretary of State Condoleezza Rice and

Brazilian Minister of Racial Integration Edson Santos on March 13, 2008;

Pages H7876–78

*Recognizing the 100th anniversary of the independence of Bulgaria:* H. Res. 1383, amended, to recognize the 100th anniversary of the independence of Bulgaria;

Pages H7878–79

*Commemorating the Kingdom of Bhutan’s participation in the 2008 Smithsonian Folklife Festival and commending the people and the Government of the Kingdom of Bhutan for their commitment to holding elections and broadening political participation:* H. Res. 1307, amended, to commemorate the Kingdom of Bhutan’s participation in the 2008 Smithsonian Folklife Festival and to commend the people and the Government of the Kingdom of Bhutan for their commitment to holding elections and broadening political participation, by a 2/3 yeas-and-nays vote of 395 yeas to 15 nays, Roll No. 573;

Pages H7879–81, H7928

*Government Accountability Office Act of 2008:* Agreed to the Senate amendment to H.R. 5683, to make certain reforms with respect to the Government Accountability Office—clearing the measure for the President;

Pages H7881–84

*Lance Corporal Drew W. Weaver Post Office Building Designation Act:* H.R. 6168, to designate the facility of the United States Postal Service located at 112 South 5th Street in Saint Charles, Missouri, as the “Lance Corporal Drew W. Weaver Post Office Building”, by a 2/3 yeas-and-nays vote of 403 yeas with none voting “nay”, Roll No. 574;

Pages H7884–85, H7928–29

*Over-Classification Reduction Act:* H.R. 6575, amended, to require the Archivist of the United States to promulgate regulations to prevent the over-classification of information; and

Pages H7886–88

*Prohibiting 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:* H.R. 6630, amended, 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, by a 2/3 yeas-and-nays vote of 395 yeas to 18 nays, Roll No. 575.

Pages H7913–18, H7929–30

**Supplemental Report:** Agreed that the Committee on Oversight and Government Reform be permitted to file a supplemental report on H.R. 6322, to amend the District of Columbia School Reform Act



of 1995 to permit the District of Columbia government to exercise authority over the Public Charter School Board in the same manner as the District government may exercise authority over other entities of the District government. **Page H7881**

**Moment of Silence:** The House observed a moment of silence in honor of our brave men and women in uniform who have given their lives in the service of our nation in Iraq and Afghanistan, their families, and all who serve in our armed forces. **Page H7894**

**Suspensions—Proceedings Postponed:** The House debated the following measures under suspension of the rules. Further proceedings were postponed:

**Specialist Peter J. Navarro Post Office Building Designation Act:** H.R. 6169, to designate the facility of the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, as the “Specialist Peter J. Navarro Post Office Building”; **Pages H7885–86**

**Securities Act of 2008:** H.R. 6513, amended, to amend the Federal securities laws to enhance the effectiveness of the Securities and Exchange Commission’s enforcement, corporation finance, trading and markets, investment management, and examination programs; **Pages H7888–93**

**Directing the Chief Administrative Officer of the House of Representatives to provide individuals whose pay is disbursed by the Chief Administrative Officer by electronic funds transfer with the option of receiving receipts of pay and withholdings electronically:** H. Res. 1207, amended, to direct the Chief Administrative Officer of the House of Representatives to provide individuals whose pay is disbursed by the Chief Administrative Officer by electronic funds transfer with the option of receiving receipts of pay and withholdings electronically; **Pages H7896–97**

**House Reservists Pay Adjustment Act of 2008:** H.R. 6608, to provide for the replacement of lost income for employees of the House of Representatives who are members of a reserve component of the armed forces who are on active duty for a period of more than 30 days; **Pages H7897–99**

**Daniel Webster Congressional Clerkship Act of 2008:** H.R. 6475, to establish the Daniel Webster Congressional Clerkship Program; **Pages H7899–H7903**

**Rural Veterans Access to Care Act:** H.R. 1527, amended, to amend title 38, United States Code, to allow highly rural veterans enrolled in the health system of the Department of Veterans Affairs to receive covered health services through providers other than those of the Department; **Pages H7903–07**

