United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, SECOND SESSION

Vol. 154 WASHINGTON, MONDAY, SEPTEMBER 29, 2008 *No. 157*

House of Representatives

The House met at 8 a.m. and was called to order by the Speaker pro tempore (Mr. MCNULTY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 29, 2008.

I hereby appoint the Honorable MICHAEL R. MCNULTY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

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

Save Your people, Lord, and bless Your inheritance. Govern and uphold them now and always. Day by day we bless You. We praise Your name forever.

Keep us today, Lord, from all evil. Have mercy on us, Lord. Have mercy, for we put our trust in You.

In You, Lord, is our hope, and we shall never hope in vain. 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. Will the gentlewoman from North Carolina (Ms. FOXX) come forward and lead the House in the Pledge of Allegiance.

Ms. FOXX led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order: motion to suspend the rules and pass S. 906, if ordered; ordering the previous question on House Resolution 1517; and adopting House Resolution 1517, if ordered.

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

MERCURY EXPORT BAN ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the Senate bill, S. 906.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maine (Mr. ALLEN) that the House suspend the rules and pass the Senate bill, S. 906.

The question was taken.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 393, nays 5, answered ''present'' 6, not voting 29, as follows:

[Roll No. 669]

YEAS—393

Abercrombie	Castor	Ferguson
Ackerman	Cazayoux	Filner
Akin	Chabot	Forbes
Alexander	Chandler	Fossella
Allen	Childers	Foster
Altmire	Clarke	Foxx
Andrews	Clay	Frank (MA)
Arcuri	Cleaver	Frelinghuysen
Baca	Clyburn	Gallegly
Bachmann	Coble	Garrett (NJ)
Bachus	Cohen	Gerlach
Baird	Cole (OK)	Giffords
Baldwin	Conaway	Gilchrest
Barrett (SC)	Conyers	Gillibrand
Barrow	Cooper	Gohmert
Bartlett (MD)	Costa	Gonzalez
Bean	Costello	Goode
Becerra	Courtney	Goodlatte
Berman	Cramer	Granger
Berry	Crenshaw	Graves
Biggert	Crowley	Green, Al
Bilbray	Cuellar	Green, Gene
Bilirakis	Cummings	Grijalva
Bishop (GA)	Davis (AL)	Gutierrez
Bishop (NY)	Davis (CA)	Hall (NY)
Blumenauer	Davis (IL)	Hall (TX)
Blunt	Davis (KY)	Hare
Boehner	Davis, David	Harman
Bono Mack	Davis, Lincoln	Hastings (FL)
Boozman	Davis, Tom	Hastings (WA)
Boren	Deal (GA)	Hayes
Boswell	DeFazio	Heller
Boucher	DeGette	Hensarling
Boustany	Delahunt	Herger
Boyd (FL)	DeLauro	Herseth Sandlin
Boyda (KS)	Dent	Higgins
Brady (PA)	Diaz-Balart, L.	Hill
Brady (TX)	Diaz-Balart, M.	Hirono
Braley (IA)	Dicks	Hobson
Brown (SC)	Dingell	Hodes
Brown, Corrine	Doggett	Hoekstra
Brown-Waite, Ginny	Donnelly	Holden
	Doolittle	Holt
Buchanan	Doyle	Honda
Burgess	Drake	Hooley
Burton (IN)	Dreier	Hoyer
Butterfield	Duncan	Hulshof
Buyer	Edwards (MD)	Hunter
Calvert	Edwards (TX)	Inglis (SC)
Camp (MI)	Ehlers	Inslee
Campbell (CA)	Ellison	Israel
Cannon	Ellsworth	Issa
Cantor	Emanuel	Jackson (IL)
Capito	Emerson	Jackson-Lee (TX)
Capps	Engel	
Capuano	English (PA)	Johnson (GA)
Cardoza	Eshoo	Johnson (IL)
Carnahan	Etheridge	Johnson, E. B.
Carney	Fallin	Jones (NC)
Carson	Farr	Jordan
Carter	Fattah	Kagen
Castle	Feeney	Kanjorski

Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walberg
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weldon (FL)
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—5

Broun (GA)
Flake
Paul
Sali
Westmoreland

ANSWERED ''PRESENT''—6

Blackburn
Bonner
Everett
Franks (AZ)
Gingrey
Poe

NOT VOTING—29

Aderholt
Barton (TX)
Berkley
Bishop (UT)
Cubin
Culberson
Fortenberry
Gordon
Hinchey
Hinojosa
Jefferson
Johnson, Sam
Langevin
McMorris Rodgers
Pickering
Pryce (OH)
Rush
Skelton
Souder
Stearns
Tancredo
Tiahrt
Visclosky
Walsh (NY)
Waxman
Weller
Wexler
Wolf
Young (AK)

□ 0830

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

Messrs. BARRETT of South Carolina, BOOZMAN, Mrs. SCHMIDT, and Mr. SCOTT of Georgia changed their vote from ''nay'' to ''yea.''

Mr. WESTMORELAND changed his vote from ''present'' to ''nay.''

Messrs. BONNER, EVERETT, and POE changed their vote from ''yea'' to ''present.''

So (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. STEARNS. Mr. Speaker, on rollcall No. 669, I was "unavoidably detained." Had I been present, I would have voted "yea."

Mr. TIAHRT. Mr. Speaker, on rollcall No. 669, unavoidable delays caused me to miss this vote. Had I been present, I would have voted "yea."

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 3997, EMERGENCY ECONOMIC STABILIZATION ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1517, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 217, nays 196, not voting 20, as follows:

[Roll No. 670]

YEAS—217

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

NAYS—196

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

Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—20

Akin
Berkley
Cubin
Culberson
Ellison
Hinchey
Hinojosa
Jefferson
Langevin
Lewis (GA)
Miller, Gary
Mollohan
Pryce (OH)
Roybal-Allard
Rush
Tancredo
Waxman
Weller
Wexler
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 0836

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mrs. TAUSCHER). The question is on the resolution.

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

RECORDED VOTE

Mr. DREIER. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5–minute vote.

The vote was taken by electronic device, and there were—ayes 220, noes 198, not voting 15, as follows:

[Roll No. 671]

AYES—220

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

NOES—198

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

NOT VOTING—15

Akin
Cubin
Culberson
Hinchey
Hinojosa
Jefferson
Langevin
Perlmutter
Pryce (OH)
Rush
Tancredo
Waxman
Weller
Wexler
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Less than 2 minutes remain on the vote.

□ 0845

Mr. CHILDERS changed his vote from ''aye'' to ''no.''

Ms. MOORE of Wisconsin changed her vote from ''no'' to ''aye.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HINOJOSA. Madam Speaker, I would have voted as follows: On rollcall No. 669, S. 906, "yea"; on rollcall No. 670, Previous Question, H.R. 1517, "yea"; on rollcall No. 671, rule, H.R. 1517, "aye."

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. MCGOVERN. Madam Speaker, I send to the desk a privileged concurrent resolution and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Monday, September 29, 2008, through Friday, October 3, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 11 a.m. on Saturday, January 3, 2009, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Monday, September 29, 2008, through Wednesday, December 31, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 11 a.m. on Saturday, January 3, 2009, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

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

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 213, nays 211, not voting 10, as follows:

[Roll No. 672]

YEAS—213

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

NAYS—211

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

NOT VOTING—10

Cubin
Davis, David
Hodes
Jefferson
Langevin
Pryce (OH)
Tancredo
Waxman
Weller
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 0905

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

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO ADJOURN

Mr. GOHMERT. Madam Speaker, I move that the House do now adjourn.

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

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 8, nays 394, not voting 31, as follows:

[Roll No. 673]

YEAS—8

Filner
Foxx
Garrett (NJ)
Gohmert
Heller
Mica
Shimkus
Young (AK)

NAYS—394

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Ferguson
Flake
Forbes
Fortenberry
Foster
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
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	Rohrabacher	Stearns
Murphy, Tim	Ros-Lehtinen	Stupak
Murtha	Roskam	Sullivan
Musgrave	Ross	Sutton
Myrick	Rothman	Tanner
Nadler	Roybal-Allard	Tauscher
Napolitano	Royce	Taylor
Neal (MA)	Ruppersberger	Terry
Neugebauer	Rush	Thompson (CA)
Nunes	Ryan (OH)	Thompson (MS)
Oberstar	Ryan (WI)	Thornberry
Obey	Salazar	Tiahrt
Olver	Sali	Tiberi
Ortiz	Sánchez, Linda T.	Tierney
Pallone	Sanchez, Loretta	Towns
Pascrell	Sarbanes	Tsongas
Pastor	Saxton	Turner
Paul	Scalise	Udall (CO)
Payne	Schakowsky	Udall (NM)
Pearce	Schiff	Upton
Pence	Schmidt	Van Hollen
Perlmutter	Schwartz	Velázquez
Peterson (MN)	Scott (GA)	Visclosky
Peterson (PA)	Sensenbrenner	Walberg
Petri	Serrano	Walden (OR)
Pitts	Sessions	Walz (MN)
Platts	Sestak	Wamp
Poe	Shadegg	Wasserman Schultz
Porter	Shays	Waters
Price (GA)	Shea-Porter	Watson
Price (NC)	Sherman	Watt
Putnam	Shuler	Weiner
Radanovich	Shuster	Welch (VT)
Rahall	Sires	Westmoreland
Ramstad	Skelton	Whitfield (KY)
Rangel	Slaughter	Wilson (NM)
Regula	Smith (NE)	Wilson (OH)
Rehberg	Smith (NJ)	Wilson (SC)
Reichert	Smith (TX)	Wittman (VA)
Renzi	Smith (WA)	Wolf
Reyes	Snyder	Woolsey
Reynolds	Solis	Wu
Richardson	Souder	Yarmuth
Rodriguez	Space	Young (FL)
Rogers (AL)	Speier	
Rogers (KY)	Spratt	
Rogers (MI)		

NOT VOTING—31

Blackburn	Grijalva	Scott (VA)
Castor	Gutierrez	Simpson
Conaway	Jefferson	Stark
Cubin	Johnson, Sam	Tancredo
DeFazio	Knollenberg	Walsh (NY)
Diaz-Balart, M.	Langevin	Waxman
Doolittle	Linder	Weldon (FL)
Fattah	McCrery	Weller
Feeney	Pickering	Wexler
Fossella	Pomeroy	
Gilchrest	Pryce (OH)	

□ 0926

Messrs. MCNERNEY, ALLEN, and MCINTYRE changed their vote from ''yea'' to ''nay.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

EMERGENCY ECONOMIC STABILIZATION ACT OF 2008

Mr. FRANK of Massachusetts. Madam Speaker, pursuant to House Resolution 1517, I call up from the Speaker's table the bill (H.R. 3997) to amend the Internal Revenue Code of 1986 to provide earnings assistance and tax relief to members of the uniformed services, volunteer firefighters, and Peace Corps volunteers, and for other purposes, and offer the motion at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will report the title of the bill, designate the Senate amendment to the House amendment to the Senate amendment, and designate the motion.

The Clerk read the title of the bill.

The text of the Senate amendment to the House amendment to the Senate amendment is as follows:

In lieu of the matter proposed to be inserted by the amendment of the House to the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Defenders of Freedom Tax Relief Act of 2007''.

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

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

TITLE I—BENEFITS FOR MILITARY

SEC. 101. ELECTION TO INCLUDE COMBAT PAY AS EARNED INCOME FOR PURPOSES OF EARNED INCOME TAX CREDIT.

(a) IN GENERAL.—Clause (vi) of section 32(c)(2)(B) (defining earned income) is amended to read as follows:

''(vi) a taxpayer may elect to treat amounts excluded from gross income by reason of section 112 as earned income.''.

(b) SUNSET NOT APPLICABLE.—Section 105 of the Working Families Tax Relief Act of 2004 (relating to application of EGTRRA sunset to this title) shall not apply to section 104(b) of such Act.

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

SEC. 102. MODIFICATION OF MORTGAGE REVENUE BONDS FOR VETERANS.

(a) QUALIFIED MORTGAGE BONDS USED TO FINANCE RESIDENCES FOR VETERANS WITHOUT REGARD TO FIRST-TIME HOMEBUYER REQUIREMENT.—Subparagraph (D) of section 143(d)(2) (relating to exceptions) is amended by striking ''and before January 1, 2008''.

(b) INCREASE IN BOND LIMITATION FOR ALASKA, OREGON, AND WISCONSIN.—Clause (ii) of section 143(l)(3)(B) (relating to State veterans limit) is amended by striking ''$25,000,000'' each place it appears and inserting ''$100,000,000''.

(c) DEFINITION OF QUALIFIED VETERAN.—Paragraph (4) of section 143(l) (defining qualified veteran) is amended to read as follows:

''(4) QUALIFIED VETERAN.—For purposes of this subsection, the term 'qualified veteran' means any veteran who—

''(A) served on active duty, and

''(B) applied for the financing before the date 25 years after the last date on which such veteran left active service.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 2007.

SEC. 103. SURVIVOR AND DISABILITY PAYMENTS WITH RESPECT TO QUALIFIED MILITARY SERVICE.

(a) PLAN QUALIFICATION REQUIREMENT FOR DEATH BENEFITS UNDER USERRA-QUALIFIED ACTIVE MILITARY SERVICE.—Subsection (a) of section 401 (relating to requirements for qualification) is amended by inserting after paragraph (36) the following new paragraph:

''(37) DEATH BENEFITS UNDER USERRA-QUALIFIED ACTIVE MILITARY SERVICE.—A trust shall not constitute a qualified trust unless the plan provides that, in the case of a participant who dies while performing qualified military service (as defined in section 414(u)), the survivors of the participant are entitled to any additional benefits (other than benefit accruals relating to the period of qualified military service) provided

under the plan had the participant resumed and then terminated employment on account of death.''.

(b) TREATMENT IN THE CASE OF DEATH OR DISABILITY RESULTING FROM ACTIVE MILITARY SERVICE FOR BENEFIT ACCRUAL PURPOSES.—Subsection (u) of section 414 (relating to special rules relating to veterans' reemployment rights under USERRA) is amended by redesignating paragraphs (9) and (10) as paragraphs (10) and (11), respectively, and by inserting after paragraph (8) the following new paragraph:

''(9) TREATMENT IN THE CASE OF DEATH OR DISABILITY RESULTING FROM ACTIVE MILITARY SERVICE.—

''(A) IN GENERAL.—For benefit accrual purposes, an employer sponsoring a retirement plan may treat an individual who dies or becomes disabled (as defined under the terms of the plan) while performing qualified military service with respect to the employer maintaining the plan as if the individual has resumed employment in accordance with the individual's reemployment rights under chapter 43 of title 38, United States Code, on the day preceding death or disability (as the case may be) and terminated employment on the actual date of death or disability. In the case of any such treatment, and subject to subparagraphs (B) and (C), any full or partial compliance by such plan with respect to the benefit accrual requirements of paragraph (8) with respect to such individual shall be treated for purposes of paragraph (1) as if such compliance were required under such chapter 43.

''(B) NONDISCRIMINATION REQUIREMENT.—Subparagraph (A) shall apply only if all individuals performing qualified military service with respect to the employer maintaining the plan (as determined under subsections (b), (c), (m), and (o)) who die or became disabled as a result of performing qualified military service prior to reemployment by the employer are credited with service and benefits on reasonably equivalent terms.

''(C) DETERMINATION OF BENEFITS.—The amount of employee contributions and the amount of elective deferrals of an individual treated as reemployed under subparagraph (A) for purposes of applying paragraph (8)(C) shall be determined on the basis of the individual's average actual employee contributions or elective deferrals for the lesser of—

''(i) the 12-month period of service with the employer immediately prior to qualified military service, or

''(ii) if service with the employer is less than such 12-month period, the actual length of continuous service with the employer.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 404(a)(2) is amended by striking ''and (31)'' and inserting ''(31), and (37)''.

(2) Section 403(b) is amended by adding at the end the following new paragraph:

''(14) DEATH BENEFITS UNDER USERRA-QUALIFIED ACTIVE MILITARY SERVICE.—This subsection shall not apply to an annuity contract unless such contract meets the requirements of section 401(a)(37).''.

(3) Section 457(g) is amended by adding at the end the following new paragraph:

''(4) DEATH BENEFITS UNDER USERRA-QUALIFIED ACTIVE MILITARY SERVICE.—A plan described in paragraph (1) shall not be treated as an eligible deferred compensation plan unless such plan meets the requirements of section 401(a)(37).''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to deaths and disabilities occurring on or after January 1, 2007.

(2) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(A) IN GENERAL.—If this subparagraph applies to any plan or contract amendment, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subparagraph (B)(iii).

(B) AMENDMENTS TO WHICH SUBPARAGRAPH (A) APPLIES.—

(i) IN GENERAL.—Subparagraph (A) shall apply to any amendment to any plan or annuity contract which is made—

(I) pursuant to the amendments made by subsection (a) or pursuant to any regulation issued by the Secretary of the Treasury under subsection (a), and

(II) on or before the last day of the first plan year beginning on or after January 1, 2009.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), this clause shall be applied by substituting ''2011'' for ''2009'' in subclause (II).

(ii) CONDITIONS.—This paragraph shall not apply to any amendment unless—

(I) the plan or contract is operated as if such plan or contract amendment were in effect for the period described in clause (iii), and

(II) such plan or contract amendment applies retroactively for such period.

(iii) PERIOD DESCRIBED.—The period described in this clause is the period—

(I) beginning on the effective date specified by the plan, and

(II) ending on the date described in clause (i)(II) (or, if earlier, the date the plan or contract amendment is adopted).

SEC. 104. TREATMENT OF DIFFERENTIAL MILITARY PAY AS WAGES.

(a) INCOME TAX WITHHOLDING ON DIFFERENTIAL WAGE PAYMENTS.—

(1) IN GENERAL.—Section 3401 (relating to definitions) is amended by adding at the end the following new subsection:

''(h) DIFFERENTIAL WAGE PAYMENTS TO ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.—

''(1) IN GENERAL.—For purposes of subsection (a), any differential wage payment shall be treated as a payment of wages by the employer to the employee.

''(2) DIFFERENTIAL WAGE PAYMENT.—For purposes of paragraph (1), the term 'differential wage payment' means any payment which—

''(A) is made by an employer to an individual with respect to any period during which the individual is performing service in the uniformed services (as defined in chapter 43 of title 38, United States Code) while on active duty for a period of more than 30 days, and

''(B) represents all or a portion of the wages the individual would have received from the employer if the individual were performing service for the employer.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to remuneration paid after December 31, 2007.

(b) TREATMENT OF DIFFERENTIAL WAGE PAYMENTS FOR RETIREMENT PLAN PURPOSES.—

(1) PENSION PLANS.—

(A) IN GENERAL.—Section 414(u) (relating to special rules relating to veterans' reemployment rights under USERRA), as amended by section 103(b), is amended by adding at the end the following new paragraph:

''(12) TREATMENT OF DIFFERENTIAL WAGE PAYMENTS.—

''(A) IN GENERAL.—Except as provided in this paragraph, for purposes of applying this title to a retirement plan to which this subsection applies—

''(i) an individual receiving a differential wage payment shall be treated as an employee of the employer making the payment,

''(ii) the differential wage payment shall be treated as compensation, and

''(iii) the plan shall not be treated as failing to meet the requirements of any provision described in paragraph (1)(C) by reason of any contribution or benefit which is based on the differential wage payment.

''(B) SPECIAL RULE FOR DISTRIBUTIONS.—

''(i) IN GENERAL.—Notwithstanding subparagraph (A)(i), for purposes of section 401(k)(2)(B)(i)(I), 403(b)(7)(A)(ii), 403(b)(11)(A), or 457(d)(1)(A)(ii), an individual shall be treated as having been severed from employment during any period the individual is performing service in the uniformed services described in section 3401(h)(2)(A).

''(ii) LIMITATION.—If an individual elects to receive a distribution by reason of clause (i), the plan shall provide that the individual may not make an elective deferral or employee contribution during the 6-month period beginning on the date of the distribution.

''(C) NONDISCRIMINATION REQUIREMENT.—Subparagraph (A)(iii) shall apply only if all employees of an employer (as determined under subsections (b), (c), (m), and (o)) performing service in the uniformed services described in section 3401(h)(2)(A) are entitled to receive differential wage payments on reasonably equivalent terms and, if eligible to participate in a retirement plan maintained by the employer, to make contributions based on the payments on reasonably equivalent terms. For purposes of applying this subparagraph, the provisions of paragraphs (3), (4), and (5) of section 410(b) shall apply.

''(D) DIFFERENTIAL WAGE PAYMENT.—For purposes of this paragraph, the term 'differential wage payment' has the meaning given such term by section 3401(h)(2).''.

(B) CONFORMING AMENDMENT.—The heading for section 414(u) is amended by inserting ''AND TO DIFFERENTIAL WAGE PAYMENTS TO MEMBERS ON ACTIVE DUTY'' after ''USERRA''.

(2) DIFFERENTIAL WAGE PAYMENTS TREATED AS COMPENSATION FOR INDIVIDUAL RETIREMENT PLANS.—Section 219(f)(1) (defining compensation) is amended by adding at the end the following new sentence: ''The term compensation includes any differential wage payment (as defined in section 3401(h)(2)).''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to years beginning after December 31, 2007.

(c) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(1) IN GENERAL.—If this subsection applies to any plan or annuity contract amendment, such plan or contract shall be treated as being operated in accordance with the terms of the plan or contract during the period described in paragraph (2)(B)(i).

(2) AMENDMENTS TO WHICH SECTION APPLIES.—

(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to any amendment made by subsection (b)(1), and

(ii) on or before the last day of the first plan year beginning on or after January 1, 2009.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), this subparagraph shall be applied by substituting ''2011'' for ''2009'' in clause (ii).

(B) CONDITIONS.—This subsection shall not apply to any plan or annuity contract amendment unless—

(i) during the period beginning on the date the amendment described in subparagraph (A)(i) takes effect and ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted), the plan or contract is operated as if such plan or contract amendment were in effect, and

(ii) such plan or contract amendment applies retroactively for such period.

SEC. 105. SPECIAL PERIOD OF LIMITATION WHEN UNIFORMED SERVICES RETIRED PAY IS REDUCED AS A RESULT OF AWARD OF DISABILITY COMPENSATION.

(a) IN GENERAL.—Subsection (d) of section 6511 (relating to special rules applicable to income taxes) is amended by adding at the end the following new paragraph:

''(8) SPECIAL RULES WHEN UNIFORMED SERVICES RETIRED PAY IS REDUCED AS A RESULT OF AWARD OF DISABILITY COMPENSATION.—

''(A) PERIOD OF LIMITATION ON FILING CLAIM.—If the claim for credit or refund relates

to an overpayment of tax imposed by subtitle A on account of—

''(i) the reduction of uniformed services retired pay computed under section 1406 or 1407 of title 10, United States Code, or

''(ii) the waiver of such pay under section 5305 of title 38 of such Code,

as a result of an award of compensation under title 38 of such Code pursuant to a determination by the Secretary of Veterans Affairs, the 3-year period of limitation prescribed in subsection (a) shall be extended, for purposes of permitting a credit or refund based upon the amount of such reduction or waiver, until the end of the 1-year period beginning on the date of such determination.

''(B) LIMITATION TO 5 TAXABLE YEARS.—Subparagraph (A) shall not apply with respect to any taxable year which began more than 5 years before the date of such determination.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to claims for credit or refund filed after the date of the enactment of this Act.

(c) TRANSITION RULES.—In the case of a determination described in paragraph (8) of section 6511(d) of the Internal Revenue Code of 1986 (as added by this section) which is made by the Secretary of Veterans Affairs after December 31, 2000, and before the date of the enactment of this Act, such paragraph—

(1) shall not apply with respect to any taxable year which began before January 1, 2001, and

(2) shall be applied by substituting ''the date of the enactment of the Defenders of Freedom Tax Relief Act of 2007'' for ''the date of such determination'' in subparagraph (A) thereof.

SEC. 106. DISTRIBUTIONS FROM RETIREMENT PLANS TO INDIVIDUALS CALLED TO ACTIVE DUTY.

(a) IN GENERAL.—Clause (iv) of section 72(t)(2)(G) is amended by striking '', and before December 31, 2007''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals ordered or called to active duty on or after December 31, 2007.

SEC. 107. DISCLOSURE OF RETURN INFORMATION RELATING TO VETERANS PROGRAMS MADE PERMANENT.

(a) IN GENERAL.—Subparagraph (D) of section 6103(l)(7) (relating to disclosure of return information to Federal, State, and local agencies administering certain programs under the Social Security Act, the Food Stamp Act of 1977, or title 38, United States Code or certain housing assistance programs) is amended by striking the last sentence.

(b) TECHNICAL AMENDMENT.—Section 6103(l)(7)(D)(viii)(III) is amended by striking ''sections 1710(a)(1)(I), 1710(a)(2), 1710(b), and 1712(a)(2)(B)'' and inserting ''sections 1710(a)(2)(G), 1710(a)(3), and 1710(b)''.

SEC. 108. CONTRIBUTIONS OF MILITARY DEATH GRATUITIES TO ROTH IRAS AND EDUCATION SAVINGS ACCOUNTS.

(a) PROVISION IN EFFECT BEFORE PENSION PROTECTION ACT.—Subsection (e) of section 408A (relating to qualified rollover contribution), as in effect before the amendments made by section 824 of the Pension Protection Act of 2006, is amended to read as follows:

''(e) QUALIFIED ROLLOVER CONTRIBUTION.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified rollover contribution' means a rollover contribution to a Roth IRA from another such account, or from an individual retirement plan, but only if such rollover contribution meets the requirements of section 408(d)(3). Such term includes a rollover contribution described in section 402A(c)(3)(A). For purposes of section 408(d)(3)(B), there shall be disregarded any qualified rollover contribution from an individual retirement plan (other than a Roth IRA) to a Roth IRA.

''(2) MILITARY DEATH GRATUITY.—

''(A) IN GENERAL.—The term 'qualified rollover contribution' includes a contribution to a Roth IRA maintained for the benefit of an individual made before the end of the 1-year period beginning on the date on which such individual receives an amount under section 1477 of title 10, United States Code, or section 1967 of title 38 of such Code, with respect to a person, to the extent that such contribution does not exceed—

''(i) the sum of the amounts received during such period by such individual under such sections with respect to such person, reduced by

''(ii) the amounts so received which were contributed to a Coverdell education savings account under section 530(d)(9).

''(B) ANNUAL LIMIT ON NUMBER OF ROLLOVERS NOT TO APPLY.—Section 408(d)(3)(B) shall not apply with respect to amounts treated as a rollover by subparagraph (A).

''(C) APPLICATION OF SECTION 72.—For purposes of applying section 72 in the case of a distribution which is not a qualified distribution, the amount treated as a rollover by reason of subparagraph (A) shall be treated as investment in the contract.''.

(b) PROVISION IN EFFECT AFTER PENSION PROTECTION ACT.—Subsection (e) of section 408A, as in effect after the amendments made by section 824 of the Pension Protection Act of 2006, is amended to read as follows:

''(e) QUALIFIED ROLLOVER CONTRIBUTION.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified rollover contribution' means a rollover contribution—

''(A) to a Roth IRA from another such account,

''(B) from an eligible retirement plan, but only if—

''(i) in the case of an individual retirement plan, such rollover contribution meets the requirements of section 408(d)(3), and

''(ii) in the case of any eligible retirement plan (as defined in section 402(c)(8)(B) other than clauses (i) and (ii) thereof), such rollover contribution meets the requirements of section 402(c), 403(b)(8), or 457(e)(16), as applicable.

For purposes of section 408(d)(3)(B), there shall be disregarded any qualified rollover contribution from an individual retirement plan (other than a Roth IRA) to a Roth IRA.

''(2) MILITARY DEATH GRATUITY.—

''(A) IN GENERAL.—The term 'qualified rollover contribution' includes a contribution to a Roth IRA maintained for the benefit of an individual made before the end of the 1-year period beginning on the date on which such individual receives an amount under section 1477 of title 10, United States Code, or section 1967 of title 38 of such Code, with respect to a person, to the extent that such contribution does not exceed—

''(i) the sum of the amounts received during such period by such individual under such sections with respect to such person, reduced by

''(ii) the amounts so received which were contributed to a Coverdell education savings account under section 530(d)(9).

''(B) ANNUAL LIMIT ON NUMBER OF ROLLOVERS NOT TO APPLY.—Section 408(d)(3)(B) shall not apply with respect to amounts treated as a rollover by the subparagraph (A).

''(C) APPLICATION OF SECTION 72.—For purposes of applying section 72 in the case of a distribution which is not a qualified distribution, the amount treated as a rollover by reason of subparagraph (A) shall be treated as investment in the contract.''.

(c) EDUCATION SAVINGS ACCOUNTS.—Subsection (d) of section 530 is amended by adding at the end the following new paragraph:

''(9) MILITARY DEATH GRATUITY.—

''(A) IN GENERAL.—For purposes of this section, the term 'rollover contribution' includes a contribution to a Coverdell education savings account made before the end of the 1-year period beginning on the date on which the contributor receives an amount under section 1477 of title 10, United States Code, or section 1967 of title 38 of such Code, with respect to a person, to the extent that such contribution does not exceed—

''(i) the sum of the amounts received during such period by such contributor under such sections with respect to such person, reduced by

''(ii) the amounts so received which were contributed to a Roth IRA under section 408A(e)(2) or to another Coverdell education savings account.

''(B) ANNUAL LIMIT ON NUMBER OF ROLLOVERS NOT TO APPLY.—The last sentence of paragraph (5) shall not apply with respect to amounts treated as a rollover by the subparagraph (A).

''(C) APPLICATION OF SECTION 72.—For purposes of applying section 72 in the case of a distribution which is includible in gross income under paragraph (1), the amount treated as a rollover by reason of subparagraph (A) shall be treated as investment in the contract.''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided by paragraphs (2) and (3), the amendments made by this section shall apply with respect to deaths from injuries occurring on or after the date of the enactment of this Act.

(2) APPLICATION OF AMENDMENTS TO DEATHS FROM INJURIES OCCURRING ON OR AFTER OCTOBER 7, 2001, AND BEFORE ENACTMENT.—The amendments made by this section shall apply to any contribution made pursuant to section 408A(e)(2) or 530(d)(5) of the Internal Revenue Code of 1986, as amended by this Act, with respect to amounts received under section 1477 of title 10, United States Code, or under section 1967 of title 38 of such Code, for deaths from injuries occurring on or after October 7, 2001, and before the date of the enactment of this Act if such contribution is made not later than 1 year after the date of the enactment of this Act.

(3) PENSION PROTECTION ACT CHANGES.—Section 408A(e)(1) of the Internal Revenue Code of 1986 (as in effect after the amendments made by subsection (b)) shall apply to taxable years beginning after December 31, 2007.

SEC. 109. SUSPENSION OF 5-YEAR PERIOD DURING SERVICE WITH THE PEACE CORPS.

(a) IN GENERAL.—Subsection (d) of section 121 (relating to special rules) is amended by adding at the end the following new paragraph:

''(12) PEACE CORPS.—

''(A) IN GENERAL.—At the election of an individual with respect to a property, the running of the 5-year period described in subsections (a) and (c)(1)(B) and paragraph (7) of this subsection with respect to such property shall be suspended during any period that such individual or such individual's spouse is serving outside the United States—

''(i) on qualified official extended duty (as defined in paragraph (9)(C)) as an employee of the Peace Corps, or

''(ii) as an enrolled volunteer or volunteer leader under section 5 or 6 (as the case may be) of the Peace Corps Act (22 U.S.C. 2504, 2505).

''(B) APPLICABLE RULES.—For purposes of subparagraph (A), rules similar to the rules of subparagraphs (B) and (D) shall apply.''.

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

SEC. 110. CREDIT FOR EMPLOYER DIFFERENTIAL WAGE PAYMENTS TO EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business credits) is amended by adding at the end the following new section:

''SEC. 45O. EMPLOYER WAGE CREDIT FOR EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.

''(a) GENERAL RULE.—For purposes of section 38, in the case of an eligible small business employer, the differential wage payment credit for any taxable year is an amount equal to 20 percent of the sum of the eligible differential wage payments for each of the qualified employees of the taxpayer during such taxable year.

''(b) DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE DIFFERENTIAL WAGE PAYMENTS.—The term 'eligible differential wage payments' means, with respect to each qualified employee, so much of the differential wage payments (as defined in section 3401(h)(2)) paid to such employee for the taxable year as does not exceed $20,000.

''(2) QUALIFIED EMPLOYEE.—The term 'qualified employee' means a person who has been an employee of the taxpayer for the 91-day period immediately preceding the period for which any differential wage payment is made.

''(3) ELIGIBLE SMALL BUSINESS EMPLOYER.—

''(A) IN GENERAL.—The term 'eligible small business employer' means, with respect to any taxable year, any employer which—

''(i) employed an average of less than 50 employees on business days during such taxable year, and

''(ii) under a written plan of the employer, provides eligible differential wage payments to every qualified employee of the employer.

''(B) CONTROLLED GROUPS.—For purposes of subparagraph (A), all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as a single employer.

''(c) COORDINATION WITH OTHER CREDITS.—The amount of credit otherwise allowable under this chapter with respect to compensation paid to any employee shall be reduced by the credit determined under this section with respect to such employee.

''(d) DISALLOWANCE FOR FAILURE TO COMPLY WITH EMPLOYMENT OR REEMPLOYMENT RIGHTS OF MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—No credit shall be allowed under subsection (a) to a taxpayer for—

''(1) any taxable year, beginning after the date of the enactment of this section, in which the taxpayer is under a final order, judgment, or other process issued or required by a district court of the United States under section 4323 of title 38 of the United States Code with respect to a violation of chapter 43 of such title, and

''(2) the 2 succeeding taxable years.

''(e) CERTAIN RULES TO APPLY.—For purposes of this section, rules similar to the rules of subsections (c), (d), and (e) of section 52 shall apply.

''(f) TERMINATION.—This section shall not apply to any payments made after December 31, 2009.''.

(b) CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b) (relating to general business credit) is amended by striking ''plus'' at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting '', plus'', and by adding at the end of following new paragraph:

''(32) the differential wage payment credit determined under section 45O(a).''.

(c) NO DEDUCTION FOR COMPENSATION TAKEN INTO ACCOUNT FOR CREDIT.—Section 280C(a) (relating to rule for employment credits) is amended by inserting ''45O(a),'' after ''45A(a),''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 45O. Employer wage credit for employees who are active duty members of the uniformed services.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid after the date of the enactment of this Act.

SEC. 111. STATE PAYMENTS TO SERVICE MEMBERS TREATED AS QUALIFIED MILITARY BENEFITS.

(a) IN GENERAL.—Section 134(b) (defining qualified military benefit) is amended by adding at the end the following new paragraph:

''(6) CERTAIN STATE PAYMENTS.—The term 'qualified military benefit' includes any bonus payment by a State or political subdivision thereof to any member or former member of the uniformed services of the United States or any dependent of such member only by reason of such member's service in an combat zone (as defined in section 112(c)(2), determined without regard to the parenthetical).''.

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

SEC. 112. PERMANENT EXCLUSION OF GAIN FROM SALE OF A PRINCIPAL RESIDENCE BY CERTAIN EMPLOYEES OF THE INTELLIGENCE COMMUNITY.

(a) PERMANENT EXCLUSION.—

(1) IN GENERAL.—Section 417(e) of division A of the Tax Relief and Health Care Act of 2006 is amended by striking ''and before January 1, 2011''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to sales or exchanges after December 31, 2010.

(b) DUTY STATION MAY BE INSIDE UNITED STATES.—

(1) IN GENERAL.—Section 121(d)(9)(C) (defining qualified official extended duty) is amended by striking clause (vi).

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to sales or exchanges after the date of the enactment of this Act.

SEC. 113. SPECIAL DISPOSITION RULES FOR UNUSED BENEFITS IN HEALTH FLEXIBLE SPENDING ARRANGEMENTS OF INDIVIDUALS CALLED TO ACTIVE DUTY.

(a) IN GENERAL.—Section 125 (relating to cafeteria plans) is amended by redesignating subsections (h) and (i) as subsection (i) and (j), respectively, and by inserting after subsection (g) the following new subsection:

''(h) SPECIAL RULE FOR UNUSED BENEFITS IN HEALTH FLEXIBLE SPENDING ARRANGEMENTS OF INDIVIDUALS CALLED TO ACTIVE DUTY.—

''(1) IN GENERAL.—For purposes of this title, a plan or other arrangement shall not fail to be treated as a cafeteria plan or health flexible spending arrangement merely because such arrangement provides for qualified reservist distributions.

''(2) QUALIFIED RESERVIST DISTRIBUTION.—For purposes of this subsection, the term 'qualified reservist distribution' means, any distribution to an individual of all or a portion of the balance in the employee's account under such arrangement if—

''(A) such individual was (by reason of being a member of a reserve component (as defined in section 101 of title 37, United States Code)) ordered or called to active duty for a period in excess of 179 days or for an indefinite period, and

''(B) such distribution is made during the period beginning on the date of such order or call and ending on the last date that reimbursements could otherwise be made under such arrangement for the plan year which includes the date of such order or call.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made after the date of the enactment of this Act.

SEC. 114. OPTION TO EXCLUDE MILITARY BASIC HOUSING ALLOWANCE FOR PURPOSES OF DETERMINING INCOME ELIGIBILITY UNDER LOW-INCOME HOUSING CREDIT AND BOND-FINANCED RESIDENTIAL RENTAL PROJECTS.

(a) IN GENERAL.—The last sentence of 142(d)(2)(B) (relating to income of individuals; area median gross income) is amended to read as follows: ''For purposes of determining income under this subparagraph—

''(i) subsections (g) and (h) of section 7872 shall not apply, and

''(ii) in the case of determinations made before January 1, 2015, payments under section 403 of title 37, United States Code, as a basic pay allowance for housing shall be disregarded if the project is located in a census tract which is designated by the Governor (of the State in which such tract is located) as being in need of housing for members of the Armed Forces of the United States.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect with respect to determinations made after the date of the enactment of this Act.

TITLE II—REVENUE PROVISIONS

SEC. 201. INCREASE IN PENALTY FOR FAILURE TO FILE PARTNERSHIP RETURNS.

(a) INCREASE IN PENALTY AMOUNT.—Paragraph (1) of section 6698(b) (relating to amount per month), as amended by section 8 of the Mortgage Forgiveness Debt Relief Act of 2007, is amended by striking ''$85'' and inserting ''$100''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the amendments made by section 8 of the Mortgage Forgiveness Debt Relief Act of 2007.

SEC. 202. INCREASE IN PENALTY FOR FAILURE TO FILE S CORPORATION RETURNS.

(a) IN GENERAL.—Paragraph (1) of section 6699(b) (relating to amount per month), as added to the Internal Revenue Code of 1986 by section 9 of the Mortgage Forgiveness Debt Relief Act of 2007, is amended by striking ''$85'' and inserting ''$100''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the amendments made by section 9 of the Mortgage Forgiveness Debt Relief Act of 2007.

SEC. 203. INCREASE IN MINIMUM PENALTY ON FAILURE TO FILE A RETURN OF TAX.

(a) IN GENERAL.—Subsection (a) of section 6651 is amended by striking ''$100'' in the last sentence and inserting ''$225''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to returns the due date for the filing of which (including extensions) is after December 31, 2007.

SEC. 204. REVISION OF TAX RULES ON EXPATRIATION.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

''SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

''(a) GENERAL RULES.—For purposes of this subtitle—

''(1) MARK TO MARKET.—All property of a covered expatriate shall be treated as sold on the day before the expatriation date for its fair market value.

''(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

''(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

''(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence, determined without regard to paragraph (3).

''(3) EXCLUSION FOR CERTAIN GAIN.—

''(A) IN GENERAL.—The amount which would (but for this paragraph) be includible in the gross income of any individual by reason of paragraph (1) shall be reduced (but not below zero) by $600,000.

''(B) ADJUSTMENT FOR INFLATION.—

''(i) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2008, the dollar amount in subparagraph (A) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in

which the taxable year begins, by substituting 'calendar year 2007' for 'calendar year 1992' in subparagraph (B) thereof.

''(ii) ROUNDING.—If any amount as adjusted under clause (i) is not a multiple of $1,000, such amount shall be rounded to the nearest multiple of $1,000.

''(b) ELECTION TO DEFER TAX.—

''(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the time for payment of the additional tax attributable to such property shall be extended until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

''(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

''(3) TERMINATION OF EXTENSION.—The due date for payment of tax may not be extended under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

''(4) SECURITY.—

''(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided with respect to such property.

''(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

''(i) it is a bond which is furnished to, and accepted by, the Secretary, which is conditioned on the payment of tax (and interest thereon), and which meets the requirements of section 6325, or

''(ii) it is another form of security for such payment (including letters of credit) that meets such requirements as the Secretary may prescribe.

''(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer makes an irrevocable waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

''(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable.

''(7) INTEREST.—For purposes of section 6601, the last date for the payment of tax shall be determined without regard to the election under this subsection.

''(c) EXCEPTION FOR CERTAIN PROPERTY.—Subsection (a) shall not apply to—

''(1) any deferred compensation item (as defined in subsection (d)(4)),

''(2) any specified tax deferred account (as defined in subsection (e)(2)), and

''(3) any interest in a nongrantor trust (as defined in subsection (f)(3)).

''(d) TREATMENT OF DEFERRED COMPENSATION ITEMS.—

''(1) WITHHOLDING ON ELIGIBLE DEFERRED COMPENSATION ITEMS.—

''(A) IN GENERAL.—In the case of any eligible deferred compensation item, the payor shall deduct and withhold from any taxable payment to a covered expatriate with respect to such item a tax equal to 30 percent thereof.

''(B) TAXABLE PAYMENT.—For purposes of subparagraph (A), the term 'taxable payment' means with respect to a covered expatriate any payment to the extent it would be includible in the gross income of the covered expatriate if such expatriate continued to be subject to tax as a citizen or resident of the United States. A deferred compensation item shall be taken into account as a payment under the preceding sentence when such item would be so includible.

''(2) OTHER DEFERRED COMPENSATION ITEMS.—In the case of any deferred compensation item which is not an eligible deferred compensation item—

''(A)(i) with respect to any deferred compensation item to which clause (ii) does not apply, an amount equal to the present value of the covered expatriate's accrued benefit shall be treated as having been received by such individual on the day before the expatriation date as a distribution under the plan, and

''(ii) with respect to any deferred compensation item referred to in paragraph (4)(D), the rights of the covered expatriate to such item shall be treated as becoming transferable and not subject to a substantial risk of forfeiture on the day before the expatriation date,

''(B) no early distribution tax shall apply by reason of such treatment, and

''(C) appropriate adjustments shall be made to subsequent distributions from the plan to reflect such treatment.

''(3) ELIGIBLE DEFERRED COMPENSATION ITEMS.—For purposes of this subsection, the term 'eligible deferred compensation item' means any deferred compensation item with respect to which—

''(A) the payor of such item is—

''(i) a United States person, or

''(ii) a person who is not a United States person but who elects to be treated as a United States person for purposes of paragraph (1) and meets such requirements as the Secretary may provide to ensure that the payor will meet the requirements of paragraph (1), and

''(B) the covered expatriate—

''(i) notifies the payor of his status as a covered expatriate, and

''(ii) makes an irrevocable waiver of any right to claim any reduction under any treaty with the United States in withholding on such item.

''(4) DEFERRED COMPENSATION ITEM.—For purposes of this subsection, the term 'deferred compensation item' means—

''(A) any interest in a plan or arrangement described in section 219(g)(5),

''(B) any interest in a foreign pension plan or similar retirement arrangement or program,

''(C) any item of deferred compensation, and

''(D) any property, or right to property, which the individual is entitled to receive in connection with the performance of services to the extent not previously taken into account under section 83 or in accordance with section 83.

''(5) EXCEPTION.—Paragraphs (1) and (2) shall not apply to any deferred compensation item which is attributable to services performed outside the United States while the covered expatriate was not a citizen or resident of the United States.

''(6) SPECIAL RULES.—

''(A) APPLICATION OF WITHHOLDING RULES.—Rules similar to the rules of subchapter B of chapter 3 shall apply for purposes of this subsection.

''(B) APPLICATION OF TAX.—Any item subject to the withholding tax imposed under paragraph (1) shall be subject to tax under section 871.

''(C) COORDINATION WITH OTHER WITHHOLDING REQUIREMENTS.—Any item subject to withholding under paragraph (1) shall not be subject to withholding under section 1441 or chapter 24.

''(e) TREATMENT OF SPECIFIED TAX DEFERRED ACCOUNTS.—

''(1) ACCOUNT TREATED AS DISTRIBUTED.—In the case of any interest in a specified tax deferred account held by a covered expatriate on the day before the expatriation date—

''(A) the covered expatriate shall be treated as receiving a distribution of his entire interest in such account on the day before the expatriation date,

''(B) no early distribution tax shall apply by reason of such treatment, and

''(C) appropriate adjustments shall be made to subsequent distributions from the account to reflect such treatment.

''(2) SPECIFIED TAX DEFERRED ACCOUNT.—For purposes of paragraph (1), the term 'specified tax deferred account' means an individual retirement plan (as defined in section 7701(a)(37)) other than any arrangement described in subsection (k) or (p) of section 408, a qualified tuition program (as defined in section 529), a Coverdell education savings account (as defined in section 530), a health savings account (as defined in section 223), and an Archer MSA (as defined in section 220).

''(f) SPECIAL RULES FOR NONGRANTOR TRUSTS.—

''(1) IN GENERAL.—In the case of a distribution (directly or indirectly) of any property from a nongrantor trust to a covered expatriate—

''(A) the trustee shall deduct and withhold from such distribution an amount equal to 30 percent of the taxable portion of the distribution, and

''(B) if the fair market value of such property exceeds its adjusted basis in the hands of the trust, gain shall be recognized to the trust as if such property were sold to the expatriate at its fair market value.

''(2) TAXABLE PORTION.—For purposes of this subsection, the term 'taxable portion' means, with respect to any distribution, that portion of the distribution which would be includible in the gross income of the covered expatriate if such expatriate continued to be subject to tax as a citizen or resident of the United States.

''(3) NONGRANTOR TRUST.—For purposes of this subsection, the term 'nongrantor trust' means the portion of any trust that the individual is not considered the owner of under subpart E of part I of subchapter J. The determination under the preceding sentence shall be made immediately before the expatriation date.

''(4) SPECIAL RULES RELATING TO WITHHOLDING.—For purposes of this subsection—

''(A) rules similar to the rules of subsection (d)(6) shall apply, and

''(B) the covered expatriate shall be treated as having waived any right to claim any reduction under any treaty with the United States in withholding on any distribution to which paragraph (1)(A) applies unless the covered expatriate agrees to such other treatment as the Secretary determines appropriate.

''(5) APPLICATION.—This subsection shall apply to a nongrantor trust only if the covered expatriate was a beneficiary of the trust on the day before the expatriation date.

''(g) DEFINITIONS AND SPECIAL RULES RELATING TO EXPATRIATION.—For purposes of this section—

''(1) COVERED EXPATRIATE.—

''(A) IN GENERAL.—The term 'covered expatriate' means an expatriate who meets the requirements of subparagraph (A), (B), or (C) of section 877(a)(2).

''(B) EXCEPTIONS.—An individual shall not be treated as meeting the requirements of subparagraph (A) or (B) of section 877(a)(2) if—

''(i) the individual—

''(I) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

''(II) has been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) for not more than 10 taxable years during the 15-taxable year period ending with the taxable year during which the expatriation date occurs, or

''(ii)(I) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

''(II) the individual has been a resident of the United States (as so defined) for not more than 10 taxable years before the date of relinquishment.

''(C) COVERED EXPATRIATES ALSO SUBJECT TO TAX AS CITIZENS OR RESIDENTS.—In the case of any covered expatriate who is subject to tax as a citizen or resident of the United States for any period beginning after the expatriation date, such individual shall not be treated as a covered expatriate during such period for purposes of subsections (d)(1) and (f) and section 2801.

''(2) EXPATRIATE.—The term 'expatriate' means—

''(A) any United States citizen who relinquishes his citizenship, and

''(B) any long-term resident of the United States who ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)).

''(3) EXPATRIATION DATE.—The term 'expatriation date' means—

''(A) the date an individual relinquishes United States citizenship, or

''(B) in the case of a long-term resident of the United States, the date on which the individual ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)).

''(4) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing his United States citizenship on the earliest of—

''(A) the date the individual renounces his United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

''(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

''(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

''(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

''(5) LONG-TERM RESIDENT.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

''(6) EARLY DISTRIBUTION TAX.—The term 'early distribution tax' means any increase in tax imposed under section 72(t), 220(e)(4), 223(f)(4), 409A(a)(1)(B), 529(c)(6), or 530(d)(4).

''(h) OTHER RULES.—

''(1) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

''(A) any time period for acquiring property which would result in the reduction in the amount of gain recognized with respect to property disposed of by the taxpayer shall terminate on the day before the expatriation date, and

''(B) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

''(2) STEP-UP IN BASIS.—Solely for purposes of determining any tax imposed by reason of subsection (a), property which was held by an individual on the date the individual first became a resident of the United States (within the meaning of section 7701(b)) shall be treated as having a basis on such date of not less than the fair market value of such property on such date. The preceding sentence shall not apply if the individual elects not to have such sentence apply. Such an election, once made, shall be irrevocable.

''(3) COORDINATION WITH SECTION 684.—If the expatriation of any individual would result in the recognition of gain under section 684, this section shall be applied after the application of section 684.

''(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.''.

(b) TAX ON GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—

(1) IN GENERAL.—Subtitle B (relating to estate and gift taxes) is amended by inserting after chapter 14 the following new chapter:

''CHAPTER 15—GIFTS AND BEQUESTS FROM EXPATRIATES

''Sec. 2801. Imposition of tax.

''SEC. 2801. IMPOSITION OF TAX.

''(a) IN GENERAL.—If, during any calendar year, any United States citizen or resident receives any covered gift or bequest, there is hereby imposed a tax equal to the product of—

''(1) the highest rate of tax specified in the table contained in section 2001(c) as in effect on the date of such receipt (or, if greater, the highest rate of tax specified in the table applicable under section 2502(a) as in effect on the date), and

''(2) the value of such covered gift or bequest.

''(b) TAX TO BE PAID BY RECIPIENT.—The tax imposed by subsection (a) on any covered gift or bequest shall be paid by the person receiving such gift or bequest.

''(c) EXCEPTION FOR CERTAIN GIFTS.—Subsection (a) shall apply only to the extent that the value of covered gifts and bequests received by any person during the calendar year exceeds the dollar amount in effect under section 2503(b) for such calendar year.

''(d) TAX REDUCED BY FOREIGN GIFT OR ESTATE TAX.—The tax imposed by subsection (a) on any covered gift or bequest shall be reduced by the amount of any gift or estate tax paid to a foreign country with respect to such covered gift or bequest.