**Veterans’ Compensation Cost-of-Living Adjustment Act of 2008:** S. 2617, to amend title 38, United States Code, to codify increases in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans that were effective as of December 1, 2007 and to provide for an increase in the rates of such compensation effective December 1, 2008; **Pages H7907–09**

**Veterans’ Programs Extension and Construction Authorization Act of 2008:** H.R. 6832, to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 2009 and to extend certain authorities of the Secretary of Veterans Affairs; and **Pages H7909–13**

**Prevent All Cigarette Trafficking Act of 2008:** H.R. 4081, amended, to prevent tobacco smuggling and to ensure the collection of all tobacco taxes. **Pages H7918–28**

**Presidential Message:** Read a message from the President wherein he transmitted a determination concerning Presidential Declaration 2008–19 and the proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the Russian Federation for Cooperation in the Field of Peaceful Uses of Nuclear Energy—referred to the Committee on Foreign Affairs and ordered printed (H. Doc. 110–145). **Page H7930**

**Senate Message:** Message received from the Senate today appears on page H7862.

**Quorum Calls—Votes:** Six yea-and-nay votes developed during the proceedings of today and appear on pages H7894, H7894–95, H7895–96, H7928, H7928–29, H7929–30. There were no quorum calls.

**Adjournment:** The House met at 10:30 a.m. and adjourned at 10:01 p.m.

## Committee Meetings

### WEAKENED ECONOMY; HOW TO RESPOND?

**Committee on the Budget:** Held a hearing on a Weakened Economy: How to Respond? Testimony was heard from Lawrence Summers, former Secretary of the Treasury; and public witnesses.

### CHALLENGES FACING BUREAU OF INDIAN EDUCATION SCHOOLS

**Committee on Education and Labor:** Subcommittee on Early Childhood, Elementary and Secondary Education held a hearing on Challenges Facing Bureau of Indian Education Schools in Improving Student

Achievement. Testimony was heard from Cornelia Ashby, Director, Education, Workforce, and Income Security Issues, GAO; Anne Campbell Dudro, Chief of Staff, Office of Elementary and Secondary Education, Department of Education; Stanley R. Holder, Chief, Division of Performance and Accountability, Bureau of Indian Education, Department of the Interior; and public witnesses.

#### NIH REFORM

*Committee on Energy and Commerce:* Subcommittee on Health held a hearing entitled “NIH Reform Act of 2006: Progress, Challenges and Next Steps.” Testimony was heard from Elias A. Zerhouni, M.D., Director, NIH, Department of Health and Human Services.

#### U.S.-RUSSIA RELATIONS—POST GEORGIA CRISIS

*Committee on Foreign Affairs:* Held a hearing on U.S.-Russia Relations in the Aftermath of the Georgia Crisis. Testimony was heard from Daniel Fried, Assistant Secretary, Bureau of European and Eurasian Affairs, Department of State; and public witnesses.

#### CLEANING UP TERRORIST WATCHLISTS

*Committee on Homeland Security:* Subcommittee on Transportation Security and Infrastructure Protection held a hearing entitled “Ensuring America’s Security: Cleaning Up the Nation’s Watchlists.” Testimony was heard from Kip Hawley, Assistant Secretary, Transportation Security Administration, Department of Homeland Security; Richard S. Kopel, Principal Deputy Director, Terrorist Screening Center; Cathleen Berrick, Director, Homeland Security and Justice Issues, GAO; and public witnesses.

#### COMPETITION IN THE PACKAGE DELIVERY INDUSTRY

*Committee on the Judiciary:* Held a hearing on Competition in the Package Delivery Industry. Testimony was heard from Senators Brown and Voinovich; Representatives Sutton, Turner and Kaptur; the following officials of the State of Ohio; David Lee Fisher, Lt. Gov., and David Razik, Mayor, Wilmington; Ohio; and public witnesses.

#### D.C. GUN LAWS—IMPACT OF PROPOSED CHANGES

*Committee on Oversight and Government Reform:* Held a hearing on the Impact of Proposed Legislation on the District of Columbia’s Gun Laws. Testimony was heard from Kevin C. Hay, Deputy Chief, U.S. Park Police, National Park Service, Department of the Interior; Cathy Lanier, Chief, D.C. Metropolitan Police Department; Phillip D. Morse, Sr., Chief, U.S. Capitol Police; and Robert Campbell, former U.S. Secret

Service Agent, Director of Security, Washington Nationals Park.

#### MISSISQUOI AND TROUT RIVERS WILD AND SCENIC RIVER STUDY ACT OF 2008

*Committee on Rules:* Granted, by a non-record vote, a structured rule providing for consideration of H.R. 3667, the “Missisquoi and Trout Rivers Wild and Scenic River Study Act of 2008.” The rule provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources.

The rule waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill pursuant to Part II of House Report 110–668 shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against that amendment in the nature of a substitute except for clause 10 of rule XXI.

The rule makes in order only those amendments printed in the report. The amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. All points of order against the amendments except for clauses 9 and 10 of rule XXI are waived. The rule provides one motion to recommit with or without instructions.

The rule provides that, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker. Testimony was heard from Representatives Grijalva and Bishop of Utah.

The rule tables House Resolution 1399.

#### NO CHILD LEFT INSIDE ACT OF 2008

*Committee on Rules:* On September 8, the Committee heard testimony from Chairman Miller of California and Representatives Sarbanes, Welch of Vermont and Bishop of Utah, but action was deferred on H.R. 3036, No Child Left Inside Act of 2008.

#### VETERANS’ AFFAIRS LEGIONELLA SAMPLES DESTRUCTION

*Committee on Science and Technology:* Subcommittee on Investigation and Oversight held a hearing on Biobanking: How the Lack of a Coherent Policy Allowed the Veterans Administration To Destroy an

Irreplaceable Collection of Legionella Samples. Testimony was heard from the following officials of the Department of Health and Human Services: Jim Vaught, Deputy Director, Office of Biorepositories and Biospecimen Research, National Cancer Institute; and Janet K. A. Nicholson, Senior Advisor, Laboratory Science, Coordinating Center for Infectious Diseases, Centers for Disease Control and Prevention; the following officials of the Department of Veterans Affairs: Michel Moreland, Director, Veterans Integrated Services Network 4; Mona Melhem, Associate Chief of Staff and Vice President, Clinical Support Service Line Pittsburgh Healthcare System; Ali Sonel, Associate Chief of Staff (Research); Steven Graham, Director, Geriatric Research, Education and Clinical Centers; and Cheryl Wanzie, Chief Technologist, all with the VA Pittsburgh Healthcare System.

#### TAKING RESPONSIBLE ACTION FOR COMMUNITY SAFETY ACT

*Committee on Transportation and Infrastructure:* Held a hearing on H.R. 6707, Taking Responsible Action for Community Safety Act. Testimony was heard from the following Representatives: Visclosky, Manzullo, Biggert, Bean, Roskam and Foster; the following officials of the Surface Transportation Board, Department of Transportation: Charles D. Nottingham, Chairman; Francis P. Mulvey, Vice Chairman; and W. Douglas Buttrey, Board Member; the following officials of the State of Illinois: Elaine Nekritz, State Representative; and Tom Weisner, Mayor, Aurora; and public witnesses.

#### VETERANS MEASURES

*Committee on Veterans' Affairs:* Subcommittee on Health held a hearing on the following bills: H.R. 3051, Heroes at Home Act of 2007; H.R. 6153, Veterans' Medical Personnel Recruitment and Retention Act of 2008; and H.R. 6629, Veterans Health Equity Act of 2008. Testimony was heard from Representatives Salazar and Eddie Bernice Johnson of Texas; Gerald M. Cross, M.D., Principal Deputy Under Secretary, Health, Veterans Health Administration, Department of Veterans Affairs; and representatives of veterans organizations.

#### INTELLIGENCE OPERATIONS AND AL-QAEDA

*Permanent Select Committee on Intelligence:* Met in executive session to hold a hearing on Intelligence Operations and Al-Qaeda. Testimony was heard from departmental witnesses.