''(e) COVERED GIFT OR BEQUEST.—

''(1) IN GENERAL.—For purposes of this chapter, the term 'covered gift or bequest' means—

''(A) any property acquired by gift directly or indirectly from an individual who, at the time of such acquisition, is a covered expatriate, and

''(B) any property acquired directly or indirectly by reason of the death of an individual who, immediately before such death, was a covered expatriate.

''(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Such term shall not include—

''(A) any property shown on a timely filed return of tax imposed by chapter 12 which is a taxable gift by the covered expatriate, and

''(B) any property included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate.

''(3) EXCEPTIONS FOR TRANSFERS TO SPOUSE OR CHARITY.—Such term shall not include any property with respect to which a deduction would be allowed under section 2055, 2056, 2522, or 2523, whichever is appropriate, if the decedent or donor were a United States person.

''(4) TRANSFERS IN TRUST.—

''(A) DOMESTIC TRUSTS.—In the case of a covered gift or bequest made to a domestic trust—

''(i) subsection (a) shall apply in the same manner as if such trust were a United States citizen, and

''(ii) the tax imposed by subsection (a) on such gift or bequest shall be paid by such trust.

''(B) FOREIGN TRUSTS.—

''(i) IN GENERAL.—In the case of a covered gift or bequest made to a foreign trust, subsection (a) shall apply to any distribution attributable to such gift or bequest from such trust (whether from income or corpus) to a United States citizen or resident in the same manner as if such distribution were a covered gift or bequest.

''(ii) DEDUCTION FOR TAX PAID BY RECIPIENT.—There shall be allowed as a deduction under section 164 the amount of tax imposed by this section which is paid or accrued by a United States citizen or resident by reason of a distribution from a foreign trust, but only to the extent such tax is imposed on the portion of such distribution which is included in the gross income of such citizen or resident.

''(iii) ELECTION TO BE TREATED AS DOMESTIC TRUST.—Solely for purposes of this section, a foreign trust may elect to be treated as a domestic trust. Such an election may be revoked with the consent of the Secretary.

''(f) COVERED EXPATRIATE.—For purposes of this section, the term 'covered expatriate' has the meaning given to such term by section 877A(g)(1).''.

(2) CLERICAL AMENDMENT.—The table of chapters for subtitle B is amended by inserting after the item relating to chapter 14 the following new item:

''CHAPTER 15. GIFTS AND BEQUESTS FROM EXPATRIATES.''.

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—

(1) IN GENERAL.—Section 7701(a) is amended by adding at the end the following new paragraph:

''(50) TERMINATION OF UNITED STATES CITIZENSHIP.—

''(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(g)(4).

''(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.''.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 877(e) is amended to read as follows:

''(1) IN GENERAL.—Any long-term resident of the United States who ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)) shall be treated for purposes of this section and sections 2107, 2501, and 6039G in the same manner as if such resident were a citizen of the United States who lost United States citizenship on the date of such cessation or commencement.''.

(B) Paragraph (6) of section 7701(b) is amended by adding at the end the following flush sentence:

''An individual shall cease to be treated as a lawful permanent resident of the United States if such individual commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country, does not waive the benefits of such treaty applicable to residents of the foreign country, and notifies the Secretary of the commencement of such treatment.''.

(C) Section 7701 is amended by striking subsection (n) and by redesignating subsections (o) and (p) as subsections (n) and (o), respectively.

(d) INFORMATION RETURNS.—Section 6039G is amended—

(1) by inserting ''or 877A'' after ''section 877(b)'' in subsection (a), and

(2) by inserting ''or 877A'' after ''section 877(a)'' in subsection (d).

(e) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

''Sec. 877A. Tax responsibilities of expatriation.''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (as defined in section 877A(g) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) is on or after the date of the enactment of this Act.

(2) GIFTS AND BEQUESTS.—Chapter 15 of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to covered gifts and bequests (as defined in section 2801 of such Code, as so added) received on or after the date of the enactment of this Act from transferors whose expatriation date is on or after such date of enactment.

SEC. 205. SPECIAL ENROLLMENT OPTION BY EMPLOYER HEALTH PLANS FOR MEMBERS OF UNIFORM SERVICES WHO LOSE HEALTH CARE COVERAGE.

(a) IN GENERAL.—Section 9801(f) (relating to special enrollment periods) is amended by adding at the end the following new paragraph:

''(3) LOSS OF MILITARY HEALTH COVERAGE.—

''(A) IN GENERAL.—Notwithstanding paragraphs (1) and (2), a group health plan shall permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a dependent of such an employee if the dependent is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if each of the following conditions is met:

''(i) The employee or dependent, by reason of service in the uniformed services (within the meaning of section 4303 of title 38, United States Code), was covered under a Federal health care benefit program (including coverage under the TRICARE program (as that term is defined in section 1072 of title 10, United States Code) or by reason of entitlement to health care benefits under the laws administered by the Secretary of Veterans Affairs or as a member of the uniformed services on active duty), and the employee or dependent loses eligibility for such coverage.

''(ii) The employee or dependent is otherwise eligible to enroll for coverage under the terms of the plan.

''(iii) The employee requests such coverage not later than 90 days after the date on which the coverage described in clause (i) terminated.

''(B) EFFECTIVE DATE OF COVERAGE.—Coverage requested under subparagraph (A)(iii) shall become effective not later than the first day of the first month after the date of such request.''.

(b) EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 701(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(f)) is amended by adding at the end the following:

''(3) LOSS OF MILITARY HEALTH COVERAGE.—

''(A) IN GENERAL.—Notwithstanding paragraphs (1) and (2), a group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a dependent of such an employee if the dependent is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if each of the following conditions is met:

''(i) The employee or dependent, by reason of service in the uniformed services (within the meaning of section 4303 of title 38, United States Code), was covered under a Federal health care benefit program (including coverage under the TRICARE program (as that term is defined in section 1072 of title 10, United States Code) or by reason of entitlement to health care benefits under the laws administered by the Secretary of Veterans Affairs or as a member of the uniformed services on active duty), and the employee or dependent loses eligibility for such coverage.

''(ii) The employee or dependent is otherwise eligible to enroll for coverage under the terms of the plan.

''(iii) The employee requests such coverage not later than 90 days after the date on which the coverage described in clause (i) terminated.

''(B) EFFECTIVE DATE OF COVERAGE.—Coverage requested under subparagraph (A)(iii) shall become effective not later than the first day of the first month after the date of such request.''.

(c) PUBLIC HEALTH SERVICE ACT.—Section 2701(f) of the Public Health Service Act (42 U.S.C. 300gg(f)) is amended by adding at the end the following:

''(3) LOSS OF MILITARY HEALTH COVERAGE.—

''(A) IN GENERAL.—Notwithstanding paragraphs (1) and (2), a group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a dependent of such an employee if the dependent is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if each of the following conditions is met:

''(i) The employee or dependent, by reason of service in the uniformed services (within the meaning of section 4303 of title 38, United States Code), was covered under a Federal health care benefit program (including coverage under the TRICARE program (as that term is defined in section 1072 of title 10, United States Code) or by reason of entitlement to health care benefits under the laws administered by the Secretary of Veterans Affairs or as a member of the uniformed services on active duty), and the employee or dependent loses eligibility for such coverage.

''(ii) The employee or dependent is otherwise eligible to enroll for coverage under the terms of the plan.

''(iii) The employee requests such coverage not later than 90 days after the date on which the coverage described in clause (i) terminated.

''(B) EFFECTIVE DATE OF COVERAGE.—Coverage requested under subparagraph (A)(iii) shall become effective not later than the first day of the first month after the date of such request.''.

(d) REGULATIONS.—The Secretary of the Treasury, the Secretary of Labor, and the Secretary of Health and Human Services, consistent with section 104 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 300gg–92 note), may promulgate such regulations as may be necessary or appropriate to require the notification of individuals (or their dependents) of their rights under the amendment made by this Act.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of the enactment of this Act.

TITLE III—TAX TECHNICAL CORRECTIONS

SEC. 301. SHORT TITLE.

This title may be cited as the ''''.

SEC. 302. AMENDMENT RELATED TO THE TAX RELIEF AND HEALTH CARE ACT OF 2006.

(a) AMENDMENT RELATED TO SECTION 402 OF DIVISION A OF THE ACT.—Subparagraph (A) of section 53(e)(2) is amended to read as follows:

''(A) IN GENERAL.—The term 'AMT refundable credit amount' means, with respect to any taxable year, the amount (not in excess of the long-term unused minimum tax credit for such taxable year) equal to the greater of—

''(i) $5,000,

''(ii) 20 percent of the long-term unused minimum tax credit for such taxable year, or

''(iii) the amount (if any) of the AMT refundable credit amount determined under this paragraph for the taxpayer's preceding taxable year (as determined before any reduction under subparagraph (B)).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provision of the Tax Relief and Health Care Act of 2006 to which it relates.

SEC. 303. AMENDMENTS RELATED TO TITLE XII OF THE PENSION PROTECTION ACT OF 2006.

(a) AMENDMENT RELATED TO SECTION 1201 OF THE ACT.—Subparagraph (D) of section 408(d)(8) is amended by striking ''all amounts distributed from all individual retirement plans were treated as 1 contract under paragraph (2)(A) for purposes of determining the inclusion of such distribution under section 72'' and inserting ''all amounts in all individual retirement plans of the individual were distributed during such taxable year and all such plans were treated as 1 contract for purposes of determining under section 72 the aggregate amount which would have been so includible''.

(b) AMENDMENT RELATED TO SECTION 1203 OF THE ACT.—Subsection (d) of section 1366 is amended by adding at the end the following new paragraph:

''(4) APPLICATION OF LIMITATION ON CHARITABLE CONTRIBUTIONS.—In the case of any charitable contribution of property to which the second sentence of section 1367(a)(2) applies, paragraph (1) shall not apply to the extent of the excess (if any) of—

''(A) the shareholder's pro rata share of such contribution, over

''(B) the shareholder's pro rata share of the adjusted basis of such property.''.

(c) AMENDMENT RELATED TO SECTION 1215 OF THE ACT.—Subclause (I) of section 170(e)(7)(D)(i) is amended by striking ''related'' and inserting ''substantial and related''.

(d) AMENDMENTS RELATED TO SECTION 1218 OF THE ACT.—

(1) Section 2055 is amended by striking subsection (g) and by redesignating subsection (h) as subsection (g).

(2) Subsection (e) of section 2522 is amended—

(A) by striking paragraphs (2) and (4),

(B) by redesignating paragraph (3) as paragraph (2), and

(C) by adding at the end of paragraph (2), as so redesignated, the following new subparagraph:

''(C) INITIAL FRACTIONAL CONTRIBUTION.—For purposes of this paragraph, the term 'initial fractional contribution' means, with respect to any donor, the first gift of an undivided portion of the donor's entire interest in any tangible personal property for which a deduction is allowed under subsection (a) or (b).''.

(e) AMENDMENTS RELATED TO SECTION 1219 OF THE ACT.—

(1) Paragraph (2) of section 6695A(a) is amended by inserting ''a substantial estate or gift tax valuation understatement (within the meaning of section 6662(g)),'' before ''or a gross valuation misstatement''.

(2) Paragraph (1) of section 6696(d) is amended by striking ''or under section 6695'' and inserting '', section 6695, or 6695A''.

(f) AMENDMENT RELATED TO SECTION 1221 OF THE ACT.—Subparagraph (A) of section 4940(c)(4) is amended to read as follows:

''(A) There shall not be taken into account any gain or loss from the sale or other disposition of property to the extent that such gain or loss is taken into account for purposes of computing the tax imposed by section 511.''.

(g) AMENDMENT RELATED TO SECTION 1225 OF THE ACT.—

(1) Subsection (b) of section 6104 is amended—

(A) by striking ''INFORMATION'' in the heading, and

(B) by adding at the end the following: ''Any annual return which is filed under section 6011 by an organization described in section 501(c)(3) and which relates to any tax imposed by section 511 (relating to imposition of tax on unrelated business income of charitable, etc., organizations) shall be treated for purposes of this subsection in the same manner as if furnished under section 6033.''.

(2) Clause (ii) of section 6104(d)(1)(A) is amended to read as follows:

''(ii) any annual return which is filed under section 6011 by an organization described in section 501(c)(3) and which relates to any tax imposed by section 511 (relating to imposition of tax on unrelated business income of charitable, etc., organizations),''.

(3) Paragraph (2) of section 6104(d) is amended by striking ''section 6033'' and inserting ''section 6011 or 6033''.

(h) AMENDMENT RELATED TO SECTION 1231 OF THE ACT.—Subsection (b) of section 4962 is amended by striking ''or D'' and inserting ''D, or G''.

(i) AMENDMENT RELATED TO SECTION 1242 OF THE ACT.—

(1) Subclause (II) of section 4958(c)(3)(A)(i) is amended by striking ''paragraph (1), (2), or (4) of section 509(a)'' and inserting ''subparagraph (C)(ii)''.

(2) Clause (ii) of section 4958(c)(3)(C) is amended to read as follows:

''(ii) EXCEPTION.—Such term shall not include—

''(I) any organization described in paragraph (1), (2), or (4) of section 509(a), and

''(II) any organization which is treated as described in such paragraph (2) by reason of the last sentence of section 509(a) and which is a supported organization (as defined in section 509(f)(3)) of the organization to which subparagraph (A) applies.''.

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

SEC. 304. AMENDMENTS RELATED TO THE TAX INCREASE PREVENTION AND RECONCILIATION ACT OF 2005.

(a) AMENDMENTS RELATED TO SECTION 103 OF THE ACT.—Paragraph (6) of section 954(c) is amended by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following new subparagraph:

''(B) EXCEPTION.—Subparagraph (A) shall not apply in the case of any interest, rent, or royalty to the extent such interest, rent, or royalty creates (or increases) a deficit which under section 952(c) may reduce the subpart F income of the payor or another controlled foreign corporation.''.

(b) AMENDMENTS RELATED TO SECTION 202 OF THE ACT.—

(1) Subparagraph (A) of section 355(b)(2) is amended to read as follows:

''(A) it is engaged in the active conduct of a trade or business,''.

(2) Paragraph (3) of section 355(b) is amended to read as follows:

''(3) SPECIAL RULES FOR DETERMINING ACTIVE CONDUCT IN THE CASE OF AFFILIATED GROUPS.—

''(A) IN GENERAL.—For purposes of determining whether a corporation meets the requirements of paragraph (2)(A), all members of such corporation's separate affiliated group shall be treated as one corporation.

''(B) SEPARATE AFFILIATED GROUP.—For purposes of this paragraph, the term 'separate affiliated group' means, with respect to any corporation, the affiliated group which would be determined under section 1504(a) if such corporation were the common parent and section 1504(b) did not apply.

''(C) TREATMENT OF TRADE OR BUSINESS CONDUCTED BY ACQUIRED MEMBER.—If a corporation became a member of a separate affiliated group as a result of one or more transactions in which gain or loss was recognized in whole or in part, any trade or business conducted by such corporation (at the time that such corporation became such a member) shall be treated for purposes of paragraph (2) as acquired in a transaction in which gain or loss was recognized in whole or in part.

''(D) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which provide for the proper application of subparagraphs (B), (C), and (D) of paragraph (2), and modify the application of subsection (a)(3)(B), in connection with the application of this paragraph.''.

(3) The Internal Revenue Code of 1986 shall be applied and administered as if the amendments made by section 202 of the Tax Increase Prevention and Reconciliation Act of 2005 and by section 410 of division A of the Tax Relief and Health Care Act of 2006 had never been enacted.

(c) AMENDMENT RELATED TO SECTION 515 OF THE ACT.—Subsection (f) of section 911 is amended to read as follows:

''(f) DETERMINATION OF TAX LIABILITY.—

''(1) IN GENERAL.—If, for any taxable year, any amount is excluded from gross income of a taxpayer under subsection (a), then, notwithstanding sections 1 and 55—

''(A) if such taxpayer has taxable income for such taxable year, the tax imposed by section 1 for such taxable year shall be equal to the excess (if any) of—

''(i) the tax which would be imposed by section 1 for such taxable year if the taxpayer's taxable income were increased by the amount excluded under subsection (a) for such taxable year, over

''(ii) the tax which would be imposed by section 1 for such taxable year if the taxpayer's taxable income were equal to the amount excluded under subsection (a) for such taxable year, and

''(B) if such taxpayer has a taxable excess (as defined in section 55(b)(1)(A)(ii)) for such taxable year, the amount determined under the first sentence of section 55(b)(1)(A)(i) for such taxable year shall be equal to the excess (if any) of—

''(i) the amount which would be determined under such sentence for such taxable year (subject to the limitation of section 55(b)(3)) if the taxpayer's taxable excess (as so defined) were increased by the amount excluded under subsection (a) for such taxable year, over

''(ii) the amount which would be determined under such sentence for such taxable year if the taxpayer's taxable excess (as so defined) were equal to the amount excluded under subsection (a) for such taxable year.

''(2) SPECIAL RULES.—

''(A) REGULAR TAX.—In applying section 1(h) for purposes of determining the tax under paragraph (1)(A)(i) for any taxable year in which, without regard to this subsection, the taxpayer's net capital gain exceeds taxable income (hereafter in this subparagraph referred to as the capital gain excess)—

''(i) the taxpayer's net capital gain (determined without regard to section 1(h)(11)) shall be reduced (but not below zero) by such capital gain excess,

''(ii) the taxpayer's qualified dividend income shall be reduced by so much of such capital gain excess as exceeds the taxpayer's net capital gain (determined without regard to section 1(h)(11) and the reduction under clause (i)), and

''(iii) adjusted net capital gain, unrecaptured section 1250 gain, and 28-percent rate gain shall each be determined after increasing the amount described in section 1(h)(4)(B) by such capital gain excess.

''(B) ALTERNATIVE MINIMUM TAX.—In applying section 55(b)(3) for purposes of determining the tax under paragraph (1)(B)(i) for any taxable year in which, without regard to this subsection, the taxpayer's net capital gain exceeds the taxable excess (as defined in section 55(b)(1)(A)(ii))—

''(i) the rules of subparagraph (A) shall apply, except that such subparagraph shall be applied by substituting 'the taxable excess (as defined in section 55(b)(1)(A)(ii))' for 'taxable income', and

''(ii) the reference in section 55(b)(3)(B) to the excess described in section 1(h)(1)(B) shall be treated as a reference to such excess as determined under the rules of subparagraph (A) for purposes of determining the tax under paragraph (1)(A)(i).

''(C) DEFINITIONS.—Terms used in this paragraph which are also used in section 1(h) shall have the respective meanings given such terms by section 1(h), except that in applying subparagraph (B) the adjustments under part VI of subchapter A shall be taken into account.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect as if included in the provisions of the Tax Increase Prevention and Reconciliation Act of 2005 to which they relate.

(2) MODIFICATION OF ACTIVE BUSINESS DEFINITION UNDER SECTION 355.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the amendments made by subsection (b) shall apply to distributions made after May 17, 2006.

(B) TRANSITION RULE.—The amendments made by subsection (b) shall not apply to any distribution pursuant to a transaction which is—

(i) made pursuant to an agreement which was binding on May 17, 2006, and at all times thereafter,

(ii) described in a ruling request submitted to the Internal Revenue Service on or before such date, or

(iii) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

(C) ELECTION OUT OF TRANSITION RULE.—Subparagraph (B) shall not apply if the distributing corporation elects not to have such subparagraph apply to distributions of such corporation. Any such election, once made, shall be irrevocable.

(D) SPECIAL RULE FOR CERTAIN PRE-ENACTMENT DISTRIBUTIONS.—For purposes of determining the continued qualification under section 355(b)(2)(A) of the Internal Revenue Code of 1986 of distributions made on or before May 17, 2006, as a result of an acquisition, disposition, or other restructuring after such date, such distribution shall be treated as made on the date of such acquisition, disposition, or restructuring for purposes of applying subparagraphs (A) through (C) of this paragraph. The preceding sentence shall only apply with respect to the corporation that undertakes such acquisition, disposition, or other restructuring, and only if such application results in continued qualification under section 355(b)(2)(A) of such Code.

(3) AMENDMENT RELATED TO SECTION 515 OF THE ACT.—The amendment made by subsection (c) shall apply to taxable years beginning after December 31, 2006.

SEC. 305. AMENDMENTS RELATED TO THE SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS.

(a) AMENDMENTS RELATED TO SECTION 11113 OF THE ACT.—

(1) Paragraph (3) of section 6427(i) is amended—

(A) by inserting ''or under subsection (e)(2) by any person with respect to an alternative fuel (as defined in section 6426(d)(2))'' after ''section 6426'' in subparagraph (A),

(B) by inserting ''or (e)(2)'' after ''subsection (e)(1)'' in subparagraphs (A)(i) and (B), and

(C) by striking ''ALCOHOL FUEL AND BIODIESEL MIXTURE CREDIT'' and inserting ''MIXTURE CREDITS AND THE ALTERNATIVE FUEL CREDIT'' in the heading thereof.

(2) Subparagraph (F) of section 6426(d)(2) is amended by striking ''hydrocarbons'' and inserting ''fuel''.

(3) Section 6426 is amended by adding at the end the following new subsection:

''(h) DENIAL OF DOUBLE BENEFIT.—No credit shall be determined under subsection (d) or (e) with respect to any fuel with respect to which credit may be determined under subsection (b) or (c) or under section 40 or 40A.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the SAFETEA–LU to which they relate.

SEC. 306. AMENDMENTS RELATED TO THE ENERGY POLICY ACT OF 2005.

(a) AMENDMENT RELATED TO SECTION 1306 OF THE ACT.—Paragraph (2) of section 45J(b) is amended to read as follows:

''(2) AMOUNT OF NATIONAL LIMITATION.—The aggregate amount of national megawatt capacity limitation allocated by the Secretary under paragraph (3) shall not exceed 6,000 megawatts.''.

(b) AMENDMENTS RELATED TO SECTION 1342 OF THE ACT.—

(1) So much of subsection (b) of section 30C as precedes paragraph (1) thereof is amended to read as follows:

''(b) LIMITATION.—The credit allowed under subsection (a) with respect to all qualified alternative fuel vehicle refueling property placed in service by the taxpayer during the taxable year at a location shall not exceed—''.

(2) Subsection (c) of section 30C is amended to read as follows:

''(c) QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—For purposes of this section, the term 'qualified alternative fuel vehicle refueling property' has the same meaning as the term 'qualified clean-fuel vehicle refueling property' would have under section 179A if—

''(1) paragraph (1) of section 179A(d) did not apply to property installed on property which is used as the principal residence (within the meaning of section 121) of the taxpayer, and

''(2) only the following were treated as clean-burning fuels for purposes of section 179A(d):

''(A) Any fuel at least 85 percent of the volume of which consists of one or more of the following: ethanol, natural gas, compressed natural gas, liquified natural gas, liquefied petroleum gas, or hydrogen.

''(B) Any mixture—

''(i) which consists of two or more of the following: biodiesel (as defined in section 40A(d)(1)), diesel fuel (as defined in section 4083(a)(3)), or kerosene, and

''(ii) at least 20 percent of the volume of which consists of biodiesel (as so defined) determined without regard to any kerosene in such mixture.''.

(c) AMENDMENTS RELATED TO SECTION 1351 OF THE ACT.—

(1) Paragraph (3) of section 41(a) is amended by inserting ''for energy research'' before the period at the end.

(2) Paragraph (6) of section 41(f) is amended by adding at the end the following new subparagraph:

''(E) ENERGY RESEARCH.—The term 'energy research' does not include any research which is not qualified research.''.

(d) AMENDMENTS RELATED TO SECTION 1362 OF THE ACT.—

(1)(A) Paragraph (1) of section 4041(d) is amended by adding at the end the following new sentence: ''No tax shall be imposed under the preceding sentence on the sale or use of any liquid if tax was imposed with respect to such liquid under section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.''.

(B) Paragraph (3) of section 4042(b) is amended to read as follows:

''(3) EXCEPTION FOR FUEL ON WHICH LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE SEPARATELY IMPOSED.—The Leaking Underground Storage Tank Trust Fund financing rate under paragraph (2)(B) shall not apply to the use of any fuel if tax was imposed with respect to such fuel under section 4041(d) or 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.''.

(C) Notwithstanding section 6430 of the Internal Revenue Code of 1986, a refund, credit, or payment may be made under subchapter B of chapter 65 of such Code for taxes imposed with respect to any liquid after September 30, 2005, and before the date of the enactment of this Act under section 4041(d)(1) or 4042 of such Code at the Leaking Underground Storage Tank Trust Fund financing rate to the extent that tax was imposed with respect to such liquid under section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.

(2)(A) Paragraph (5) of section 4041(d) is amended—

(i) by striking ''(other than with respect to any sale for export under paragraph (3) thereof)'', and

(ii) by adding at the end the following new sentence: ''The preceding sentence shall not apply with respect to subsection (g)(3) and so much of subsection (g)(1) as relates to vessels (within the meaning of section 4221(d)(3)) employed in foreign trade or trade between the United States and any of its possessions.''.

(B) Section 4082 is amended—

(i) by striking ''(other than such tax at the Leaking Underground Storage Tank Trust Fund financing rate imposed in all cases other than for export)'' in subsection (a), and

(ii) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively, and by inserting after subsection (e) the following new subsection:

''(f) EXCEPTION FOR LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE.—

''(1) IN GENERAL.—Subsection (a) shall not apply to the tax imposed under section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.

''(2) EXCEPTION FOR EXPORT, ETC.—Paragraph (1) shall not apply with respect to any fuel if the Secretary determines that such fuel is destined for export or for use by the purchaser as supplies for vessels (within the meaning of section 4221(d)(3)) employed in foreign trade or trade between the United States and any of its possessions.''.

(C) Subsection (e) of section 4082 is amended—

(i) by striking ''an aircraft, the rate of tax under section 4081(a)(2)(A)(iii) shall be zero.'' and inserting ''an aircraft—

''(1) the rate of tax under section 4081(a)(2)(A)(iii) shall be zero, and

''(2) if such aircraft is employed in foreign trade or trade between the United States and any of its possessions, the increase in such rate under section 4081(a)(2)(B) shall be zero.''; and

(ii) by moving the last sentence flush with the margin of such subsection (following the paragraph (2) added by clause (i)).

(D) Section 6430 is amended to read as follows:

''SEC. 6430. TREATMENT OF TAX IMPOSED AT LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE.

''No refunds, credits, or payments shall be made under this subchapter for any tax imposed at the Leaking Underground Storage Tank Trust Fund financing rate, except in the case of fuels—

''(1) which are exempt from tax under section 4081(a) by reason of section 4082(f)(2),

''(2) which are exempt from tax under section 4041(d) by reason of the last sentence of paragraph (5) thereof, or

''(3) with respect to which the rate increase under section 4081(a)(2)(B) is zero by reason of section 4082(e)(2).''.

(3) Paragraph (5) of section 4041(d) is amended by inserting ''(b)(1)(A),'' after ''subsections''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect as if included in the provisions of the Energy Policy Act of 2005 to which they relate.

(2) NONAPPLICATION OF EXEMPTION FOR OFF-HIGHWAY BUSINESS USE.—The amendment made by subsection (d)(3) shall apply to fuel sold for use or used after the date of the enactment of this Act.

(3) AMENDMENT MADE BY THE SAFETEA–LU.—The amendment made by subsection (d)(2)(C)(ii) shall take effect as if included in section 11161 of the SAFETEA–LU.

SEC. 307. AMENDMENTS RELATED TO THE AMERICAN JOBS CREATION ACT OF 2004.

(a) AMENDMENTS RELATED TO SECTION 339 OF THE ACT.—

(1)(A) Section 45H is amended by striking subsection (d) and by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

(B) Subsection (d) of section 280C is amended to read as follows:

''(d) CREDIT FOR LOW SULFUR DIESEL FUEL PRODUCTION.—The deductions otherwise allowed under this chapter for the taxable year shall be reduced by the amount of the credit determined for the taxable year under section 45H(a).''.

(C) Subsection (a) of section 1016 is amended by striking paragraph (31) and by redesignating paragraphs (32) through (37) as paragraphs (31) through (36), respectively.

(2)(A) Section 45H, as amended by paragraph (1), is amended by adding at the end the following new subsection:

''(g) ELECTION TO NOT TAKE CREDIT.—No credit shall be determined under subsection (a) for the taxable year if the taxpayer elects not to have subsection (a) apply to such taxable year.''.

(B) Subsection (m) of section 6501 is amended by inserting ''45H(g),'' after ''45C(d)(4),''.

(3)(A) Subsections (b)(1)(A), (c)(2), (e)(1), and (e)(2) of section 45H (as amended by paragraph (1)) and section 179B(a) are each amended by striking ''qualified capital costs'' and inserting ''qualified costs''.

(B) The heading of paragraph (2) of section 45H(c) is amended by striking ''CAPITAL''.

(C) Subsection (a) of section 179B is amended by inserting ''and which are properly chargeable to capital account'' before the period at the end.

(b) AMENDMENTS RELATED TO SECTION 710 OF THE ACT.—

(1) Clause (ii) of section 45(c)(3)(A) is amended by striking ''which is segregated from other waste materials and''.

(2) Subparagraph (B) of section 45(d)(2) is amended by inserting ''and'' at the end of clause (i), by striking clause (ii), and by redesignating clause (iii) as clause (ii).

(c) AMENDMENTS RELATED TO SECTION 848 OF THE ACT.—

(1) Paragraph (2) of section 470(c) is amended to read as follows:

''(2) TAX-EXEMPT USE PROPERTY.—

''(A) IN GENERAL.—The term 'tax-exempt use property' has the meaning given to such term by section 168(h), except that such section shall be applied—

''(i) without regard to paragraphs (1)(C) and (3) thereof, and

''(ii) as if section 197 intangible property (as defined in section 197), and property described in paragraph (1)(B) or (2) of section 167(f), were tangible property.

''(B) EXCEPTION FOR PARTNERSHIPS.—Such term shall not include any property which would (but for this subparagraph) be tax-exempt use property solely by reason of section 168(h)(6).

''(C) CROSS REFERENCE.—For treatment of partnerships as leases to which section 168(h) applies, see section 7701(e).''.

(2) Subparagraph (A) of section 470(d)(1) is amended by striking ''(at any time during the lease term)'' and inserting ''(at all times during the lease term)''.

(d) AMENDMENTS RELATED TO SECTION 888 OF THE ACT.—

(1) Subparagraph (A) of section 1092(a)(2) is amended by striking ''and'' at the end of clause (ii), by redesignating clause (iii) as clause (iv), and by inserting after clause (ii) the following new clause:

''(iii) if the application of clause (ii) does not result in an increase in the basis of any offsetting position in the identified straddle, the basis of each of the offsetting positions in the identified straddle shall be increased in a manner which—

''(I) is reasonable, consistent with the purposes of this paragraph, and consistently applied by the taxpayer, and

''(II) results in an aggregate increase in the basis of such offsetting positions which is equal to the loss described in clause (ii), and''.

(2)(A) Subparagraph (B) of section 1092(a)(2) is amended by adding at the end the following flush sentence:

''A straddle shall be treated as clearly identified for purposes of clause (i) only if such identification includes an identification of the positions in the straddle which are offsetting with respect other positions in the straddle.''.

(B) Subparagraph (A) of section 1092(a)(2) is amended—

(i) by striking ''identified positions'' in clause (i) and inserting ''positions'',

(ii) by striking ''identified position'' in clause (ii) and inserting ''position'', and

(iii) by striking ''identified offsetting positions'' in clause (ii) and inserting ''offsetting positions''.

(C) Subparagraph (B) of section 1092(a)(3) is amended by striking ''identified offsetting position'' and inserting ''offsetting position''.

(3) Paragraph (2) of section 1092(a) is amended by redesignating subparagraph (C) as subparagraph (D) and inserting after subparagraph (B) the following new subparagraph:

''(C) APPLICATION TO LIABILITIES AND OBLIGATIONS.—Except as otherwise provided by the Secretary, rules similar to the rules of clauses (ii) and (iii) of subparagraph (A) shall apply for purposes of this paragraph with respect to any position which is, or has been, a liability or obligation.''.

(4) Subparagraph (D) of section 1092(a)(2), as redesignated by paragraph (3), is amended by inserting ''the rules for the application of this section to a position which is or has been a liability or obligation, methods of loss allocation which satisfy the requirements of subparagraph (A)(iii),'' before ''and the ordering rules''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which they relate.

(2) IDENTIFICATION REQUIREMENT OF AMENDMENT RELATED TO SECTION 888 OF THE AMERICAN JOBS CREATION ACT OF 2004.—The amendment made by subsection (d)(2)(A) shall apply to straddles acquired after the date of the enactment of this Act.

SEC. 308. AMENDMENTS RELATED TO THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001.

(a) AMENDMENTS RELATED TO SECTION 617 OF THE ACT.—

(1) Subclause (II) of section 402(g)(7)(A)(ii) is amended by striking ''for prior taxable years'' and inserting ''permitted for prior taxable years by reason of this paragraph''.

(2) Subparagraph (A) of section 3121(v)(1) is amended by inserting ''or consisting of designated Roth contributions (as defined in section 402A(c))'' before the comma at the end.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 to which they relate.

SEC. 309. AMENDMENTS RELATED TO THE TAX RELIEF EXTENSION ACT OF 1999.

(a) AMENDMENT RELATED TO SECTION 507 OF THE ACT.—Clause (i) of section 45(e)(7)(A) is amended by striking ''placed in service by the taxpayer'' and inserting ''originally placed in service''.

(b) AMENDMENT RELATED TO SECTION 542 OF THE ACT.—Clause (ii) of section 856(d)(9)(D) is amended to read as follows:

''(ii) LODGING FACILITY.—The term 'lodging facility' means a—

''(I) hotel,

''(II) motel, or

''(III) other establishment more than one-half of the dwelling units in which are used on a transient basis.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Tax Relief Extension Act of 1999 to which they relate.

SEC. 310. AMENDMENT RELATED TO THE INTERNAL REVENUE SERVICE RESTRUCTURING AND REFORM ACT OF 1998.

(a) AMENDMENT RELATED TO SECTION 3509 OF THE ACT.—Paragraph (3) of section 6110(i) is amended by inserting ''and related background file documents'' after ''Chief Counsel advice'' in the matter preceding subparagraph (A).

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provision of the Internal Revenue Service Restructuring and Reform Act of 1998 to which it relates.

SEC. 311. CLERICAL CORRECTIONS.

(a) IN GENERAL.—

(1) Paragraph (5) of section 21(e) is amended by striking ''section 152(e)(3)(A)'' in the flush matter after subparagraph (B) and inserting ''section 152(e)(4)(A)''.

(2) Paragraph (3) of section 25C(c) is amended by striking ''section 3280'' and inserting ''part 3280''.

(3) Paragraph (2) of section 26(b) is amended by redesignating subparagraphs (S) and (T) as subparagraphs (U) and (V), respectively, and by inserting after subparagraph (R) the following new subparagraphs:

''(S) sections 106(e)(3)(A)(ii), 223(b)(8)(B)(i)(II), and 408(d)(9)(D)(i)(II) (relating to certain failures to maintain high deductible health plan coverage),

''(T) section 170(o)(3)(B) (relating to recapture of certain deductions for fractional gifts),''.

(4) Subsection (a) of section 34 is amended—

(A) in paragraph (1), by striking ''with respect to gasoline used during the taxable year on a farm for farming purposes'',

(B) in paragraph (2), by striking ''with respect to gasoline used during the taxable year (A) otherwise than as a fuel in a highway vehicle or (B) in vehicles while engaged in furnishing certain public passenger land transportation service'', and

(C) in paragraph (3), by striking ''with respect to fuels used for nontaxable purposes or resold during the taxable year''.

(5) Paragraph (2) of section 35(d) is amended—

(A) by striking ''paragraph (2) or (4) of'', and

(B) by striking ''(within the meaning of section 152(e)(1))'' and inserting ''(as defined in section 152(e)(4)(A))''.

(6) Subsection (b) of section 38 is amended—

(A) by striking ''and'' each place it appears at the end of any paragraph,

(B) by striking ''plus'' each place it appears at the end of any paragraph, and

(C) by inserting ''plus'' at the end of paragraph (30).

(7) Paragraphs (2) and (3) of section 45L(c) are each amended by striking ''section 3280'' and inserting ''part 3280''.

(8) Subsection (c) of section 48 is amended by striking ''subsection'' in the text preceding paragraph (1) and inserting ''section''.

(9) Paragraphs (1)(B) and (2)(B) of section 48(c) are each amended by striking ''paragraph (1)'' and inserting ''subsection (a)''.

(10) Clause (ii) of section 48A(d)(4)(B) is amended by striking ''subsection'' both places it appears.

(11) The last sentence of section 125(b)(2) is amended by striking ''last sentence'' and inserting ''second sentence''.

(12) Subclause (II) of section 167(g)(8)(C)(ii) is amended by striking ''section 263A(j)(2)'' and inserting ''section 263A(i)(2)''.

(13)(A) Clause (vii) of section 170(b)(1)(A) is amended by striking ''subparagraph (E)'' and inserting ''subparagraph (F)''.

(B) Clause (ii) of section 170(e)(1)(B) is amended by striking ''subsection (b)(1)(E)'' and inserting ''subsection (b)(1)(F)''.

(C) Clause (i) of section 1400S(a)(2)(A) is amended by striking ''subparagraph (F)'' and inserting ''subparagraph (G)''.

(D) Subparagraph (A) of section 4942(i)(1) is amended by striking ''section 170(b)(1)(E)(ii)'' and inserting ''section 170(b)(1)(F)(ii)''.

(14) Subclause (II) of section 170(e)(1)(B)(i) is amended by inserting '', but without regard to clause (ii) thereof'' after ''paragraph (7)(C)''.

(15)(A) Subparagraph (A) of section 170(o)(1) and subparagraph (A) of section 2522(e)(1) are each amended by striking ''all interest in the property is'' and inserting ''all interests in the property are''.

(B) Section 170(o)(3)(A)(i), and section 2522(e)(2)(A)(i) (as redesignated by section 403(d)(2)), are each amended—

(i) by striking ''interest'' and inserting ''interests'', and

(ii) by striking ''before'' and inserting ''on or before''.

(16)(A) Subparagraph (C) of section 852(b)(4) is amended to read as follows:

''(C) DETERMINATION OF HOLDING PERIODS.—For purposes of this paragraph, in determining the period for which the taxpayer has held any share of stock—

''(i) the rules of paragraphs (3) and (4) of section 246(c) shall apply, and

''(ii) there shall not be taken into account any day which is more than 6 months after the date on which such share becomes ex-dividend.''.

(B) Subparagraph (B) of section 857(b)(8) is amended to read as follows:

''(B) DETERMINATION OF HOLDING PERIODS.—For purposes of this paragraph, in determining the period for which the taxpayer has held any share of stock or beneficial interest—

''(i) the rules of paragraphs (3) and (4) of section 246(c) shall apply, and

''(ii) there shall not be taken into account any day which is more than 6 months after the date on which such share or interest becomes ex-dividend.''.

(17) Paragraph (2) of section 856(l) is amended by striking the last sentence and inserting the following: ''For purposes of subparagraph (B), securities described in subsection (m)(2)(A) shall not be taken into account.''.

(18) Subparagraph (F) of section 954(c)(1) is amended to read as follows:

''(F) INCOME FROM NOTIONAL PRINCIPAL CONTRACTS.—

''(i) IN GENERAL.—Net income from notional principal contracts.

''(ii) COORDINATION WITH OTHER CATEGORIES OF FOREIGN PERSONAL HOLDING COMPANY INCOME.—Any item of income, gain, deduction, or loss from a notional principal contract entered into for purposes of hedging any item described in any preceding subparagraph shall not be taken into account for purposes of this subparagraph but shall be taken into account under such other subparagraph.''.

(19) Paragraph (1) of section 954(c) is amended by redesignating subparagraph (I) as subparagraph (H).

(20) Paragraph (33) of section 1016(a), as redesignated by section 407(a)(1)(C), is amended by striking ''section 25C(e)'' and inserting ''section 25C(f)''.

(21) Paragraph (36) of section 1016(a), as redesignated by section 407(a)(1)(C), is amended by striking ''section 30C(f)'' and inserting ''section 30C(e)(1)''.

(22) Subparagraph (G) of section 1260(c)(2) is amended by adding ''and'' at the end.

(23)(A) Section 1297 is amended by striking subsection (d) and by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(B) Subparagraph (G) of section 1260(c)(2) is amended by striking ''subsection (e)'' and inserting ''subsection (d)''.

(C) Subparagraph (B) of section 1298(a)(2) is amended by striking ''Section 1297(e)'' and inserting ''Section 1297(d)''.

(24) Paragraph (1) of section 1362(f) is amended—

(A) by striking '', section 1361(b)(3)(B)(ii), or section 1361(c)(1)(A)(ii)'' and inserting ''or section 1361(b)(3)(B)(ii)'', and

(B) by striking '', section 1361(b)(3)(C), or section 1361(c)(1)(D)(iii)'' in subparagraph (B) and inserting ''or section 1361(b)(3)(C)''.

(25) Paragraph (2) of section 1400O is amended by striking ''under of'' and inserting ''under''.

(26) The table of sections for part II of subchapter Y of chapter 1 is amended by adding at the end the following new item:

''Sec. 1400T. Special rules for mortgage revenue bonds.''.

(27) Subsection (b) of section 4082 is amended to read as follows:

''(b) NONTAXABLE USE.—For purposes of this section, the term 'nontaxable use' means—

''(1) any use which is exempt from the tax imposed by section 4041(a)(1) other than by reason of a prior imposition of tax,

''(2) any use in a train, and

''(3) any use described in section 4041(a)(1)(C)(iii)(II).

The term 'nontaxable use' does not include the use of kerosene in an aircraft and such term shall not include any use described in section 6421(e)(2)(C).''.

(28) Paragraph (4) of section 4101(a) (relating to registration in event of change of ownership) is redesignated as paragraph (5).

(29) Paragraph (6) of section 4965(c) is amended by striking ''section 4457(e)(1)(A)'' and inserting ''section 457(e)(1)(A)''.

(30) Subpart C of part II of subchapter A of chapter 51 is amended by redesignating section 5432 (relating to recordkeeping by wholesale dealers) as section 5121.

(31) Paragraph (2) of section 5732(c), as redesignated by section 11125(b)(20)(A) of the SAFETEA–LU, is amended by striking ''this subpart'' and inserting ''this subchapter''.

(32) Subsection (b) of section 6046 is amended—

(A) by striking ''subsection (a)(1)'' and inserting ''subsection (a)(1)(A)'', and

(B) by striking ''paragraph (2) or (3) of subsection (a)'' and inserting ''subparagraph (B) or (C) of subsection (a)(1)''.

(33)(A) Subparagraph (A) of section 6103(b)(5) is amended by striking ''the Canal Zone,''.

(B) Section 7651 is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(34) Subparagraph (A) of section 6211(b)(4) is amended by striking ''and 34'' and inserting ''34, and 35''.

(35) Subparagraphs (A) and (B) of section 6230(a)(3) are each amended by striking ''section 6013(e)'' and inserting ''section 6015''.

(36) Paragraph (3) of section 6427(e) (relating to termination), as added by section 11113 of the SAFETEA–LU, is redesignated as paragraph (5) and moved after paragraph (4).

(37) Clause (ii) of section 6427(l)(4)(A) is amended by striking ''section 4081(a)(2)(iii)'' and inserting ''section 4081(a)(2)(A)(iii)''.

(38)(A) Section 6427, as amended by section 1343(b)(1) of the Energy Policy Act of 2005, is amended by striking subsection (p) (relating to gasohol used in noncommercial aviation) and redesignating subsection (q) as subsection (p).

(B) The Internal Revenue Code of 1986 shall be applied and administered as if the amendments made by paragraph (2) of section 11151(a) of the SAFETEA–LU had never been enacted.

(39) Subsection (a) of section 6695A is amended by striking ''then such person'' in paragraph (2) and inserting the following:

''then such person''.

(40) Subparagraph (C) of section 6707A(e)(2) is amended by striking ''section 6662A(e)(2)(C)'' and inserting ''section 6662A(e)(2)(B)''.

(41)(A) Paragraph (3) of section 9002 is amended by striking ''section 309(a)(1)'' and inserting ''section 306(a)(1)''.

(B) Paragraph (1) of section 9004(a) is amended by striking ''section 320(b)(1)(B)'' and inserting ''section 315(b)(1)(B)''.

(C) Paragraph (3) of section 9032 is amended by striking ''section 309(a)(1)'' and inserting ''section 306(a)(1)''.

(D) Subsection (b) of section 9034 is amended by striking ''section 320(b)(1)(A)'' and inserting ''section 315(b)(1)(A)''.

(42) Section 9006 is amended by striking ''Comptroller General'' each place it appears and inserting ''Commission''.

(43) Subsection (c) of section 9503 is amended by redesignating paragraph (7) (relating to transfers from the trust fund for certain aviation fuels taxes) as paragraph (6).

(44) Paragraph (1) of section 1301(g) of the Energy Policy Act of 2005 is amended by striking ''shall take effect of the date of the enactment'' and inserting ''shall take effect on the date of the enactment''.

(45) The Internal Revenue Code of 1986 shall be applied and administered as if the amendments made by section 1(a) of Public Law 109–433 had never been enacted.

(b) CLERICAL AMENDMENTS RELATED TO THE TAX RELIEF AND HEALTH CARE ACT OF 2006.—

(1) AMENDMENT RELATED TO SECTION 209 OF DIVISION A OF THE ACT.—Paragraph (3) of section 168(l) is amended by striking ''enzymatic''.

(2) AMENDMENTS RELATED TO SECTION 419 OF DIVISION A OF THE ACT.—

(A) Clause (iv) of section 6724(d)(1)(B) is amended by inserting ''or (h)(1)'' after ''section 6050H(a)''.

(B) Subparagraph (K) of section 6724(d)(2) is amended by inserting ''or (h)(2)'' after ''section 6050H(d)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provision of the Tax Relief and Health Care Act of 2006 to which they relate.

(c) CLERICAL AMENDMENTS RELATED TO THE GULF OPPORTUNITY ZONE ACT OF 2005.—

(1) AMENDMENTS RELATED TO SECTION 402 OF THE ACT.—Subparagraph (B) of section 24(d)(1) is amended—

(A) by striking ''the excess (if any) of'' in the matter preceding clause (i) and inserting ''the greater of'', and

(B) by striking ''section'' in clause (ii)(II) and inserting ''section 32''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the Gulf Opportunity Zone Act of 2005 to which they relate.

(d) CLERICAL AMENDMENTS RELATED TO THE SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS.—

(1) AMENDMENTS RELATED TO SECTION 11163 OF THE ACT.—Subparagraph (C) of section 6416(a)(4) is amended—

(A) by striking ''ultimate vendor'' and all that follows through ''has certified'' and inserting ''ultimate vendor or credit card issuer has certified'', and

(B) by striking ''all ultimate purchasers of the vendor'' and all that follows through ''are certified'' and inserting ''all ultimate purchasers of the vendor or credit card issuer are certified''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to which they relate.

(e) CLERICAL AMENDMENTS RELATED TO THE ENERGY POLICY ACT OF 2005.—

(1) AMENDMENT RELATED TO SECTION 1344 OF THE ACT.—Subparagraph (B) of section 6427(e)(5), as redesignated by subsection (a)(36), is amended by striking ''2006'' and inserting ''2008''.

(2) AMENDMENTS RELATED TO SECTION 1351 OF THE ACT.—Subparagraphs (A)(ii) and (B)(ii) of section 41(f)(1) are each amended by striking ''qualified research expenses and basic research payments'' and inserting ''qualified research expenses, basic research payments, and amounts paid or incurred to energy research consortiums,''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the Energy Policy Act of 2005 to which they relate.

(f) CLERICAL AMENDMENTS RELATED TO THE AMERICAN JOBS CREATION ACT OF 2004.—

(1) AMENDMENT RELATED TO SECTION 301 OF THE ACT.—Section 9502 is amended by striking subsection (e) and redesignating subsection (f) as subsection (e).

(2) AMENDMENT RELATED TO SECTION 413 OF THE ACT.—Subsection (b) of section 1298 is amended by striking paragraph (7) and by redesignating paragraphs (8) and (9) as paragraphs (7) and (8), respectively.

(3) AMENDMENT RELATED TO SECTION 895 OF THE ACT.—Clause (iv) of section 904(f)(3)(D) is amended by striking ''a controlled group'' and inserting ''an affiliated group''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which they relate.

(g) CLERICAL AMENDMENTS RELATED TO THE FSC REPEAL AND EXTRATERRITORIAL INCOME EXCLUSION ACT OF 2000.—

(1) Subclause (I) of section 56(g)(4)(C)(ii) is amended by striking ''921'' and inserting ''921 (as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)''.

(2) Clause (iv) of section 54(g)(4)(C) is amended by striking ''a cooperative described in section 927(a)(4)'' and inserting ''an organization to which part I of subchapter T (relating to tax treatment of cooperatives) applies which is engaged in the marketing of agricultural or horticultural products''.

(3) Paragraph (4) of section 245(c) is amended by adding at the end the following new subparagraph:

''(C) FSC.—The term 'FSC' has the meaning given such term by section 922.''.

(4) Subsection (c) of section 245 is amended by inserting at the end the following new paragraph:

''(5) REFERENCES TO PRIOR LAW.—Any reference in this subsection to section 922, 923, or 927 shall be treated as a reference to such section as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000.''.

(5) Paragraph (4) of section 275(a) is amended by striking ''if'' and all that follows and inserting ''if the taxpayer chooses to take to any extent the benefits of section 901.''.

(6)(A) Subsection (a) of section 291 is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(B) Paragraph (1) of section 291(c) is amended by striking ''subsection (a)(5)'' and inserting ''subsection (a)(4)''.

(7)(A) Paragraph (4) of section 441(b) is amended by striking ''FSC or''.

(B) Subsection (h) of section 441 is amended—

(i) by striking ''FSC or'' each place it appears, and

(ii) by striking ''FSC'S AND'' in the heading thereof.

(8) Subparagraph (B) of section 884(d)(2) is amended by inserting before the comma ''(as in effect before their repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)''.

(9) Section 901 is amended by striking subsection (h).

(10) Clause (v) of section 904(d)(2)(B) is amended—

(A) by inserting ''and'' at the end of subclause (I), by striking subclause (II), and by redesignating subclause (III) as subclause (II),

(B) by striking ''a FSC (or a former FSC)'' in subclause (II) (as so redesignated) and inserting ''a former FSC (as defined in section 922)'', and

(C) by adding at the end the following:

''Any reference in subclause (II) to section 922, 923, or 927 shall be treated as a reference to such

section as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000.''.

(11) Subsection (b) of section 906 is amended by striking paragraph (5) and redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(12) Subparagraph (B) of section 936(f)(2) is amended by striking ''FSC or''.

(13) Section 951 is amended by striking subsection (c) and by redesignating subsection (d) as subsection (c).

(14) Subsection (b) of section 952 is amended by striking the second sentence.

(15)(A) Paragraph (2) of section 956(c) is amended—

(i) by striking subparagraph (I) and by redesignating subparagraphs (J) through (M) as subparagraphs (I) through (L), respectively, and

(ii) by striking ''subparagraphs (J), (K), and (L)'' in the flush sentence at the end and inserting ''subparagraphs (I), (J), and (K)''.