#### COMMITTEE MEETINGS FOR WEDNESDAY, SEPTEMBER 10, 2008

*(Committee meetings are open unless otherwise indicated)*

##### Senate

*Committee on Appropriations:* Subcommittee on Defense, business meeting to mark up Department of Defense appropriations for fiscal year 2009, 10 a.m., SD-192.

*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 Environment and Public Works:* to hold hearings to examine improving the Federal Bridge Program, focusing on an assessment of S. 3338, to amend title 23, United States Code, to improve the safety of Federal-aid highway bridges, to strengthen bridge inspection standards and processes, to increase investment in the reconstruction of structurally deficient bridges on the National Highway System, and H.R. 3999, to amend title 23, United States Code, to improve the safety of Federal-aid highway bridges, to strengthen bridge inspection standards and processes, to increase investment in the reconstruction of structurally deficient bridges on the National Highway System, 10 a.m., SD-406.

Subcommittee on Transportation Safety, Infrastructure Security, and Water Quality, to hold hearings to examine the quality and environmental impacts of bottled water, 3 p.m., SD-406.

*Committee on Finance:* business meeting to consider S. 3038, 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, S. 1070, to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and S. 1577, to amend titles XVIII and XIX of the Social Security Act to require screening, including national criminal history background checks, of direct patient access employees of skilled nursing facilities, nursing facilities, and other long-term care facilities and providers, and to provide for nationwide expansion of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers, 10 a.m., SD-215.

*Committee on Foreign Relations:* to hold hearings to examine protocols to the North Atlantic Treaty of 1949 on the Accession of the Republic of Albania and the Republic of Croatia adopted at Brussels on July 9, 2008, and signed that day on behalf of the United States and the other Parties to the North Atlantic Treaty (Treaty Doc.110-20), 10:30 a.m., SD-419.

Full Committee, to hold hearings to examine the nominations of Sung Y. Kim, of California, for the rank of Ambassador during his tenure of service as Special Envoy for the Six Party Talks, C. Steven McGann, of New York, to be Ambassador to the Republic of the Fiji Islands, and to serve concurrently and without additional

compensation as Ambassador to the Republic of Nauru, the Kingdom of Tonga, Tuvalu, and the Republic of Kiribati, and Carol Ann Rodley, of Virginia, to be Ambassador to the Kingdom of Cambodia, 2 p.m., SD-419.

*Committee on Homeland Security and Governmental Affairs:* to hold hearings to examine audits at the Defense Contract Audit Agency, 10 a.m., SD-342.

Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine managing the challenges of the Federal Government transition, focusing on assessing the readiness and planning for the transition and identifying critical needs for the new Administration to address, 2:30 p.m., SD-342.

*Committee on the Judiciary:* to hold hearings to examine new strategies for combating violent crime, focusing on drawing lessons from recent experience, 10 a.m., SD-562.

## House

*Committee on Armed Services,* hearing on Security and Stability in Afghanistan and Iraq: Developments in U.S. Strategy and Operations and the Way Ahead, 10 a.m., 2118 Rayburn.

Subcommittee on Oversight and Investigations, hearing on transforming the U.S. military's foreign language, cultural awareness, and regional expertise capabilities, 2:30 p.m., 2212 Rayburn.

*Committee on Financial Services,* Subcommittee on Domestic and International Monetary Policy, Trade, and Technology, hearing entitled "Sovereign Wealth Funds: New Challenges From a Changing Landscape," 2 p.m., 2128 Rayburn.

*Committee on Homeland Security,* hearing entitled "Mismanagement, Missteps and Missed Benchmarks: Why the Virtual Fence Has Not Become a Reality," 10 a.m., 311 Cannon.

*Committee on the Judiciary,* to mark up the following: Reauthorizing Antitrust Task Force; H.R. 6598, Prevention of Equine Cruelty Act of 2008; H.R. 4780, To enact title 51, United States Code, "National and Commercial Space Programs," as positive law; H.R. 6020, To amend the Immigration and Nationality Act to protect the well-being of soldiers and their families, and for other purposes; H.R. 5882, To recapture employment-based immigrant visas lost to bureaucratic delays and to prevent losses of family- and employment-based immigrant visas in the future; H.R. 5924, Emergency Nursing Supply Relief Act; H.R. 5950, Detainee Basic Medical Care Act of 2008; and to consider a resolution and report recommending to the House of Representatives that Attorney General Michael B. Mukasey be cited for contempt of Congress, 10:15 a.m., 2141 Rayburn.

*Committee on Natural Resources,* Subcommittee on Fisheries, Wildlife and Oceans, hearing and oversight hearing on H.R. 6479, San Francisco Bay National Wildlife Refuge Complex Establishment Act, 10 a.m., 1324 Longworth.

*Committee on Oversight and Government Reform,* to consider the following: the National Capital Security and Safety Act; H. Con. Res. 223, Honoring professional surveyors and recognize their contributions to society; H.

Con. Res. 351, Honoring the 225th Anniversary of the Continental Congress meeting in Nassau Hall, Princeton, New Jersey in 1783; H. Con. Res. 376, Congratulating the 2007-2008 National Basketball Association World Champions, the Boston Celtics, on an outstanding and historic season; H. Con. Res. 378, Expressing support for the designation of September 6, 2008, as Louisa Swain Day; H. Con. Res. 386, Recognizing and celebrating the 232nd Anniversary of the signing of the Declaration of Independence; H. Res. 1000, To commemorate the 250th Anniversary of the naming of Pittsburgh as the culmination of the Forbes Campaign across Pennsylvania and the significance this event played in the making of America, in the settlement of the Continent, and in spreading the ideals of freedom and democracy throughout the world; H.R. 1356, Celebrating the 221st anniversary of the signing of the Constitution of the United States of America, and for other purposes; a resolution to congratulate Michael Phelps, 2008 Beijing Summer Olympic champion swimmer, on winning eight gold medals in the 2008 Beijing Olympics and becoming one of the most decorated athletes in Olympic history; H.R. 6199, To designate the facility of the United States Postal Service located at 245 North Main Street in New City, New York as the "Kenneth Peter Zebrowski Post Office Building;" H.R. 6489, To designate the facility of the United States Postal Service located at 501 4th Street in Lake Oswego, Oregon, as the "Judie Hammerstad Post Office Building;" H.R. 6681, To designate the facility of the United States Postal Service located at 300 Vine Street in New Lenox, Illinois, as the "Jacob M. Lowell Post Office Building;" and H.R. 6772, 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," 1 p.m., 2154 Rayburn.

Subcommittee on National Security and Foreign Affairs, an Oversight hearing on Sexual Assault in the Military—Part 2, 10 a.m., 2154 Rayburn.

*Committee on Science and Technology,* Subcommittee on Energy and Environment, hearing on the Foundation for Developing New Energy Technologies: Basic Energy Research in the DOE Office of Science, 2 p.m., 2318 Rayburn.

*Committee on Transportation and Infrastructure,* Subcommittee on Coast Guard, including Recruitment, Promotion, and Retention of Minority Personnel, hearing on Diversity in the Coast Guard, including Recruitment, Promotion, and Retention of Minority Personnel, 2 p.m., 2167 Rayburn.

*Permanent Select Committee on Intelligence,* Subcommittee on Intelligence Community Management, executive, briefing on DOD: Personnel Security and Research Center, 2 p.m., H-405 Capitol.

*Select Committee on Energy Independence and Global Warming,* hearing entitled "Investing in the Future: R & D Needs To Meet America's Energy and Climate Challenges," 10 a.m., 2175 Rayburn.

## Joint Meetings

*Commission on Security and Cooperation in Europe:* to hold hearings to examine Russia, Georgia, and the return of power politics, 1:30 p.m., HROB-2325.

## Next Meeting of the SENATE

9:30 a.m., Wednesday, September 10

## Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, September 10

## Senate Chamber

**Program for Wednesday:** After the transaction of any morning business (not to extend beyond 1 hour), Senate will continue consideration of S. 3001, National Defense Authorization Act.

## House Chamber

**Program for Wednesday:** Consideration of H.R. 3667—Missisquoi and Trout Rivers Wild and Scenic River Study Act of 2008 (Subject to a Rule).

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