(B) Clause (ii) of section 954(c)(2)(C) is amended by striking ''section 956(c)(2)(J)'' and inserting ''section 956(c)(2)(I)''.

(16) Paragraph (1) of section 992(a) is amended by striking subparagraph (E), by inserting ''and'' at the end of subparagraph (C), and by striking '', and'' at the end of subparagraph (D) and inserting a period.

(17) Paragraph (5) of section 1248(d) is amended—

(A) by inserting ''(as defined in section 922)'' after ''a FSC'', and

(B) by adding at the end the following new sentence: ''Any reference in this paragraph to section 922, 923, or 927 shall be treated as a reference to such section as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000.''.

(18) Subparagraph (D) of section 1297(b)(2) is amended by striking ''foreign trade income of a FSC or''.

(19)(A) Paragraph (1) of section 6011(c) is amended by striking ''or former DISC or a FSC or former FSC'' and inserting '', former DISC, or former FSC (as defined in section 922 as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)''.

(B) Subsection (c) of section 6011 is amended by striking ''AND FSC'S'' in the heading thereof.

(20) Subsection (c) of section 6072 is amended by striking ''a FSC or former FSC'' and inserting ''a former FSC (as defined in section 922 as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)''.

(21) Section 6686 is amended by inserting ''FORMER'' before ''FSC'' in the heading thereof.

TITLE IV—PARITY IN APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS

SEC. 401. PARITY IN APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986.—Section 9812(f)(3) of the Internal Revenue Code of 1986 is amended by striking ''2007'' and inserting ''2008''.

(b) AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 712(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a(f)) is amended by striking ''2007'' and inserting ''2008''.

(c) AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.—Section 2705(f) of the Public Health Service Act (42 U.S.C. 300gg–5(f)) is amended by striking ''2007'' and inserting ''2008''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to benefits for services furnished after December 31, 2007.

MOTION OFFERED BY MR. FRANK OF MASSACHUSETTS

The text of the motion is as follows:

Mr. Frank of Massachusetts moves that the House concur in the Senate amendment to the House amendment to the Senate amendment with an amendment.

The text of the House amendment to the Senate amendment to the House amendment to the Senate amendment is as follows:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the amendment of the House to the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Emergency Economic Stabilization Act of 2008''.

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

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to immediately provide authority and facilities that the Secretary of the Treasury can use to restore liquidity and stability to the financial system of the United States; and

(2) to ensure that such authority and such facilities are used in a manner that—

(A) protects home values, college funds, retirement accounts, and life savings;

(B) preserves homeownership and promotes jobs and economic growth;

(C) maximizes overall returns to the taxpayers of the United States; and

(D) provides public accountability for the exercise of such authority.

SEC. 3. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, the Committee on the Budget, and the Committee on Appropriations of the Senate; and

(B) the Committee on Financial Services, the Committee on Ways and Means, the Committee on the Budget, and the Committee on Appropriations of the House of Representatives.

(2) BOARD.—The term ''Board'' means the Board of Governors of the Federal Reserve System.

(3) CONGRESSIONAL SUPPORT AGENCIES.—The term ''congressional support agencies'' means the Congressional Budget Office and the Joint Committee on Taxation.

(4) CORPORATION.—The term ''Corporation'' means the Federal Deposit Insurance Corporation.

(5) FINANCIAL INSTITUTION.—The term ''financial institution'' means any institution, including, but not limited to, any bank, savings association, credit union, security broker or dealer, or insurance company, established and regulated under the laws of the United States or any State, territory, or possession of the United States, the District of Columbia, Commonwealth of Puerto Rico, Commonwealth of Northern Mariana Islands, Guam, American Samoa, or the United States Virgin Islands, and having significant operations in the United States, but excluding any central bank of, or institution owned by, a foreign government.

(6) FUND.—The term ''Fund'' means the Troubled Assets Insurance Financing Fund established under section 102.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

(8) TARP.—The term ''TARP'' means the Troubled Asset Relief Program established under section 101.

(9) TROUBLED ASSETS.—The term ''troubled assets'' means—

(A) residential or commercial mortgages and any securities, obligations, or other instruments that are based on or related to such mortgages, that in each case was originated or issued on or before March 14, 2008, the purchase of which the Secretary determines promotes financial market stability; and

(B) any other financial instrument that the Secretary, after consultation with the Chairman of the Board of Governors of the Federal Reserve System, determines the purchase of which is necessary to promote financial market stability, but only upon

transmittal of such determination, in writing, to the appropriate committees of Congress.

TITLE I—TROUBLED ASSETS RELIEF PROGRAM

SEC. 101. PURCHASES OF TROUBLED ASSETS.

(a) OFFICES; AUTHORITY.—

(1) AUTHORITY.—The Secretary is authorized to establish the Troubled Asset Relief Program (or ''TARP'') to purchase, and to make and fund commitments to purchase, troubled assets from any financial institution, on such terms and conditions as are determined by the Secretary, and in accordance with this Act and the policies and procedures developed and published by the Secretary.

(2) COMMENCEMENT OF PROGRAM.—Establishment of the policies and procedures and other similar administrative requirements imposed on the Secretary by this Act are not intended to delay the commencement of the TARP.

(3) ESTABLISHMENT OF TREASURY OFFICE.—

(A) IN GENERAL.—The Secretary shall implement any program under paragraph (1) through an Office of Financial Stability, established for such purpose within the Office of Domestic Finance of the Department of the Treasury, which office shall be headed by an Assistant Secretary of the Treasury, appointed by the President, by and with the advice and consent of the Senate, except that an interim Assistant Secretary may be appointed by the Secretary.

(B) CLERICAL AMENDMENTS.—

(i) TITLE 5.—Section 5315 of title 5, United States Code, is amended in the item relating to Assistant Secretaries of the Treasury, by striking ''(9)'' and inserting ''(10)''.

(ii) TITLE 31.—Section 301(e) of title 31, United States Code, is amended by striking ''9'' and inserting ''10''.

(b) CONSULTATION.—In exercising the authority under this section, the Secretary shall consult with the Board, the Corporation, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, and the Secretary of Housing and Urban Development.

(c) NECESSARY ACTIONS.—The Secretary is authorized to take such actions as the Secretary deems necessary to carry out the authorities in this Act, including, without limitation, the following:

(1) The Secretary shall have direct hiring authority with respect to the appointment of employees to administer this Act.

(2) Entering into contracts, including contracts for services authorized by section 3109 of title 5, United States Code.

(3) Designating financial institutions as financial agents of the Federal Government, and such institutions shall perform all such reasonable duties related to this Act as financial agents of the Federal Government as may be required.

(4) In order to provide the Secretary with the flexibility to manage troubled assets in a manner designed to minimize cost to the taxpayers, establishing vehicles that are authorized, subject to supervision by the Secretary, to purchase, hold, and sell troubled assets and issue obligations.

(5) Issuing such regulations and other guidance as may be necessary or appropriate to define terms or carry out the authorities or purposes of this Act.

(d) PROGRAM GUIDELINES.—Before the earlier of the end of the 2-business-day period beginning on the date of the first purchase of troubled assets pursuant to the authority under this section or the end of the 45-day period beginning on the date of enactment of this Act, the Secretary shall publish program guidelines, including the following:

(1) Mechanisms for purchasing troubled assets.

(2) Methods for pricing and valuing troubled assets.

(3) Procedures for selecting asset managers.

(4) Criteria for identifying troubled assets for purchase.

(e) PREVENTING UNJUST ENRICHMENT.—In making purchases under the authority of this Act, the Secretary shall take such steps as may be necessary to prevent unjust enrichment of financial institutions participating in a program established under this section, including by preventing the sale of a troubled asset to the Secretary at a higher price than what the seller paid to purchase the asset. This subsection does not apply to troubled assets acquired in a merger or acquisition, or a purchase of assets from a financial institution in conservatorship or receivership, or that has initiated bankruptcy proceedings under title 11, United States Code.

SEC. 102. INSURANCE OF TROUBLED ASSETS.

(a) AUTHORITY.—

(1) IN GENERAL.—If the Secretary establishes the program authorized under section 101, then the Secretary shall establish a program to guarantee troubled assets originated or issued prior to March 14, 2008, including mortgage-backed securities.

(2) GUARANTEES.—In establishing any program under this subsection, the Secretary may develop guarantees of troubled assets and the associated premiums for such guarantees. Such guarantees and premiums may be determined by category or class of the troubled assets to be guaranteed.

(3) EXTENT OF GUARANTEE.—Upon request of a financial institution, the Secretary may guarantee the timely payment of principal of, and interest on, troubled assets in amounts not to exceed 100 percent of such payments. Such guarantee may be on such terms and conditions as are determined by the Secretary, provided that such terms and conditions are consistent with the purposes of this Act.

(b) REPORTS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall report to the appropriate committees of Congress on the program established under subsection (a).

(c) PREMIUMS.—

(1) IN GENERAL.—The Secretary shall collect premiums from any financial institution participating in the program established under subsection (a). Such premiums shall be in an amount that the Secretary determines necessary to meet the purposes of this Act and to provide sufficient reserves pursuant to paragraph (3).

(2) AUTHORITY TO BASE PREMIUMS ON PRODUCT RISK.—In establishing any premium under paragraph (1), the Secretary may provide for variations in such rates according to the credit risk associated with the particular troubled asset that is being guaranteed. The Secretary shall publish the methodology for setting the premium for a class of troubled assets together with an explanation of the appropriateness of the class of assets for participation in the program established under this section. The methodology shall ensure that the premium is consistent with paragraph (3).

(3) MINIMUM LEVEL.—The premiums referred to in paragraph (1) shall be set by the Secretary at a level necessary to create reserves sufficient to meet anticipated claims, based on an actuarial analysis, and to ensure that taxpayers are fully protected.

(4) ADJUSTMENT TO PURCHASE AUTHORITY.—The purchase authority limit in section 115 shall be reduced by an amount equal to the difference between the total of the outstanding guaranteed obligations and the balance in the Troubled Assets Insurance Financing Fund.

(d) TROUBLED ASSETS INSURANCE FINANCING FUND.—

(1) DEPOSITS.—The Secretary shall deposit fees collected under this section into the Fund established under paragraph (2).

(2) ESTABLISHMENT.—There is established a Troubled Assets Insurance Financing Fund that shall consist of the amounts collected pursuant to paragraph (1), and any balance in such fund shall be invested by the Secretary in United States Treasury securities, or kept in cash on hand or on deposit, as necessary.

(3) PAYMENTS FROM FUND.—The Secretary shall make payments from amounts deposited in the Fund to fulfill obligations of the guarantees provided to financial institutions under subsection (a).

SEC. 103. CONSIDERATIONS.

In exercising the authorities granted in this Act, the Secretary shall take into consideration—

(1) protecting the interests of taxpayers by maximizing overall returns and minimizing the impact on the national debt;

(2) providing stability and preventing disruption to financial markets in order to limit the impact on the economy and protect American jobs, savings, and retirement security;

(3) the need to help families keep their homes and to stabilize communities;

(4) in determining whether to engage in a direct purchase from an individual financial institution, the long-term viability of the financial institution in determining whether the purchase represents the most efficient use of funds under this Act;

(5) ensuring that all financial institutions are eligible to participate in the program, without discrimination based on size, geography, form of organization, or the size, type, and number of assets eligible for purchase under this Act;

(6) providing financial assistance to financial institutions, including those serving low- and moderate-income populations and other underserved communities, and that have assets less than $1,000,000,000, that were well or adequately capitalized as of June 30, 2008, and that as a result of the devaluation of the preferred government-sponsored enterprises stock will drop one or more capital levels, in a manner sufficient to restore the financial institutions to at least an adequately capitalized level;

(7) the need to ensure stability for United States public instrumentalities, such as counties and cities, that may have suffered significant increased costs or losses in the current market turmoil;

(8) protecting the retirement security of Americans by purchasing troubled assets held by or on behalf of an eligible retirement plan described in clause (iii), (iv), (v), or (vi) of section 402(c)(8)(B) of the Internal Revenue Code of 1986, except that such authority shall not extend to any compensation arrangements subject to section 409A of such Code; and

(9) the utility of purchasing other real estate owned and instruments backed by mortgages on multifamily properties.

SEC. 104. FINANCIAL STABILITY OVERSIGHT BOARD.

(a) ESTABLISHMENT.—There is established the Financial Stability Oversight Board, which shall be responsible for—

(1) reviewing the exercise of authority under a program developed in accordance with this Act, including—

(A) policies implemented by the Secretary and the Office of Financial Stability created under sections 101 and 102, including the appointment of financial agents, the designation of asset classes to be purchased, and plans for the structure of vehicles used to purchase troubled assets; and

(B) the effect of such actions in assisting American families in preserving home ownership, stabilizing financial markets, and protecting taxpayers;

(2) making recommendations, as appropriate, to the Secretary regarding use of the authority under this Act; and

(3) reporting any suspected fraud, misrepresentation, or malfeasance to the Special Inspector General for the Troubled Assets Relief Program or the Attorney General of the United States, consistent with section 535(b) of title 28, United States Code.

(b) MEMBERSHIP.—The Financial Stability Oversight Board shall be comprised of—

(1) the Chairman of the Board of Governors of the Federal Reserve System;

(2) the Secretary;

(3) the Director of the Federal Housing Finance Agency;

(4) the Chairman of the Securities Exchange Commission; and

(5) the Secretary of Housing and Urban Development.

(c) CHAIRPERSON.—The chairperson of the Financial Stability Oversight Board shall be elected by the members of the Board from among the members other than the Secretary.

(d) MEETINGS.—The Financial Stability Oversight Board shall meet 2 weeks after the first exercise of the purchase authority of the Secretary under this Act, and monthly thereafter.

(e) ADDITIONAL AUTHORITIES.—In addition to the responsibilities described in subsection (a), the Financial Stability Oversight Board shall have the authority to ensure that the policies implemented by the Secretary are—

(1) in accordance with the purposes of this Act;

(2) in the economic interests of the United States; and

(3) consistent with protecting taxpayers, in accordance with section 113(a).

(f) CREDIT REVIEW COMMITTEE.—The Financial Stability Oversight Board may appoint a credit review committee for the purpose of evaluating the exercise of the purchase authority provided under this Act and the assets acquired through the exercise of such authority, as the Financial Stability Oversight Board determines appropriate.

(g) REPORTS.—The Financial Stability Oversight Board shall report to the appropriate committees of Congress and the Congressional Oversight Panel established under section 125, not less frequently than quarterly, on the matters described under subsection (a)(1).

(h) TERMINATION.—The Financial Stability Oversight Board, and its authority under this section, shall terminate on the expiration of the 15-day period beginning upon the later of—

(1) the date that the last troubled asset acquired by the Secretary under section 101 has been sold or transferred out of the ownership or control of the Federal Government; or

(2) the date of expiration of the last insurance contract issued under section 102.

SEC. 105. REPORTS.

(a) IN GENERAL.—Before the expiration of the 60-day period beginning on the date of the first exercise of the authority granted in section 101(a), or of the first exercise of the authority granted in section 102, whichever occurs first, and every 30-day period thereafter, the Secretary shall report to the appropriate committees of Congress, with respect to each such period—

(1) an overview of actions taken by the Secretary, including the considerations required by section 103 and the efforts under section 109;

(2) the actual obligation and expenditure of the funds provided for administrative expenses by section 118 during such period and the expected expenditure of such funds in the subsequent period; and

(3) a detailed financial statement with respect to the exercise of authority under this Act, including—

(A) all agreements made or renewed;

(B) all insurance contracts entered into pursuant to section 102;

(C) all transactions occurring during such period, including the types of parties involved;

(D) the nature of the assets purchased;

(E) all projected costs and liabilities;

(F) operating expenses, including compensation for financial agents;

(G) the valuation or pricing method used for each transaction; and

(H) a description of the vehicles established to exercise such authority.

(b) TRANCHE REPORTS TO CONGRESS.—

(1) REPORTS.—The Secretary shall provide to the appropriate committees of Congress, at the times specified in paragraph (2), a written report, including—

(A) a description of all of the transactions made during the reporting period;

(B) a description of the pricing mechanism for the transactions;

(C) a justification of the price paid for and other financial terms associated with the transactions;

(D) a description of the impact of the exercise of such authority on the financial system, supported, to the extent possible, by specific data;

(E) a description of challenges that remain in the financial system, including any benchmarks yet to be achieved; and

(F) an estimate of additional actions under the authority provided under this Act that may be necessary to address such challenges.

(2) TIMING.—The report required by this subsection shall be submitted not later than 7 days after the date on which commitments to purchase troubled assets under the authorities provided in this Act first reach an aggregate of $50,000,000,000 and not later than 7 days after each $50,000,000,000 interval of such commitments is reached thereafter.

(c) REGULATORY MODERNIZATION REPORT.—The Secretary shall review the current state of the financial markets and the regulatory system and submit a written report to the appropriate committees of Congress not later than April 30, 2009, analyzing the current state of the regulatory system and its effectiveness at overseeing the participants in the financial markets, including the over-the-counter swaps market and government-sponsored enterprises, and providing recommendations for improvement, including—

(1) recommendations regarding—

(A) whether any participants in the financial markets that are currently outside the regulatory system should become subject to the regulatory system; and

(B) enhancement of the clearing and settlement of over-the-counter swaps; and

(2) the rationale underlying such recommendations.

(d) SHARING OF INFORMATION.—Any report required under this section shall also be submitted to the Congressional Oversight Panel established under section 125.

(e) SUNSET.—The reporting requirements under this section shall terminate on the later of—

(1) the date that the last troubled asset acquired by the Secretary under section 101 has been sold or transferred out of the ownership or control of the Federal Government; or

(2) the date of expiration of the last insurance contract issued under section 102.

SEC. 106. RIGHTS; MANAGEMENT; SALE OF TROUBLED ASSETS; REVENUES AND SALE PROCEEDS.

(a) EXERCISE OF RIGHTS.—The Secretary may, at any time, exercise any rights received in connection with troubled assets purchased under this Act.

(b) MANAGEMENT OF TROUBLED ASSETS.—The Secretary shall have authority to manage troubled assets purchased under this Act, including revenues and portfolio risks therefrom.

(c) SALE OF TROUBLED ASSETS.—The Secretary may, at any time, upon terms and conditions and at a price determined by the Secretary, sell, or enter into securities loans, repurchase transactions, or other financial transactions in regard to, any troubled asset purchased under this Act.

(d) TRANSFER TO TREASURY.—Revenues of, and proceeds from the sale of troubled assets purchased under this Act, or from the sale, exercise, or surrender of warrants or senior debt instruments acquired under section 113 shall be paid into the general fund of the Treasury for reduction of the public debt.

(e) APPLICATION OF SUNSET TO TROUBLED ASSETS.—The authority of the Secretary to hold any troubled asset purchased under this Act before the termination date in section 120, or to purchase or fund the purchase of a troubled asset under a commitment entered into before the termination date in section 120, is not subject to the provisions of section 120.

SEC. 107. CONTRACTING PROCEDURES.

(a) STREAMLINED PROCESS.—For purposes of this Act, the Secretary may waive specific provisions of the Federal Acquisition Regulation upon a determination that urgent and compelling circumstances make compliance with such provisions contrary to the public interest. Any such determination, and the justification for such determination, shall be submitted to the Committees on Oversight and Government Reform and Financial Services of the House of Representatives and the Committees on Homeland Security and Governmental Affairs and Banking, Housing, and Urban Affairs of the Senate within 7 days.

(b) ADDITIONAL CONTRACTING REQUIREMENTS.—In any solicitation or contract where the Secretary has, pursuant to subsection (a), waived any provision of the Federal Acquisition Regulation pertaining to minority contracting, the Secretary shall develop and implement standards and procedures to ensure, to the maximum extent practicable, the inclusion and utilization of minorities (as such term is defined in section 1204(c) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note)) and women, and minority- and women-owned businesses (as such terms are defined in section 21A(r)(4) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(r)(4)), in that solicitation or contract, including contracts to asset managers, servicers, property managers, and other service providers or expert consultants.

(c) ELIGIBILITY OF FDIC.—Notwithstanding subsections (a) and (b), the Corporation—

(1) shall be eligible for, and shall be considered in, the selection of asset managers for residential mortgage loans and residential mortgage-backed securities; and

(2) shall be reimbursed by the Secretary for any services provided.

SEC. 108. CONFLICTS OF INTEREST.

(a) STANDARDS REQUIRED.—The Secretary shall issue regulations or guidelines necessary to address and manage or to prohibit conflicts of interest that may arise in connection with the administration and execution of the authorities provided under this Act, including—

(1) conflicts arising in the selection or hiring of contractors or advisors, including asset managers;

(2) the purchase of troubled assets;

(3) the management of the troubled assets held;

(4) post-employment restrictions on employees; and

(5) any other potential conflict of interest, as the Secretary deems necessary or appropriate in the public interest.

(b) TIMING.—Regulations or guidelines required by this section shall be issued as soon as practicable after the date of enactment of this Act.

SEC. 109. FORECLOSURE MITIGATION EFFORTS.

(a) RESIDENTIAL MORTGAGE LOAN SERVICING STANDARDS.—To the extent that the Secretary acquires mortgages, mortgage backed securities, and other assets secured by residential real estate, including multifamily housing, the Secretary shall implement a plan that seeks to maximize assistance for homeowners and use the authority of the Secretary to encourage the servicers of the underlying mortgages, considering net present value to the taxpayer, to take advantage of the HOPE for Homeowners Program under section 257 of the National Housing Act or other available programs to minimize foreclosures. In addition, the Secretary may use loan guarantees and credit enhancements to facilitate loan modifications to prevent avoidable foreclosures.

(b) COORDINATION.—The Secretary shall coordinate with the Corporation, the Board (with respect to any mortgage or mortgage-backed securities or pool of securities held, owned, or controlled by or on behalf of a Federal reserve bank, as provided in section 110(a)(1)(C)), the Federal Housing Finance Agency, the Secretary of Housing and Urban Development, and other Federal Government entities that hold troubled assets to attempt to identify opportunities for the acquisition of classes of troubled assets that will improve the ability of the Secretary to improve the loan modification and restructuring process and, where permissible, to permit bona fide tenants who are current on their rent to remain in their homes under the terms of the lease. In the case of a mortgage on a residential rental property, the plan required under this section shall include protecting Federal, State, and local rental subsidies and protections, and ensuring any modification takes into account the need for operating funds to maintain decent and safe conditions at the property.

(c) CONSENT TO REASONABLE LOAN MODIFICATION REQUESTS.—Upon any request arising under existing investment contracts, the Secretary shall consent, where appropriate, and considering net present value to the taxpayer, to reasonable requests for loss mitigation measures, including term extensions, rate reductions, principal write downs, increases in the proportion of loans within a trust or other structure allowed to be modified, or removal of other limitation on modifications.

SEC. 110. ASSISTANCE TO HOMEOWNERS.

(a) DEFINITIONS.—As used in this section—

(1) the term ''Federal property manager'' means—

(A) the Federal Housing Finance Agency, in its capacity as conservator of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation;

(B) the Corporation, with respect to residential mortgage loans and mortgage-backed securities held by any bridge depository institution pursuant to section 11(n) of the Federal Deposit Insurance Act; and

(C) the Board, with respect to any mortgage or mortgage-backed securities or pool of securities held, owned, or controlled by or on behalf of a Federal reserve bank, other than mortgages or securities held, owned, or controlled in connection with open market operations under section 14 of the Federal Reserve Act (12 U.S.C. 353), or as collateral for an advance or discount that is not in default;

(2) the term ''consumer'' has the same meaning as in section 103 of the Truth in Lending Act (15 U.S.C. 1602);

(3) the term ''insured depository institution'' has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813); and

(4) the term ''servicer'' has the same meaning as in section 6(i)(2) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(i)(2)).

(b) HOMEOWNER ASSISTANCE BY AGENCIES.—

(1) IN GENERAL.—To the extent that the Federal property manager holds, owns, or controls mortgages, mortgage backed securities, and other assets secured by residential real estate, including multifamily housing, the Federal property manager shall implement a plan that seeks to maximize assistance for homeowners and use its authority to encourage the servicers of the underlying mortgages, and considering net present value to the taxpayer, to take advantage of the HOPE for Homeowners Program under section 257 of the National Housing Act or other available programs to minimize foreclosures.

(2) MODIFICATIONS.—In the case of a residential mortgage loan, modifications made under paragraph (1) may include—

(A) reduction in interest rates;

(B) reduction of loan principal; and

(C) other similar modifications.

(3) TENANT PROTECTIONS.—In the case of mortgages on residential rental properties, modifications made under paragraph (1) shall ensure—

(A) the continuation of any existing Federal, State, and local rental subsidies and protections; and

(B) that modifications take into account the need for operating funds to maintain decent and safe conditions at the property.

(4) TIMING.—Each Federal property manager shall develop and begin implementation of the plan required by this subsection not later than 60 days after the date of enactment of this Act.

(5) REPORTS TO CONGRESS.—Each Federal property manager shall, 60 days after the date of enactment of this Act and every 30 days thereafter, report to Congress specific information on the number and types of loan modifications made and the number of actual foreclosures occurring during the reporting period in accordance with this section.

(6) CONSULTATION.—In developing the plan required by this subsection, the Federal property managers shall consult with one another and, to the extent possible, utilize consistent approaches to implement the requirements of this subsection.

(c) ACTIONS WITH RESPECT TO SERVICERS.—In any case in which a Federal property manager is not the owner of a residential mortgage loan, but holds an interest in obligations or pools of obligations secured by residential mortgage loans, the Federal property manager shall—

(1) encourage implementation by the loan servicers of loan modifications developed under subsection (b); and

(2) assist in facilitating any such modifications, to the extent possible.

(d) LIMITATION.—The requirements of this section shall not supersede any other duty or requirement imposed on the Federal property managers under otherwise applicable law.

SEC. 111. EXECUTIVE COMPENSATION AND CORPORATE GOVERNANCE.

(a) APPLICABILITY.—Any financial institution that sells troubled assets to the Secretary under this Act shall be subject to the executive compensation requirements of subsections (b) and (c) and the provisions under the Internal Revenue Code of 1986, as provided under the amendment by section 302, as applicable.

(b) DIRECT PURCHASES.—

(1) IN GENERAL.—Where the Secretary determines that the purposes of this Act are best met through direct purchases of troubled assets from an individual financial institution where no bidding process or market prices are available, and the Secretary receives a meaningful equity or debt position in the financial institution as a result of the transaction, the Secretary shall require that the financial institution meet appropriate standards for executive compensation and corporate governance. The standards required under this subsection shall be effective for the duration of the period that the Secretary holds an equity or debt position in the financial institution.

(2) CRITERIA.—The standards required under this subsection shall include—

(A) limits on compensation that exclude incentives for senior executive officers of a financial institution to take unnecessary and excessive risks that threaten the value of the financial institution during the period that the Secretary holds an equity or debt position in the financial institution;

(B) a provision for the recovery by the financial institution of any bonus or incentive compensation paid to a senior executive officer based on statements of earnings, gains, or other criteria that are later proven to be materially inaccurate; and

(C) a prohibition on the financial institution making any golden parachute payment to its senior executive officer during the period that the Secretary holds an equity or debt position in the financial institution.

(3) DEFINITION.—For purposes of this section, the term ''senior executive officer'' means an individual who is one of the top 5 highly paid executives of a public company, whose compensation is required to be disclosed pursuant to the Securities Exchange Act of 1934, and any regulations issued thereunder, and non-public company counterparts.

(c) AUCTION PURCHASES.—Where the Secretary determines that the purposes of this Act are best met through auction purchases of troubled assets, and only where such purchases per financial institution in the aggregate exceed $300,000,000 (including direct purchases), the Secretary shall prohibit, for such financial institution, any new employment contract with a senior executive officer that provides a golden parachute in the event of an involuntary termination, bankruptcy filing, insolvency, or receivership. The Secretary shall issue guidance to carry out this paragraph not later than 2 months after the date of enactment of this Act, and such guidance shall be effective upon issuance.

(d) SUNSET.—The provisions of subsection (c) shall apply only to arrangements entered into during the period during which the authorities under section 101(a) are in effect, as determined under section 120.

SEC. 112. COORDINATION WITH FOREIGN AUTHORITIES AND CENTRAL BANKS.

The Secretary shall coordinate, as appropriate, with foreign financial authorities and central banks to work toward the establishment of similar programs by such authorities and central banks. To the extent that such foreign financial authorities or banks hold troubled assets as a result of extending financing to financial institutions that have failed or defaulted on such financing, such troubled assets qualify for purchase under section 101.

SEC. 113. MINIMIZATION OF LONG-TERM COSTS AND MAXIMIZATION OF BENEFITS FOR TAXPAYERS.

(a) LONG-TERM COSTS AND BENEFITS.—

(1) MINIMIZING NEGATIVE IMPACT.—The Secretary shall use the authority under this Act

in a manner that will minimize any potential long-term negative impact on the taxpayer, taking into account the direct outlays, potential long-term returns on assets purchased, and the overall economic benefits of the program, including economic benefits due to improvements in economic activity and the availability of credit, the impact on the savings and pensions of individuals, and reductions in losses to the Federal Government.

(2) AUTHORITY.—In carrying out paragraph (1), the Secretary shall—

(A) hold the assets to maturity or for resale for and until such time as the Secretary determines that the market is optimal for selling such assets, in order to maximize the value for taxpayers; and

(B) sell such assets at a price that the Secretary determines, based on available financial analysis, will maximize return on investment for the Federal Government.

(3) PRIVATE SECTOR PARTICIPATION.—The Secretary shall encourage the private sector to participate in purchases of troubled assets, and to invest in financial institutions, consistent with the provisions of this section.

(b) USE OF MARKET MECHANISMS.—In making purchases under this Act, the Secretary shall—

(1) make such purchases at the lowest price that the Secretary determines to be consistent with the purposes of this Act; and

(2) maximize the efficiency of the use of taxpayer resources by using market mechanisms, including auctions or reverse auctions, where appropriate.

(c) DIRECT PURCHASES.—If the Secretary determines that use of a market mechanism under subsection (b) is not feasible or appropriate, and the purposes of the Act are best met through direct purchases from an individual financial institution, the Secretary shall pursue additional measures to ensure that prices paid for assets are reasonable and reflect the underlying value of the asset.

(d) CONDITIONS ON PURCHASE AUTHORITY FOR WARRANTS AND DEBT INSTRUMENTS.—

(1) IN GENERAL.—The Secretary may not purchase, or make any commitment to purchase, any troubled asset under the authority of this Act, unless the Secretary receives from the financial institution from which such assets are to be purchased—

(A) in the case of a financial institution, the securities of which are traded on a national securities exchange, a warrant giving the right to the Secretary to receive nonvoting common stock or preferred stock in such financial institution, or voting stock with respect to which, the Secretary agrees not to exercise voting power, as the Secretary determines appropriate; or

(B) in the case of any financial institution other than one described in subparagraph (A), a warrant for common or preferred stock, or a senior debt instrument from such financial institution, as described in paragraph (2)(C).

(2) TERMS AND CONDITIONS.—The terms and conditions of any warrant or senior debt instrument required under paragraph (1) shall meet the following requirements:

(A) PURPOSES.—Such terms and conditions shall, at a minimum, be designed—

(i) to provide for reasonable participation by the Secretary, for the benefit of taxpayers, in equity appreciation in the case of a warrant or other equity security, or a reasonable interest rate premium, in the case of a debt instrument; and

(ii) to provide additional protection for the taxpayer against losses from sale of assets by the Secretary under this Act and the administrative expenses of the TARP.

(B) AUTHORITY TO SELL, EXERCISE, OR SURRENDER.—The Secretary may sell, exercise, or surrender a warrant or any senior debt instrument received under this subsection, based on the conditions established under subparagraph (A).

(C) CONVERSION.—The warrant shall provide that if, after the warrant is received by the Secretary under this subsection, the financial institution that issued the warrant is no longer listed or traded on a national securities exchange or securities association, as described in paragraph (1)(A), such warrants shall convert to senior debt, or contain appropriate protections for the Secretary to ensure that the Treasury is appropriately compensated for the value of the warrant, in an amount determined by the Secretary.

(D) PROTECTIONS.—Any warrant representing securities to be received by the Secretary under this subsection shall contain anti-dilution provisions of the type employed in capital market transactions, as determined by the Secretary. Such provisions shall protect the value of the securities from market transactions such as stock splits, stock distributions, dividends, and other distributions, mergers, and other forms of reorganization or recapitalization.

(E) EXERCISE PRICE.—The exercise price for any warrant issued pursuant to this subsection shall be set by the Secretary, in the interest of the taxpayers.

(F) SUFFICIENCY.—The financial institution shall guarantee to the Secretary that it has authorized shares of nonvoting stock available to fulfill its obligations under this subsection. Should the financial institution not have sufficient authorized shares, including preferred shares that may carry dividend rights equal to a multiple number of common shares, the Secretary may, to the extent necessary, accept a senior debt note in an amount, and on such terms as will compensate the Secretary with equivalent value, in the event that a sufficient shareholder vote to authorize the necessary additional shares cannot be obtained.

(3) EXCEPTIONS.—

(A) DE MINIMIS.—The Secretary shall establish de minimis exceptions to the requirements of this subsection, based on the size of the cumulative transactions of troubled assets purchased from any one financial institution for the duration of the program, at not more than $100,000,000.

(B) OTHER EXCEPTIONS.—The Secretary shall establish an exception to the requirements of this subsection and appropriate alternative requirements for any participating financial institution that is legally prohibited from issuing securities and debt instruments, so as not to allow circumvention of the requirements of this section.

SEC. 114. MARKET TRANSPARENCY.

(a) PRICING.—To facilitate market transparency, the Secretary shall make available to the public, in electronic form, a description, amounts, and pricing of assets acquired under this Act, within 2 business days of purchase, trade, or other disposition.

(b) DISCLOSURE.—For each type of financial institutions that sells troubled assets to the Secretary under this Act, the Secretary shall determine whether the public disclosure required for such financial institutions with respect to off-balance sheet transactions, derivatives instruments, contingent liabilities, and similar sources of potential exposure is adequate to provide to the public sufficient information as to the true financial position of the institutions. If such disclosure is not adequate for that purpose, the Secretary shall make recommendations for additional disclosure requirements to the relevant regulators.

SEC. 115. GRADUATED AUTHORIZATION TO PURCHASE.

(a) AUTHORITY.—The authority of the Secretary to purchase troubled assets under this Act shall be limited as follows:

(1) Effective upon the date of enactment of this Act, such authority shall be limited to $250,000,000,000 outstanding at any one time.

(2) If at any time, the President submits to the Congress a written certification that the Secretary needs to exercise the authority under this paragraph, effective upon such submission, such authority shall be limited to $350,000,000,000 outstanding at any one time.

(3) If, at any time after the certification in paragraph (2) has been made, the President transmits to the Congress a written report detailing the plan of the Secretary to exercise the authority under this paragraph, unless there is enacted, within 15 calendar days of such transmission, a joint resolution described in subsection (c), effective upon the expiration of such 15-day period, such authority shall be limited to $700,000,000,000 outstanding at any one time.

(b) AGGREGATION OF PURCHASE PRICES.—The amount of troubled assets purchased by the Secretary outstanding at any one time shall be determined for purposes of the dollar amount limitations under subsection (a) by aggregating the purchase prices of all troubled assets held.

(c) JOINT RESOLUTION OF DISAPPROVAL.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary may not exercise any authority to make purchases under this Act with regard to any amount in excess of $350,000,000,000 previously obligated, as described in this section if, within 15 calendar days after the date on which Congress receives a report of the plan of the Secretary described in subsection (a)(3), there is enacted into law a joint resolution disapproving the plan of the Secretary with respect to such additional amount.

(2) CONTENTS OF JOINT RESOLUTION.—For the purpose of this section, the term ''joint resolution'' means only a joint resolution—

(A) that is introduced not later than 3 calendar days after the date on which the report of the plan of the Secretary referred to in subsection (a)(3) is received by Congress;

(B) which does not have a preamble;

(C) the title of which is as follows: ''Joint resolution relating to the disapproval of obligations under the Emergency Economic Stabilization Act of 2008''; and

(D) the matter after the resolving clause of which is as follows: ''That Congress disapproves the obligation of any amount exceeding the amounts obligated as described in paragraphs (1) and (2) of section 115(a) of the Emergency Economic Stabilization Act of 2008.''.

(d) FAST TRACK CONSIDERATION IN HOUSE OF REPRESENTATIVES.—

(1) RECONVENING.—Upon receipt of a report under subsection (a)(3), the Speaker, if the House would otherwise be adjourned, shall notify the Members of the House that, pursuant to this section, the House shall convene not later than the second calendar day after receipt of such report;

(2) REPORTING AND DISCHARGE.—Any committee of the House of Representatives to which a joint resolution is referred shall report it to the House not later than 5 calendar days after the date of receipt of the report described in subsection (a)(3). If a committee fails to report the joint resolution within that period, the committee shall be discharged from further consideration of the joint resolution and the joint resolution shall be referred to the appropriate calendar.

(3) PROCEEDING TO CONSIDERATION.—After each committee authorized to consider a joint resolution reports it to the House or

has been discharged from its consideration, it shall be in order, not later than the sixth day after Congress receives the report described in subsection (a)(3), to move to proceed to consider the joint resolution in the House. All points of order against the motion are waived. Such a motion shall not be in order after the House has disposed of a motion to proceed on the joint resolution. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(4) CONSIDERATION.—The joint resolution shall be considered as read. All points of order against the joint resolution and against its consideration are waived. The previous question shall be considered as ordered on the joint resolution to its passage without intervening motion except two hours of debate equally divided and controlled by the proponent and an opponent. A motion to reconsider the vote on passage of the joint resolution shall not be in order.

(e) FAST TRACK CONSIDERATION IN SENATE.—

(1) RECONVENING.—Upon receipt of a report under subsection (a)(3), if the Senate has adjourned or recessed for more than 2 days, the majority leader of the Senate, after consultation with the minority leader of the Senate, shall notify the Members of the Senate that, pursuant to this section, the Senate shall convene not later than the second calendar day after receipt of such message.

(2) PLACEMENT ON CALENDAR.—Upon introduction in the Senate, the joint resolution shall be placed immediately on the calendar.

(3) FLOOR CONSIDERATION.—

(A) IN GENERAL.—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order at any time during the period beginning on the 4th day after the date on which Congress receives a report of the plan of the Secretary described in subsection (a)(3) and ending on the 6th day after the date on which Congress receives a report of the plan of the Secretary described in subsection (a)(3) (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the joint resolution shall remain the unfinished business until disposed of.

(B) DEBATE.—Debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between the majority and minority leaders or their designees. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

(C) VOTE ON PASSAGE.—The vote on passage shall occur immediately following the conclusion of the debate on a joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate.

(D) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a joint resolution shall be decided without debate.

(f) RULES RELATING TO SENATE AND HOUSE OF REPRESENTATIVES.—

(1) COORDINATION WITH ACTION BY OTHER HOUSE.—If, before the passage by one House of a joint resolution of that House, that House receives from the other House a joint resolution, then the following procedures shall apply:

(A) The joint resolution of the other House shall not be referred to a committee.

(B) With respect to a joint resolution of the House receiving the resolution—

(i) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

(ii) the vote on passage shall be on the joint resolution of the other House.

(2) TREATMENT OF JOINT RESOLUTION OF OTHER HOUSE.—If one House fails to introduce or consider a joint resolution under this section, the joint resolution of the other House shall be entitled to expedited floor procedures under this section.

(3) TREATMENT OF COMPANION MEASURES.—If, following passage of the joint resolution in the Senate, the Senate then receives the companion measure from the House of Representatives, the companion measure shall not be debatable.

(4) CONSIDERATION AFTER PASSAGE.—

(A) IN GENERAL.—If Congress passes a joint resolution, the period beginning on the date the President is presented with the joint resolution and ending on the date the President takes action with respect to the joint resolution shall be disregarded in computing the 15-calendar day period described in subsection (a)(3).

(B) VETOES.—If the President vetoes the joint resolution—

(i) the period beginning on the date the President vetoes the joint resolution and ending on the date the Congress receives the veto message with respect to the joint resolution shall be disregarded in computing the 15-calendar day period described in subsection (a)(3), and

(ii) debate on a veto message in the Senate under this section shall be 1 hour equally divided between the majority and minority leaders or their designees.

(5) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This subsection and subsections (c), (d), and (e) are enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 116. OVERSIGHT AND AUDITS.

(a) COMPTROLLER GENERAL OVERSIGHT.—

(1) SCOPE OF OVERSIGHT.—The Comptroller General of the United States shall, upon establishment of the troubled assets relief program under this Act (in this section referred to as the ''TARP''), commence ongoing oversight of the activities and performance of the TARP and of any agents and representatives of the TARP (as related to the agent or representative's activities on behalf of or under the authority of the TARP), including vehicles established by the Secretary under this Act. The subjects of such oversight shall include the following:

(A) The performance of the TARP in meeting the purposes of this Act, particularly those involving—

(i) foreclosure mitigation;

(ii) cost reduction;

(iii) whether it has provided stability or prevented disruption to the financial markets or the banking system; and

(iv) whether it has protected taxpayers.

(B) The financial condition and internal controls of the TARP, its representatives and agents.

(C) Characteristics of transactions and commitments entered into, including transaction type, frequency, size, prices paid, and all other relevant terms and conditions, and the timing, duration and terms of any future commitments to purchase assets.

(D) Characteristics and disposition of acquired assets, including type, acquisition price, current market value, sale prices and terms, and use of proceeds from sales.

(E) Efficiency of the operations of the TARP in the use of appropriated funds.

(F) Compliance with all applicable laws and regulations by the TARP, its agents and representatives.

(G) The efforts of the TARP to prevent, identify, and minimize conflicts of interest involving any agent or representative performing activities on behalf of or under the authority of the TARP.

(H) The efficacy of contracting procedures pursuant to section 107(b), including, as applicable, the efforts of the TARP in evaluating proposals for inclusion and contracting to the maximum extent possible of minorities (as such term is defined in 1204(c) of the Financial Institutions Reform, Recovery, and Enhancement Act of 1989 (12 U.S.C. 1811 note), women, and minority- and women-owned businesses, including ascertaining and reporting the total amount of fees paid and other value delivered by the TARP to all of its agents and representatives, and such amounts paid or delivered to such firms that are minority- and women-owned businesses (as such terms are defined in section 21A of the Federal Home Loan Bank Act (12 U.S.C. 1441a)).

(2) CONDUCT AND ADMINISTRATION OF OVERSIGHT.—

(A) GAO PRESENCE.—The Secretary shall provide the Comptroller General with appropriate space and facilities in the Department of the Treasury as necessary to facilitate oversight of the TARP until the termination date established in section 120.

(B) ACCESS TO RECORDS.—To the extent otherwise consistent with law, the Comptroller General shall have access, upon request, to any information, data, schedules, books, accounts, financial records, reports, files, electronic communications, or other papers, things, or property belonging to or in use by the TARP, or any vehicles established by the Secretary under this Act, and to the officers, directors, employees, independent public accountants, financial advisors, and other agents and representatives of the TARP (as related to the agent or representative's activities on behalf of or under the authority of the TARP) or any such vehicle at such reasonable time as the Comptroller General may request. The Comptroller General shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians. The Comptroller General may make and retain copies of such books, accounts, and other records as the Comptroller General deems appropriate.

(C) REIMBURSEMENT OF COSTS.—The Treasury shall reimburse the Government Accountability Office for the full cost of any such oversight activities as billed therefor by the Comptroller General of the United

States. Such reimbursements shall be credited to the appropriation account ''Salaries and Expenses, Government Accountability Office'' current when the payment is received and remain available until expended.

(3) REPORTING.—The Comptroller General shall submit reports of findings under this section, regularly and no less frequently than once every 60 days, to the appropriate committees of Congress, and the Special Inspector General for the Troubled Asset Relief Program established under this Act on the activities and performance of the TARP. The Comptroller may also submit special reports under this subsection as warranted by the findings of its oversight activities.

(b) COMPTROLLER GENERAL AUDITS.—

(1) ANNUAL AUDIT.—The TARP shall annually prepare and issue to the appropriate committees of Congress and the public audited financial statements prepared in accordance with generally accepted accounting principles, and the Comptroller General shall annually audit such statements in accordance with generally accepted auditing standards. The Treasury shall reimburse the Government Accountability Office for the full cost of any such audit as billed therefor by the Comptroller General. Such reimbursements shall be credited to the appropriation account ''Salaries and Expenses, Government Accountability Office'' current when the payment is received and remain available until expended. The financial statements prepared under this paragraph shall be on the fiscal year basis prescribed under section 1102 of title 31, United States Code.

(2) AUTHORITY.—The Comptroller General may audit the programs, activities, receipts, expenditures, and financial transactions of the TARP and any agents and representatives of the TARP (as related to the agent or representative's activities on behalf of or under the authority of the TARP), including vehicles established by the Secretary under this Act.

(3) CORRECTIVE RESPONSES TO AUDIT PROBLEMS.—The TARP shall—

(A) take action to address deficiencies identified by the Comptroller General or other auditor engaged by the TARP; or

(B) certify to appropriate committees of Congress that no action is necessary or appropriate.

(c) INTERNAL CONTROL.—

(1) ESTABLISHMENT.—The TARP shall establish and maintain an effective system of internal control, consistent with the standards prescribed under section 3512(c) of title 31, United States Code, that provides reasonable assurance of—

(A) the effectiveness and efficiency of operations, including the use of the resources of the TARP;

(B) the reliability of financial reporting, including financial statements and other reports for internal and external use; and

(C) compliance with applicable laws and regulations.

(2) REPORTING.—In conjunction with each annual financial statement issued under this section, the TARP shall—

(A) state the responsibility of management for establishing and maintaining adequate internal control over financial reporting; and

(B) state its assessment, as of the end of the most recent year covered by such financial statement of the TARP, of the effectiveness of the internal control over financial reporting.

(d) SHARING OF INFORMATION.—Any report or audit required under this section shall also be submitted to the Congressional Oversight Panel established under section 125.

(e) TERMINATION.—Any oversight, reporting, or audit requirement under this section shall terminate on the later of—

(1) the date that the last troubled asset acquired by the Secretary under section 101 has been sold or transferred out of the ownership or control of the Federal Government; or

(2) the date of expiration of the last insurance contract issued under section 102.

SEC. 117. STUDY AND REPORT ON MARGIN AUTHORITY.

(a) STUDY.—The Comptroller General shall undertake a study to determine the extent to which leverage and sudden deleveraging of financial institutions was a factor behind the current financial crisis.

(b) CONTENT.—The study required by this section shall include—

(1) an analysis of the roles and responsibilities of the Board, the Securities and Exchange Commission, the Secretary, and other Federal banking agencies with respect to monitoring leverage and acting to curtail excessive leveraging;

(2) an analysis of the authority of the Board to regulate leverage, including by setting margin requirements, and what process the Board used to decide whether or not to use its authority;

(3) an analysis of any usage of the margin authority by the Board; and

(4) recommendations for the Board and appropriate committees of Congress with respect to the existing authority of the Board.

(c) REPORT.—Not later than June 1, 2009, the Comptroller General shall complete and submit a report on the study required by this section to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

(d) SHARING OF INFORMATION.—Any reports required under this section shall also be submitted to the Congressional Oversight Panel established under section 125.

SEC. 118. FUNDING.

For the purpose of the authorities granted in this Act, and for the costs of administering those authorities, the Secretary may use the proceeds of the sale of any securities issued under chapter 31 of title 31, United States Code, and the purposes for which securities may be issued under chapter 31 of title 31, United States Code, are extended to include actions authorized by this Act, including the payment of administrative expenses. Any funds expended or obligated by the Secretary for actions authorized by this Act, including the payment of administrative expenses, shall be deemed appropriated at the time of such expenditure or obligation.

SEC. 119. JUDICIAL REVIEW AND RELATED MATTERS.

(a) JUDICIAL REVIEW.—

(1) STANDARD.—Actions by the Secretary pursuant to the authority of this Act shall be subject to chapter 7 of title 5, United States Code, including that such final actions shall be held unlawful and set aside if found to be arbitrary, capricious, an abuse of discretion, or not in accordance with law.

(2) LIMITATIONS ON EQUITABLE RELIEF.—

(A) INJUNCTION.—No injunction or other form of equitable relief shall be issued against the Secretary for actions pursuant to section 101, 102, 106, and 109, other than to remedy a violation of the Constitution.

(B) TEMPORARY RESTRAINING ORDER.—Any request for a temporary restraining order against the Secretary for actions pursuant to this Act shall be considered and granted or denied by the court within 3 days of the date of the request.

(C) PRELIMINARY INJUNCTION.—Any request for a preliminary injunction against the Secretary for actions pursuant to this Act shall be considered and granted or denied by the court on an expedited basis consistent with the provisions of rule 65(b)(3) of the Federal Rules of Civil Procedure, or any successor thereto.

(D) PERMANENT INJUNCTION.—Any request for a permanent injunction against the Secretary for actions pursuant to this Act shall be considered and granted or denied by the court on an expedited basis. Whenever possible, the court shall consolidate trial on the merits with any hearing on a request for a preliminary injunction, consistent with the provisions of rule 65(a)(2) of the Federal Rules of Civil Procedure, or any successor thereto.

(3) LIMITATION ON ACTIONS BY PARTICIPATING COMPANIES.—No action or claims may be brought against the Secretary by any person that divests its assets with respect to its participation in a program under this Act, except as provided in paragraph (1), other than as expressly provided in a written contract with the Secretary.

(4) STAYS.—Any injunction or other form of equitable relief issued against the Secretary for actions pursuant to section 101, 102, 106, and 109, shall be automatically stayed. The stay shall be lifted unless the Secretary seeks a stay from a higher court within 3 calendar days after the date on which the relief is issued.

(b) RELATED MATTERS.—

(1) TREATMENT OF HOMEOWNERS' RIGHTS.—The terms of any residential mortgage loan that is part of any purchase by the Secretary under this Act shall remain subject to all claims and defenses that would otherwise apply, notwithstanding the exercise of authority by the Secretary under this Act.

(2) SAVINGS CLAUSE.—Any exercise of the authority of the Secretary pursuant to this Act shall not impair the claims or defenses that would otherwise apply with respect to persons other than the Secretary. Except as established in any contract, a servicer of pooled residential mortgages owes any duty to determine whether the net present value of the payments on the loan, as modified, is likely to be greater than the anticipated net recovery that would result from foreclosure to all investors and holders of beneficial interests in such investment, but not to any individual or groups of investors or beneficial interest holders, and shall be deemed to act in the best interests of all such investors or holders of beneficial interests if the servicer agrees to or implements a modification or workout plan when the servicer takes reasonable loss mitigation actions, including partial payments.

SEC. 120. TERMINATION OF AUTHORITY.

(a) TERMINATION.—The authorities provided under sections 101(a), excluding section 101(a)(3), and 102 shall terminate on December 31, 2009.

(b) EXTENSION UPON CERTIFICATION.—The Secretary, upon submission of a written certification to Congress, may extend the authority provided under this Act to expire not later than 2 years from the date of enactment of this Act. Such certification shall include a justification of why the extension is necessary to assist American families and stabilize financial markets, as well as the expected cost to the taxpayers for such an extension.

SEC. 121. SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM.

(a) OFFICE OF INSPECTOR GENERAL.—There is hereby established the Office of the Special Inspector General for the Troubled Asset Relief Program.

(b) APPOINTMENT OF INSPECTOR GENERAL; REMOVAL.—(1) The head of the Office of the Special Inspector General for the Troubled Asset Relief Program is the Special Inspector General for the Troubled Asset Relief Program (in this section referred to as the

''Special Inspector General''), who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) The appointment of the Special Inspector General shall be made on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(3) The nomination of an individual as Special Inspector General shall be made as soon as practicable after the establishment of any program under sections 101 and 102.

(4) The Special Inspector General shall be removable from office in accordance with the provisions of section 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.).

(5) For purposes of section 7324 of title 5, United States Code, the Special Inspector General shall not be considered an employee who determines policies to be pursued by the United States in the nationwide administration of Federal law.

(6) The annual rate of basic pay of the Special Inspector General shall be the annual rate of basic pay provided for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(c) DUTIES.—(1) It shall be the duty of the Special Inspector General to conduct, supervise, and coordinate audits and investigations of the purchase, management, and sale of assets by the Secretary of the Treasury under any program established by the Secretary under section 101, and the management by the Secretary of any program established under section 102, including by collecting and summarizing the following information:

(A) A description of the categories of troubled assets purchased or otherwise procured by the Secretary.

(B) A listing of the troubled assets purchased in each such category described under subparagraph (A).

(C) An explanation of the reasons the Secretary deemed it necessary to purchase each such troubled asset.

(D) A listing of each financial institution that such troubled assets were purchased from.

(E) A listing of and detailed biographical information on each person or entity hired to manage such troubled assets.

(F) A current estimate of the total amount of troubled assets purchased pursuant to any program established under section 101, the amount of troubled assets on the books of the Treasury, the amount of troubled assets sold, and the profit and loss incurred on each sale or disposition of each such troubled asset.

(G) A listing of the insurance contracts issued under section 102.

(2) The Special Inspector General shall establish, maintain, and oversee such systems, procedures, and controls as the Special Inspector General considers appropriate to discharge the duty under paragraph (1).

(3) In addition to the duties specified in paragraphs (1) and (2), the Inspector General shall also have the duties and responsibilities of inspectors general under the Inspector General Act of 1978.

(d) POWERS AND AUTHORITIES.—(1) In carrying out the duties specified in subsection (c), the Special Inspector General shall have the authorities provided in section 6 of the Inspector General Act of 1978.

(2) The Special Inspector General shall carry out the duties specified in subsection (c)(1) in accordance with section 4(b)(1) of the Inspector General Act of 1978.

(e) PERSONNEL, FACILITIES, AND OTHER RESOURCES.—(1) The Special Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Special Inspector General, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(2) The Special Inspector General may obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS–15 of the General Schedule by section 5332 of such title.

(3) The Special Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Inspector General.

(4)(A) Upon request of the Special Inspector General for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Special Inspector General, or an authorized designee.

(B) Whenever information or assistance requested by the Special Inspector General is, in the judgment of the Special Inspector General, unreasonably refused or not provided, the Special Inspector General shall report the circumstances to the appropriate committees of Congress without delay.

(f) REPORTS.—(1) Not later than 60 days after the confirmation of the Special Inspector General, and every calendar quarter thereafter, the Special Inspector General shall submit to the appropriate committees of Congress a report summarizing the activities of the Special Inspector General during the 120-day period ending on the date of such report. Each report shall include, for the period covered by such report, a detailed statement of all purchases, obligations, expenditures, and revenues associated with any program established by the Secretary of the Treasury under sections 101 and 102, as well as the information collected under subsection (c)(1).

(2) Nothing in this subsection shall be construed to authorize the public disclosure of information that is—

(A) specifically prohibited from disclosure by any other provision of law;

(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

(C) a part of an ongoing criminal investigation.

(3) Any reports required under this section shall also be submitted to the Congressional Oversight Panel established under section 125.

(g) FUNDING.—(1) Of the amounts made available to the Secretary of the Treasury under section 118, $50,000,000 shall be available to the Special Inspector General to carry out this section.

(2) The amount available under paragraph (1) shall remain available until expended.

(h) TERMINATION.—The Office of the Special Inspector General shall terminate on the later of—

(1) the date that the last troubled asset acquired by the Secretary under section 101 has been sold or transferred out of the ownership or control of the Federal Government; or

(2) the date of expiration of the last insurance contract issued under section 102.

SEC. 122. INCREASE IN STATUTORY LIMIT ON THE PUBLIC DEBT.

Subsection (b) of section 3101 of title 31, United States Code, is amended by striking out the dollar limitation contained in such subsection and inserting ''$11,315,000,000,000''.

SEC. 123. CREDIT REFORM.

(a) IN GENERAL.—Subject to subsection (b), the costs of purchases of troubled assets made under section 101(a) and guarantees of troubled assets under section 102, and any cash flows associated with the activities authorized in section 102 and subsections (a), (b), and (c) of section 106 shall be determined as provided under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et. seq.).

(b) COSTS.—For the purposes of section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))—

(1) the cost of troubled assets and guarantees of troubled assets shall be calculated by adjusting the discount rate in section 502(5)(E) (2 U.S.C. 661a(5)(E)) for market risks; and

(2) the cost of a modification of a troubled asset or guarantee of a troubled asset shall be the difference between the current estimate consistent with paragraph (1) under the terms of the troubled asset or guarantee of the troubled asset and the current estimate consistent with paragraph (1) under the terms of the troubled asset or guarantee of the troubled asset, as modified.

SEC. 124. HOPE FOR HOMEOWNERS AMENDMENTS.

Section 257 of the National Housing Act (12 U.S.C. 1715z–23) is amended—

(1) in subsection (e)—

(A) in paragraph (1)(B), by inserting before ''a ratio'' the following: '', or thereafter is likely to have, due to the terms of the mortgage being reset,'';

(B) in paragraph (2)(B), by inserting before the period at the end ''(or such higher percentage as the Board determines, in the discretion of the Board)'';

(C) in paragraph (4)(A)—

(i) in the first sentence, by inserting after ''insured loan'' the following: ''and any payments made under this paragraph,''; and

(ii) by adding at the end the following: ''Such actions may include making payments, which shall be accepted as payment in full of all indebtedness under the eligible mortgage, to any holder of an existing subordinate mortgage, in lieu of any future appreciation payments authorized under subparagraph (B).''; and

(2) in subsection (w), by inserting after ''administrative costs'' the following: ''and payments pursuant to subsection (e)(4)(A)''.

SEC. 125. CONGRESSIONAL OVERSIGHT PANEL.

(a) ESTABLISHMENT.—There is hereby established the Congressional Oversight Panel (hereafter in this section referred to as the ''Oversight Panel'') as an establishment in the legislative branch.

(b) DUTIES.—The Oversight Panel shall review the current state of the financial markets and the regulatory system and submit the following reports to Congress:

(1) REGULAR REPORTS.—

(A) IN GENERAL.—Regular reports of the Oversight Panel shall include the following:

(i) The use by the Secretary of authority under this Act, including with respect to the use of contracting authority and administration of the program.

(ii) The impact of purchases made under the Act on the financial markets and financial institutions.

(iii) The extent to which the information made available on transactions under the program has contributed to market transparency.

(iv) The effectiveness of foreclosure mitigation efforts, and the effectiveness of the program from the standpoint of minimizing long-term costs to the taxpayers and maximizing the benefits for taxpayers.

(B) TIMING.—The reports required under this paragraph shall be submitted not later than 30 days after the first exercise by the

Secretary of the authority under section 101(a) or 102, and every 30 days thereafter.

(2) SPECIAL REPORT ON REGULATORY REFORM.—The Oversight Panel shall submit a special report on regulatory reform not later than January 20, 2009, analyzing the current state of the regulatory system and its effectiveness at overseeing the participants in the financial system and protecting consumers, and providing recommendations for improvement, including recommendations regarding whether any participants in the financial markets that are currently outside the regulatory system should become subject to the regulatory system, the rationale underlying such recommendation, and whether there are any gaps in existing consumer protections.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Oversight Panel shall consist of 5 members, as follows:

(A) 1 member appointed by the Speaker of the House of Representatives.

(B) 1 member appointed by the minority leader of the House of Representatives.

(C) 1 member appointed by the majority leader of the Senate.

(D) 1 member appointed by the minority leader of the Senate.

(E) 1 member appointed by the Speaker of the House of Representatives and the majority leader of the Senate, after consultation with the minority leader of the Senate and the minority leader of the House of Representatives.

(2) PAY.—Each member of the Oversight Panel shall each be paid at a rate equal to the daily equivalent of the annual rate of basic pay for level I of the Executive Schedule for each day (including travel time) during which such member is engaged in the actual performance of duties vested in the Commission.

(3) PROHIBITION OF COMPENSATION OF FEDERAL EMPLOYEES.—Members of the Oversight Panel who are full-time officers or employees of the United States or Members of Congress may not receive additional pay, allowances, or benefits by reason of their service on the Oversight Panel.

(4) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(5) QUORUM.—Four members of the Oversight Panel shall constitute a quorum but a lesser number may hold hearings.

(6) VACANCIES.—A vacancy on the Oversight Panel shall be filled in the manner in which the original appointment was made.

(7) MEETINGS.—The Oversight Panel shall meet at the call of the Chairperson or a majority of its members.

(d) STAFF.—

(1) IN GENERAL.—The Oversight Panel may appoint and fix the pay of any personnel as the Commission considers appropriate.

(2) EXPERTS AND CONSULTANTS.—The Oversight Panel may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(3) STAFF OF AGENCIES.—Upon request of the Oversight Panel, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Oversight Panel to assist it in carrying out its duties under this Act.

(e) POWERS.—

(1) HEARINGS AND SESSIONS.—The Oversight Panel may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Panel considers appropriate and may administer oaths or affirmations to witnesses appearing before it.

(2) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Oversight Panel may, if authorized by the Oversight Panel, take any action which the Oversight Panel is authorized to take by this section.

(3) OBTAINING OFFICIAL DATA.—The Oversight Panel may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairperson of the Oversight Panel, the head of that department or agency shall furnish that information to the Oversight Panel.

(4) REPORTS.—The Oversight Panel shall receive and consider all reports required to be submitted to the Oversight Panel under this Act.

(f) TERMINATION.—The Oversight Panel shall terminate 6 months after the termination date specified in section 120.

(g) FUNDING FOR EXPENSES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Oversight Panel such sums as may be necessary for any fiscal year, half of which shall be derived from the applicable account of the House of Representatives, and half of which shall be derived from the contingent fund of the Senate.

(2) REIMBURSEMENT OF AMOUNTS.—An amount equal to the expenses of the Oversight Panel shall be promptly transferred by the Secretary, from time to time upon the presentment of a statement of such expenses by the Chairperson of the Oversight Panel, from funds made available to the Secretary under this Act to the applicable fund of the House of Representatives and the contingent fund of the Senate, as appropriate, as reimbursement for amounts expended from such account and fund under paragraph (1).

SEC. 126. FDIC AUTHORITY.

(a) IN GENERAL.—Section 18(a) of the Federal Deposit Insurance Act (12 U.S.C. 1828(a)) is amended by adding at the end the following new paragraph:

''(4) FALSE ADVERTISING, MISUSE OF FDIC NAMES, AND MISREPRESENTATION TO INDICATE INSURED STATUS.—

''(A) PROHIBITION ON FALSE ADVERTISING AND MISUSE OF FDIC NAMES.—No person may represent or imply that any deposit liability, obligation, certificate, or share is insured or guaranteed by the Corporation, if such deposit liability, obligation, certificate, or share is not insured or guaranteed by the Corporation—

''(i) by using the terms 'Federal Deposit', 'Federal Deposit Insurance', 'Federal Deposit Insurance Corporation', any combination of such terms, or the abbreviation 'FDIC' as part of the business name or firm name of any person, including any corporation, partnership, business trust, association, or other business entity; or

''(ii) by using such terms or any other terms, sign, or symbol as part of an advertisement, solicitation, or other document.

''(B) PROHIBITION ON MISREPRESENTATIONS OF INSURED STATUS.—No person may knowingly misrepresent—

''(i) that any deposit liability, obligation, certificate, or share is insured, under this Act, if such deposit liability, obligation, certificate, or share is not so insured; or

''(ii) the extent to which or the manner in which any deposit liability, obligation, certificate, or share is insured under this Act, if such deposit liability, obligation, certificate, or share is not so insured, to the extent or in the manner represented.

''(C) AUTHORITY OF THE APPROPRIATE FEDERAL BANKING AGENCY.—The appropriate Federal banking agency shall have enforcement authority in the case of a violation of this paragraph by any person for which the agency is the appropriate Federal banking agency, or any institution-affiliated party thereof.

''(D) CORPORATION AUTHORITY IF THE APPROPRIATE FEDERAL BANKING AGENCY FAILS TO FOLLOW RECOMMENDATION.—

''(i) RECOMMENDATION.—The Corporation may recommend in writing to the appropriate Federal banking agency that the agency take any enforcement action authorized under section 8 for purposes of enforcement of this paragraph with respect to any person for which the agency is the appropriate Federal banking agency or any institution-affiliated party thereof.

''(ii) AGENCY RESPONSE.—If the appropriate Federal banking agency does not, within 30 days of the date of receipt of a recommendation under clause (i), take the enforcement action with respect to this paragraph recommended by the Corporation or provide a plan acceptable to the Corporation for responding to the situation presented, the Corporation may take the recommended enforcement action against such person or institution-affiliated party.

''(E) ADDITIONAL AUTHORITY.—In addition to its authority under subparagraphs (C) and (D), for purposes of this paragraph, the Corporation shall have, in the same manner and to the same extent as with respect to a State nonmember insured bank—

''(i) jurisdiction over—

''(I) any person other than a person for which another agency is the appropriate Federal banking agency or any institution-affiliated party thereof; and

''(II) any person that aids or abets a violation of this paragraph by a person described in subclause (I); and

''(ii) for purposes of enforcing the requirements of this paragraph, the authority of the Corporation under—

''(I) section 10(c) to conduct investigations; and

''(II) subsections (b), (c), (d) and (i) of section 8 to conduct enforcement actions.

''(F) OTHER ACTIONS PRESERVED.—No provision of this paragraph shall be construed as barring any action otherwise available, under the laws of the United States or any State, to any Federal or State agency or individual.''.

(b) ENFORCEMENT ORDERS.—Section 8(c) of the Federal Deposit Insurance Act (12 U.S.C. 1818(c)) is amended by adding at the end the following new paragraph:

''(4) FALSE ADVERTISING OR MISUSE OF NAMES TO INDICATE INSURED STATUS.—

''(A) TEMPORARY ORDER.—

''(i) IN GENERAL.—If a notice of charges served under subsection (b)(1) specifies on the basis of particular facts that any person engaged or is engaging in conduct described in section 18(a)(4), the Corporation or other appropriate Federal banking agency may issue a temporary order requiring—

''(I) the immediate cessation of any activity or practice described, which gave rise to the notice of charges; and

''(II) affirmative action to prevent any further, or to remedy any existing, violation.

''(ii) EFFECT OF ORDER.—Any temporary order issued under this subparagraph shall take effect upon service.

''(B) EFFECTIVE PERIOD OF TEMPORARY ORDER.—A temporary order issued under subparagraph (A) shall remain effective and enforceable, pending the completion of an administrative proceeding pursuant to subsection (b)(1) in connection with the notice of charges—

''(i) until such time as the Corporation or other appropriate Federal banking agency dismisses the charges specified in such notice; or

''(ii) if a cease-and-desist order is issued against such person, until the effective date of such order.

''(C) CIVIL MONEY PENALTIES.—Any violation of section 18(a)(4) shall be subject to

civil money penalties, as set forth in subsection (i), except that for any person other than an insured depository institution or an institution-affiliated party that is found to have violated this paragraph, the Corporation or other appropriate Federal banking agency shall not be required to demonstrate any loss to an insured depository institution.''.

(c) UNENFORCEABILITY OF CERTAIN AGREEMENTS.—Section 13(c) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)) is amended by adding at the end the following new paragraph:

''(11) UNENFORCEABILITY OF CERTAIN AGREEMENTS.—No provision contained in any existing or future standstill, confidentiality, or other agreement that, directly or indirectly—

''(A) affects, restricts, or limits the ability of any person to offer to acquire or acquire,

''(B) prohibits any person from offering to acquire or acquiring, or

''(C) prohibits any person from using any previously disclosed information in connection with any such offer to acquire or acquisition of,

all or part of any insured depository institution, including any liabilities, assets, or interest therein, in connection with any transaction in which the Corporation exercises its authority under section 11 or 13, shall be enforceable against or impose any liability on such person, as such enforcement or liability shall be contrary to public policy.''.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended—

(1) in subsection (a)(3)—

(A) by striking ''this subsection'' the first place that term appears and inserting ''paragraph (1)''; and

(B) by striking ''this subsection'' the second place that term appears and inserting ''paragraph (2)''; and

(2) in the heading for subsection (a), by striking ''INSURANCE LOGO.—'' and inserting ''REPRESENTATIONS OF DEPOSIT INSURANCE.—''.

SEC. 127. COOPERATION WITH THE FBI.

Any Federal financial regulatory agency shall cooperate with the Federal Bureau of Investigation and other law enforcement agencies investigating fraud, misrepresentation, and malfeasance with respect to development, advertising, and sale of financial products.

SEC. 128. ACCELERATION OF EFFECTIVE DATE.

Section 203 of the Financial Services Regulatory Relief Act of 2006 (12 U.S.C. 461 note) is amended by striking ''October 1, 2011'' and inserting ''October 1, 2008''.

SEC. 129. DISCLOSURES ON EXERCISE OF LOAN AUTHORITY.

(a) IN GENERAL.—Not later than 7 days after the date on which the Board exercises its authority under the third paragraph of section 13 of the Federal Reserve Act (12 U.S.C. 343; relating to discounts for individuals, partnerships, and corporations) the Board shall provide to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report which includes—

(1) the justification for exercising the authority; and

(2) the specific terms of the actions of the Board, including the size and duration of the lending, available information concerning the value of any collateral held with respect to such a loan, the recipient of warrants or any other potential equity in exchange for the loan, and any expected cost to the taxpayers for such exercise.

(b) PERIODIC UPDATES.—The Board shall provide updates to the Committees specified in subsection (a) not less frequently than once every 60 days while the subject loan is outstanding, including—

(1) the status of the loan;

(2) the value of the collateral held by the Federal reserve bank which initiated the loan; and

(3) the projected cost to the taxpayers of the loan.

(c) CONFIDENTIALITY.—The information submitted to the Congress under this section may be kept confidential, upon the written request of the Chairman of the Board, in which case it shall made available only to the Chairpersons and Ranking Members of the Committees described in subsection (a).

(d) APPLICABILITY.—The provisions of this section shall be in force for all uses of the authority provided under section 13 of the Federal Reserve Act occurring during the period beginning on March 1, 2008 and ending on the after the date of enactment of this Act, and reports described in subsection (a) shall be required beginning not later than 30 days after that date of enactment, with respect to any such exercise of authority.

(e) SHARING OF INFORMATION.—Any reports required under this section shall also be submitted to the Congressional Oversight Panel established under section 125.

SEC. 130. TECHNICAL CORRECTIONS.

(a) IN GENERAL.—Section 128(b)(2) of the Truth in Lending Act (15 U.S.C. 1638(b)(2)), as amended by section 2502 of the Mortgage Disclosure Improvement Act of 2008 (Public Law 110–289), is amended—

(1) in subparagraph (A), by striking ''In the case'' and inserting ''Except as provided in subparagraph (G), in the case''; and

(2) by amending subparagraph (G) to read as follows:

''(G)(i) In the case of an extension of credit relating to a plan described in section 101(53D) of title 11, United States Code—

''(I) the requirements of subparagraphs (A) through (E) shall not apply; and

''(II) a good faith estimate of the disclosures required under subsection (a) shall be made in accordance with regulations of the Board under section 121(c) before such credit is extended, or shall be delivered or placed in the mail not later than 3 business days after the date on which the creditor receives the written application of the consumer for such credit, whichever is earlier.

''(ii) If a disclosure statement furnished within 3 business days of the written application (as provided under clause (i)(II)) contains an annual percentage rate which is subsequently rendered inaccurate, within the meaning of section 107(c), the creditor shall furnish another disclosure statement at the time of settlement or consummation of the transaction.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the amendments made by section 2502 of the Mortgage Disclosure Improvement Act of 2008 (Public Law 110–289).

SEC. 131. EXCHANGE STABILIZATION FUND REIMBURSEMENT.

(a) REIMBURSEMENT.—The Secretary shall reimburse the Exchange Stabilization Fund established under section 5302 of title 31, United States Code, for any funds that are used for the Treasury Money Market Funds Guaranty Program for the United States money market mutual fund industry, from funds under this Act.

(b) LIMITS ON USE OF EXCHANGE STABILIZATION FUND.—The Secretary is prohibited from using the Exchange Stabilization Fund for the establishment of any future guaranty programs for the United States money market mutual fund industry.

SEC. 132. AUTHORITY TO SUSPEND MARK-TO-MARKET ACCOUNTING.

(a) AUTHORITY.—The Securities and Exchange Commission shall have the authority under the securities laws (as such term is defined in section 3(a)(47) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(47)) to suspend, by rule, regulation, or order, the application of Statement Number 157 of the Financial Accounting Standards Board for any issuer (as such term is defined in section 3(a)(8) of such Act) or with respect to any class or category of transaction if the Commission determines that is necessary or appropriate in the public interest and is consistent with the protection of investors.

(b) SAVINGS PROVISION.—Nothing in subsection (a) shall be construed to restrict or limit any authority of the Securities and Exchange Commission under securities laws as in effect on the date of enactment of this Act.

SEC. 133. STUDY ON MARK-TO-MARKET ACCOUNTING.

(a) STUDY.—The Securities and Exchange Commission, in consultation with the Board and the Secretary, shall conduct a study on mark-to-market accounting standards as provided in Statement Number 157 of the Financial Accounting Standards Board, as such standards are applicable to financial institutions, including depository institutions. Such a study shall consider at a minimum—

(1) the effects of such accounting standards on a financial institution's balance sheet;

(2) the impacts of such accounting on bank failures in 2008;

(3) the impact of such standards on the quality of financial information available to investors;

(4) the process used by the Financial Accounting Standards Board in developing accounting standards;

(5) the advisability and feasibility of modifications to such standards; and

(6) alternative accounting standards to those provided in such Statement Number 157.

(b) REPORT.—The Securities and Exchange Commission shall submit to Congress a report of such study before the end of the 90-day period beginning on the date of the enactment of this Act containing the findings and determinations of the Commission, including such administrative and legislative recommendations as the Commission determines appropriate.

SEC. 134. RECOUPMENT.

Upon the expiration of the 5-year period beginning upon the date of the enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Director of the Congressional Budget Office, shall submit a report to the Congress on the net amount within the Troubled Asset Relief Program under this Act. In any case where there is a shortfall, the President shall submit a legislative proposal that recoups from the financial industry an amount equal to the shortfall in order to ensure that the Troubled Asset Relief Program does not add to the deficit or national debt.

SEC. 135. PRESERVATION OF AUTHORITY.

With the exception of section 131, nothing in this Act may be construed to limit the authority of the Secretary or the Board under any other provision of law.

TITLE II—BUDGET-RELATED PROVISIONS

SEC. 201. INFORMATION FOR CONGRESSIONAL SUPPORT AGENCIES.

Upon request, and to the extent otherwise consistent with law, all information used by the Secretary in connection with activities authorized under this Act (including the records to which the Comptroller General is entitled under this Act) shall be made available to congressional support agencies (in accordance with their obligations to support the Congress as set out in their authorizing statutes) for the purposes of assisting the committees of Congress with conducting

oversight, monitoring, and analysis of the activities authorized under this Act.

SEC. 202. REPORTS BY THE OFFICE OF MANAGEMENT AND BUDGET AND THE CONGRESSIONAL BUDGET OFFICE.

(a) REPORTS BY THE OFFICE OF MANAGEMENT AND BUDGET.—Within 60 days of the first exercise of the authority granted in section 101(a), but in no case later than December 31, 2008, and semiannually thereafter, the Office of Management and Budget shall report to the President and the Congress—

(1) the estimate, notwithstanding section 502(5)(F) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)(F)), as of the first business day that is at least 30 days prior to the issuance of the report, of the cost of the troubled assets, and guarantees of the troubled assets, determined in accordance with section 123;

(2) the information used to derive the estimate, including assets purchased or guaranteed, prices paid, revenues received, the impact on the deficit and debt, and a description of any outstanding commitments to purchase troubled assets; and

(3) a detailed analysis of how the estimate has changed from the previous report.

Beginning with the second report under subsection (a), the Office of Management and Budget shall explain the differences between the Congressional Budget Office estimates delivered in accordance with subsection (b) and prior Office of Management and Budget estimates.

(b) REPORTS BY THE CONGRESSIONAL BUDGET OFFICE.—Within 45 days of receipt by the Congress of each report from the Office of Management and Budget under subsection (a), the Congressional Budget Office shall report to the Congress the Congressional Budget Office's assessment of the report submitted by the Office of Management and Budget, including—

(1) the cost of the troubled assets and guarantees of the troubled assets,

(2) the information and valuation methods used to calculate such cost, and

(3) the impact on the deficit and the debt.

(c) FINANCIAL EXPERTISE.—In carrying out the duties in this subsection or performing analyses of activities under this Act, the Director of the Congressional Budget Office may employ personnel and procure the services of experts and consultants.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to produce reports required by this section.

SEC. 203. ANALYSIS IN PRESIDENT'S BUDGET.

(a) IN GENERAL.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following new paragraph:

''(35) as supplementary materials, a separate analysis of the budgetary effects for all prior fiscal years, the current fiscal year, the fiscal year for which the budget is submitted, and ensuing fiscal years of the actions the Secretary of the Treasury has taken or plans to take using any authority provided in the Emergency Economic Stabilization Act of 2008, including—

''(A) an estimate of the current value of all assets purchased, sold, and guaranteed under the authority provided in the Emergency Economic Stabilization Act of 2008 using methodology required by the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.) and section 123 of the Emergency Economic Stabilization Act of 2008;

''(B) an estimate of the deficit, the debt held by the public, and the gross Federal debt using methodology required by the Federal Credit Reform Act of 1990 and section 123 of the Emergency Economic Stabilization Act of 2008;

''(C) an estimate of the current value of all assets purchased, sold, and guaranteed under the authority provided in the Emergency Economic Stabilization Act of 2008 calculated on a cash basis;

''(D) a revised estimate of the deficit, the debt held by the public, and the gross Federal debt, substituting the cash-based estimates in subparagraph (C) for the estimates calculated under subparagraph (A) pursuant to the Federal Credit Reform Act of 1990 and section 123 of the Emergency Economic Stabilization Act of 2008; and

''(E) the portion of the deficit which can be attributed to any action taken by the Secretary using authority provided by the Emergency Economic Stabilization Act of 2008 and the extent to which the change in the deficit since the most recent estimate is due to a reestimate using the methodology required by the Federal Credit Reform Act of 1990 and section 123 of the Emergency Economic Stabilization Act of 2008.''

(b) CONSULTATION.—In implementing this section, the Director of Office of Management and Budget shall consult periodically, but at least annually, with the Committee on the Budget of the House of Representatives, the Committee on the Budget of the Senate, and the Director of the Congressional Budget Office.

(c) EFFECTIVE DATE.—This section and the amendment made by this section shall apply beginning with respect to the fiscal year 2010 budget submission of the President.

SEC. 204. EMERGENCY TREATMENT.

All provisions of this Act are designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008 and rescissions of any amounts provided in this Act shall not be counted for purposes of budget enforcement.

TITLE III—TAX PROVISIONS

SEC. 301. GAIN OR LOSS FROM SALE OR EXCHANGE OF CERTAIN PREFERRED STOCK.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, gain or loss from the sale or exchange of any applicable preferred stock by any applicable financial institution shall be treated as ordinary income or loss.

(b) APPLICABLE PREFERRED STOCK.—For purposes of this section, the term ''applicable preferred stock'' means any stock—

(1) which is preferred stock in—

(A) the Federal National Mortgage Association, established pursuant to the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.), or

(B) the Federal Home Loan Mortgage Corporation, established pursuant to the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.), and

(2) which—

(A) was held by the applicable financial institution on September 6, 2008, or

(B) was sold or exchanged by the applicable financial institution on or after January 1, 2008, and before September 7, 2008.

(c) APPLICABLE FINANCIAL INSTITUTION.—For purposes of this section:

(1) IN GENERAL.—Except as provided in paragraph (2), the term ''applicable financial institution'' means—

(A) a financial institution referred to in section 582(c)(2) of the Internal Revenue Code of 1986, or

(B) a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1))).

(2) SPECIAL RULES FOR CERTAIN SALES.—In the case of—

(A) a sale or exchange described in subsection (b)(2)(B), an entity shall be treated as an applicable financial institution only if it was an entity described in subparagraph (A) or (B) of paragraph (1) at the time of the sale or exchange, and

(B) a sale or exchange after September 6, 2008, of preferred stock described in subsection (b)(2)(A), an entity shall be treated as an applicable financial institution only if it was an entity described in subparagraph (A) or (B) of paragraph (1) at all times during the period beginning on September 6, 2008, and ending on the date of the sale or exchange of the preferred stock.

(d) SPECIAL RULE FOR CERTAIN PROPERTY NOT HELD ON SEPTEMBER 6, 2008.—The Secretary of the Treasury or the Secretary's delegate may extend the application of this section to all or a portion of the gain or loss from a sale or exchange in any case where—

(1) an applicable financial institution sells or exchanges applicable preferred stock after September 6, 2008, which the applicable financial institution did not hold on such date, but the basis of which in the hands of the applicable financial institution at the time of the sale or exchange is the same as the basis in the hands of the person which held such stock on such date, or

(2) the applicable financial institution is a partner in a partnership which—

(A) held such stock on September 6, 2008, and later sold or exchanged such stock, or

(B) sold or exchanged such stock during the period described in subsection (b)(2)(B).

(e) REGULATORY AUTHORITY.—The Secretary of the Treasury or the Secretary's delegate may prescribe such guidance, rules, or regulations as are necessary to carry out the purposes of this section.

(f) EFFECTIVE DATE.—This section shall apply to sales or exchanges occurring after December 31, 2007, in taxable years ending after such date.

SEC. 302. SPECIAL RULES FOR TAX TREATMENT OF EXECUTIVE COMPENSATION OF EMPLOYERS PARTICIPATING IN THE TROUBLED ASSETS RELIEF PROGRAM.

(a) DENIAL OF DEDUCTION.—Subsection (m) of section 162 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(5) SPECIAL RULE FOR APPLICATION TO EMPLOYERS PARTICIPATING IN THE TROUBLED ASSETS RELIEF PROGRAM.—

''(A) IN GENERAL.—In the case of an applicable employer, no deduction shall be allowed under this chapter—

''(i) in the case of executive remuneration for any applicable taxable year which is attributable to services performed by a covered executive during such applicable taxable year, to the extent that the amount of such remuneration exceeds $500,000, or

''(ii) in the case of deferred deduction executive remuneration for any taxable year for services performed during any applicable taxable year by a covered executive, to the extent that the amount of such remuneration exceeds $500,000 reduced (but not below zero) by the sum of—

''(I) the executive remuneration for such applicable taxable year, plus

''(II) the portion of the deferred deduction executive remuneration for such services which was taken into account under this clause in a preceding taxable year.

''(B) APPLICABLE EMPLOYER.—For purposes of this paragraph—

''(i) IN GENERAL.—Except as provided in clause (ii), the term 'applicable employer' means any employer from whom 1 or more troubled assets are acquired under a program established by the Secretary under section 101(a) of the Emergency Economic Stabilization Act of 2008 if the aggregate amount of the assets so acquired for all taxable years exceeds $300,000,000.

''(ii) DISREGARD OF CERTAIN ASSETS SOLD THROUGH DIRECT PURCHASE.—If the only sales

of troubled assets by an employer under the program described in clause (i) are through 1 or more direct purchases (within the meaning of section 113(c) of the Emergency Economic Stabilization Act of 2008), such assets shall not be taken into account under clause (i) in determining whether the employer is an applicable employer for purposes of this paragraph.

''(iii) AGGREGATION RULES.—Two or more persons who are treated as a single employer under subsection (b) or (c) of section 414 shall be treated as a single employer, except that in applying section 1563(a) for purposes of either such subsection, paragraphs (2) and (3) thereof shall be disregarded.

''(C) APPLICABLE TAXABLE YEAR.—For purposes of this paragraph, the term 'applicable taxable year' means, with respect to any employer—

''(i) the first taxable year of the employer—

''(I) which includes any portion of the period during which the authorities under section 101(a) of the Emergency Economic Stabilization Act of 2008 are in effect (determined under section 120 thereof), and

''(II) in which the aggregate amount of troubled assets acquired from the employer during the taxable year pursuant to such authorities (other than assets to which subparagraph (B)(ii) applies), when added to the aggregate amount so acquired for all preceding taxable years, exceeds $300,000,000, and

''(ii) any subsequent taxable year which includes any portion of such period.

''(D) COVERED EXECUTIVE.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'covered executive' means, with respect to any applicable taxable year, any employee—

''(I) who, at any time during the portion of the taxable year during which the authorities under section 101(a) of the Emergency Economic Stabilization Act of 2008 are in effect (determined under section 120 thereof), is the chief executive officer of the applicable employer or the chief financial officer of the applicable employer, or an individual acting in either such capacity, or

''(II) who is described in clause (ii).

''(ii) HIGHEST COMPENSATED EMPLOYEES.—An employee is described in this clause if the employee is 1 of the 3 highest compensated officers of the applicable employer for the taxable year (other than an individual described in clause (i)(I)), determined—

''(I) on the basis of the shareholder disclosure rules for compensation under the Securities Exchange Act of 1934 (without regard to whether those rules apply to the employer), and

''(II) by only taking into account employees employed during the portion of the taxable year described in clause (i)(I).

''(iii) EMPLOYEE REMAINS COVERED EXECUTIVE.—If an employee is a covered executive with respect to an applicable employer for any applicable taxable year, such employee shall be treated as a covered executive with respect to such employer for all subsequent applicable taxable years and for all subsequent taxable years in which deferred deduction executive remuneration with respect to services performed in all such applicable taxable years would (but for this paragraph) be deductible.

''(E) EXECUTIVE REMUNERATION.—For purposes of this paragraph, the term 'executive remuneration' means the applicable employee remuneration of the covered executive, as determined under paragraph (4) without regard to subparagraphs (B), (C), and (D) thereof. Such term shall not include any deferred deduction executive remuneration with respect to services performed in a prior applicable taxable year.

''(F) DEFERRED DEDUCTION EXECUTIVE REMUNERATION.—For purposes of this paragraph, the term 'deferred deduction executive remuneration' means remuneration which would be executive remuneration for services performed in an applicable taxable year but for the fact that the deduction under this chapter (determined without regard to this paragraph) for such remuneration is allowable in a subsequent taxable year.

''(G) COORDINATION.—Rules similar to the rules of subparagraphs (F) and (G) of paragraph (4) shall apply for purposes of this paragraph.

''(H) REGULATORY AUTHORITY.—The Secretary may prescribe such guidance, rules, or regulations as are necessary to carry out the purposes of this paragraph and the Emergency Economic Stabilization Act of 2008, including the extent to which this paragraph applies in the case of any acquisition, merger, or reorganization of an applicable employer.''.

(b) GOLDEN PARACHUTE RULE.—Section 280G of the Internal Revenue Code of 1986 is amended—

(1) by redesignating subsection (e) as subsection (f), and

(2) by inserting after subsection (d) the following new subsection:

''(e) SPECIAL RULE FOR APPLICATION TO EMPLOYERS PARTICIPATING IN THE TROUBLED ASSETS RELIEF PROGRAM.—

''(1) IN GENERAL.—In the case of the severance from employment of a covered executive of an applicable employer during the period during which the authorities under section 101(a) of the Emergency Economic Stabilization Act of 2008 are in effect (determined under section 120 of such Act), this section shall be applied to payments to such executive with the following modifications:

''(A) Any reference to a disqualified individual (other than in subsection (c)) shall be treated as a reference to a covered executive.

''(B) Any reference to a change described in subsection (b)(2)(A)(i) shall be treated as a reference to an applicable severance from employment of a covered executive, and any reference to a payment contingent on such a change shall be treated as a reference to any payment made during an applicable taxable year of the employer on account of such applicable severance from employment.

''(C) Any reference to a corporation shall be treated as a reference to an applicable employer.

''(D) The provisions of subsections (b)(2)(C), (b)(4), (b)(5), and (d)(5) shall not apply.

''(2) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection:

''(A) DEFINITIONS.—Any term used in this subsection which is also used in section 162(m)(5) shall have the meaning given such term by such section.

''(B) APPLICABLE SEVERANCE FROM EMPLOYMENT.—The term 'applicable severance from employment' means any severance from employment of a covered executive—

''(i) by reason of an involuntary termination of the executive by the employer, or

''(ii) in connection with any bankruptcy, liquidation, or receivership of the employer.

''(C) COORDINATION AND OTHER RULES.—

''(i) IN GENERAL.—If a payment which is treated as a parachute payment by reason of this subsection is also a parachute payment determined without regard to this subsection, this subsection shall not apply to such payment.

''(ii) REGULATORY AUTHORITY.—The Secretary may prescribe such guidance, rules, or regulations as are necessary—

''(I) to carry out the purposes of this subsection and the Emergency Economic Stabilization Act of 2008, including the extent to which this subsection applies in the case of any acquisition, merger, or reorganization of an applicable employer,

''(II) to apply this section and section 4999 in cases where one or more payments with respect to any individual are treated as parachute payments by reason of this subsection, and other payments with respect to such individual are treated as parachute payments under this section without regard to this subsection, and

''(III) to prevent the avoidance of the application of this section through the mischaracterization of a severance from employment as other than an applicable severance from employment.''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to taxable years ending on or after the date of the enactment of this Act.

(2) GOLDEN PARACHUTE RULE.—The amendments made by subsection (b) shall apply to payments with respect to severances occurring during the period during which the authorities under section 101(a) of this Act are in effect (determined under section 120 of this Act).

SEC. 303. EXTENSION OF EXCLUSION OF INCOME FROM DISCHARGE OF QUALIFIED PRINCIPAL RESIDENCE INDEBTEDNESS.

(a) EXTENSION.—Subparagraph (E) of section 108(a)(1) of the Internal Revenue Code of 1986 is amended by striking ''January 1, 2010'' and inserting ''January 1, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this subsection shall apply to discharges of indebtedness occurring on or after January 1, 2010.

The SPEAKER pro tempore. Pursuant to House Resolution 1517, the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Alabama (Mr. BACHUS) each will control 90 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 3997.

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

There was no objection.

Mr. FRANK of Massachusetts. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, rarely have the Members had so many reasons for wishing we weren't here.

First, it's a couple of days into what was supposed to be the time when Members can return to their districts to engage in campaigning. Members had a number of important events scheduled with their constituents, with their families, with others that have already had to be cancelled, and we are into the third day of that.

Secondly, Members would rather not be here because this is a tough vote. This is a vote where many of us feel that the national interest requires us to do something which is in many ways unpopular because what we are talking about, to many of us, is the need to act to avoid something worse from happening than is already happening.

□ 0930

It is hard to get political credit for avoiding something that hasn't yet happened but you think is going to happen.

Most of all, though, we regret being here because we all deeply regret the economic conditions which have made this decision day necessary. No one is happy that we have seen the failures that we have seen in our economic system. We differ as to whether or not those failures, as they have had a cumulative effect, require us to act. I believe it is possible to debate whether or not 2 weeks ago it was necessary to act quickly. I believe that it was. The bad news continues. There has been a lack of confidence in the financial system that is pervasive. Unfortunately, a lack of sensible regulation allowed the financial system to get itself into a position where so many people owe other people so much more money than they have or can reasonably be expected to get, that as confidence ebbs and people are called upon to make good on promises they should never have made, we face a declining cycle of activity.

People have said, well, you're bailing out Wall Street. The people in the financial industry who made a lot of money still have it. Their institutions may not have it, but they do. No high executive of a failed institution will be showing up soon at the unemployment office. None of them will be hurting. They will be fine personally. The people who will be hurt, in our judgment, are those who are trying to buy or sell cars, because there won't be credit for the automobile industry. There won't be ability to refinance your house or buy a house because there won't be any money there for any purchase that requires credit of any size, people will get hurt and it will have a cumulative effect.

Now you might have argued that the tremendous lack of confidence that is causing this over-leveraging to be a problem would not have had to be addressed a week ago. But let's remember what happened. Ten days ago, on Thursday, not far from here, in the office of the Speaker, the bipartisan congressional leadership and those of us who have leadership roles in the Financial Services and the Banking Committees were asked to meet with the Secretary of the Treasury and the Chairman of the Federal Reserve. In our country, under our system, the executive has a lot of the initiative. We have an ability to shape. We have an ability to respond. But in emergency situations—let's be clear—the initiative is inevitably with the executive. And the two leading appointees of President Bush concerned with economic activities, the people the financial community looks to, came to us and said, you need to give us this authority, and if you don't give it to us very quickly, there will be a disaster.

We have not given it to them as quickly as they asked because we felt that we needed, even if we agreed with the premise of the need for action, that we had to make some improvements. And we have made many of them, not as many as I would like, but we have made many of them. But we were able to do that, I believe, because we have been able to show progress.

At all times from the time they came on Thursday night, this body has been engaged. I have been here 27, 28 years. I have never seen a piece of legislation which was so open to Member participation in which there has been so much discussion. People have said, not enough time is being spent. Well, let me say this. The hours spent on this bill exceed the hours spent on most bills. And the staffs of the committee I chair, of other committees of Members, have done extraordinary work. What we have done is substantially change what they have done, but we have been able to say at all points that we're making progress.

Today is decision day. I wish it weren't the case. But I am convinced that if we defeat this bill today, it will be a very bad day for the financial sector of the American economy. And the people who will feel the pain are not the top bankers and the top corporate executives, but average Americans. They don't see it yet. And pain averted is not a basis on which you get a lot of gratitude. But that is what is coming if we do not do something today, in my judgment, positive. If this bill dies, I think we get negative.

And again part of the reason is this—and I disagree with Secretary Paulson and Chairman Bernanke on some policy issues. I regard them both as men of high integrity and total commitment to the national interest. And I believe they are absolutely and legitimately convinced about this. And by the way, they cannot, in my judgment, be accused of excessive pessimism. If anything, they can be accused of being too optimistic. Because you will recall that beginning with the Bear Stearns intervention, they have tried a series of interventions much less intrusive than this and they haven't worked. These are not men whose first impulse was to do something this broad. These are men whose experience was that something systemic was required because, again, of the depths of the problem.

Let's not forget the cause as we debate the consequence. The cause was too little regulation and the financial market getting itself into serious trouble. And now we have to, through government action, work with them to clean this up. And by the way, we have committed, I think almost everybody in this Chamber, certainly a large majority, that next year we will put in place the kind of regulations that we wish we had had before so this won't recur. So nobody needs to worry that we do this once and we will have to do it again another time and another time. We know how, I believe, to prevent this from recurring. But that doesn't help us as we deal with it today.

And the point is this: No matter what you thought about the crisis 10 days ago, when these two internationally respected highest officials of the Bush administration of the greatest economic power in the world come up and say, if you don't do this, we will have a crisis, then even if that hadn't been true before, they have made it more true. And I don't accuse them of doing it for that reason. That is just the reality.

If we repudiate George Bush's Secretary of the Treasury and Chairman of the Federal Reserve, joined as they were by previous Secretaries of the Treasury, if we repudiate them and say, nah, calm down, we'll get over it, I believe the consequences will be severe.

So I hope that this bill is passed. It is a first step. We have a task next year to do with regulation. We have oversight that must be done about how we got here. But here is the choice: George Bush's two chief economic officials have said to us, if you do not act, there will be terrible, negative consequences for the financial sector, and they will very soon exacerbate an economy that is already troubled, that already has 6 percent unemployment and is on track already to lose more than 1 million private sector jobs in the year. If we add to this weakened economy, and this is the headline, ''The House Repudiates Top Economic Advisers,'' there is nothing, I believe, that will then stand between us and—it's not the end of the world, this is a strong country, people will still get up the next morning and still send their kids to school, but fewer of them will be going to work. And fewer of them will be buying cars. And fewer of them will be able to refinance their homes. And the consequences will be a much more dismal near economic future for the United States.

So I hope the bill passes.

I reserve the balance of my time.

Mr. BACHUS. I yield such time to the gentleman from California as he may consume.

Mr. GARY G. MILLER of California. Madam Speaker, as Chairman FRANK said, I have yet to talk to a Member who wants to have to vote on this today. This is probably the toughest vote any of us have taken since we have been in Congress. And if you just solely rely on the telephone calls we are getting from home and listen to people who really don't understand the complexity of our marketplace and what we are trying to deal with here, the easiest vote for you to make would be a ''no'' vote today. But you have to go beyond that. You have to say what happens to the family next week who wants to buy a house and they can't get a loan? What happens to the family next week who wants to get a car loan and they can't get a car loan? Or they want to send their kids to the university and they go to get a student loan, and there are no loans available?

And right now when the marketplace is running as it is, people say, well,

that is not likely to happen. But if you look at the systemic problem we have in the marketplace, there is a probability that it could happen.

Now we can roll dice today. We can say, let's not vote, and let's hope everything goes okay. And for Members, it's a very difficult situation. They say, if I vote for this bill and the bill passes and the marketplace does not crash and it continues and it improves, people are going to be mad at me because I voted to continue the process they think is bad. If you vote ''no'' on this bill and we have a crash in the marketplace and illiquidity occurs and people go to get loans, the businessman who normally relies on his loans to make payroll, he goes to the bank and the bank says, like the bank said to McDonald's, we will no longer fund expansion of McDonald's, which is the largest fast-food chain in the United States, when that occurs, then the Member has to say, what is the consequence to voting ''no'' for this bill? So it's almost a catch-22. You're darned if you do, and you're darned if you don't.

There are some things in this bill that I think should have happened earlier. We are having mark-to-market that deals specifically with assets banks have to hold that are devalued. Chairman Bernanke said last week, accounting rules require banks to value many assets at something close to very low fire-sale prices rather than at hold-to-maturity prices, which is not unreasonable in its given face of illiquidity. Banks are forced today to write down the value of the assets they have and set huge reserves aside for losses they have already taken.

The bad thing about this, I put language into the housing bill in April as an amendment. It came out of this House and went to the Senate. When the bill came back from the Senate, that language mysteriously disappeared. We could have done that then and perhaps not be quite in the situation we're in today.

The subprime marketplace that people are angry about today, the subprime marketplace is a good marketplace. But when you mix predatory lending in the market, it's bad. When you make loans to people when a trigger kicks in in the interest rate that they cannot make, you have committed a predatory loan. We should have defined that in law 4 or 5 years ago. But we did not.

If you look at the rates of interest today, they have been held down so low that the euro in recent years has increased in value dramatically, and the result of commodity prices in the U.S. is that oil, grain, coal, metal, and currency premiums are basically suffering a 20 to 30 percent hit.

If you look at the marketplace today, the declining home prices we've had out there today, and the subprime loans that they're going to be buying, they are going to be buying them at 40 percent of market value. And if you look at what is happening on the prime loans, which are good loans, they are only worth 90 percent of market value.

Members today need to look at what we're doing. Are we going to change the market or are we going to let the market continue to decline and roll dice and say perhaps nothing will happen? I think there is something we need to do in the coming months that really bothers me that is not in this bill. I think we need to look at public-private partnerships involving local communities, investors, in these assets we buy and basically maximizing the benefit and the value of these assets. If we involve the local people in what we're doing here, they will put their assets with the assets of the Federal Government, increasing the benefit to the marketplace and ensuring that the yield to these investments will produce a profit. What we don't want to have happen is like what happened during the savings and loan debacle where assets were bought by the Federal Government, dumped on the marketplace at low prices, calling the market to continually decline farther than it had currently done, and end up with a worse problem than we face.

Members need to look at what we're doing today. Some Members have worked very, very hard to come up with a compromise package that we believe is not pleasing either side. The Democrats are not happy. The Republicans are not happy. But it is something that is going to work. We need to look at that. We need to weigh our conscience for what is best for our community and what is best for our country. And we need to vote what is right for this Nation.

Mr. FRANK of Massachusetts. I yield 3 minutes to one of the most thoughtful members of our committee and a gentleman who represents in North Carolina one of the banking centers and has a great deal of knowledge of the subject under discussion, the gentleman from North Carolina (Mr. WATT).

Mr. WATT. I thank the gentleman for yielding time.

There is probably no worse instance to be doing legislation than having to do it in response to a crisis. Legislating to clean up a mess is just not as fun as it is if you do something thoughtfully looking forward to try to prevent a mess from occurring.

And we've been, for the last several years, trying to legislate. We had predatory lending legislation. We've been on the forefront of that. But we've been having difficulty getting people to recognize that a crisis was coming if we didn't respond to cut back on irresponsibility in the market.

There are two problems here. The first is, is there a real crisis that needs to be responded to? And that is really the question that I have gotten a lot more calls from my constituents about. The second issue of course is what do you do about it if there is a crisis? So let me talk about the first of those first. Is there a crisis? And that question I really don't have an answer for other than the answer that we were given by the Secretary of the Treasury and the Chairman of the Federal Reserve 1 week ago Thursday which was that we are in a real crisis situation that could mushroom into something worse than the Great Depression.

It's not my responsibility as an individual Member of Congress to go and prove that. But when the Secretary of the Treasury and the Chairman of the Federal Reserve tell me that there is a real problem, the stakes become too high for me not to take it seriously. It's not my responsibility to go and convince the American people, and I wish we had a President that had enough communication skills and enough credibility with the American people to convince them that there is a real problem. Unfortunately, that burden hadn't been carried sufficiently by the administration.

□ 0945

But I am convinced that the odds are bad enough that if we don't do something today, we will regret it for a long, long time to come. Having jumped across that threshold, we have shaped this package as responsibly as we can shape it, and I encourage my colleagues to support the bill.

Mr. BACHUS. Madam Speaker, I yield to the gentleman from California (Mr. LEWIS) for the purpose of making a unanimous consent request.

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

Mr. LEWIS of California. Madam Speaker, I rise in support of the measure before us.

Madam Speaker, there is a sense of urgency in the Capitol. We all know that this urgency is real: we have seen the largest U.S. bank failure in history, the demise of century-old Wall Street firms, and a nearly total freeze of our credit system.

Everyone, Republican and Democrat, is keenly aware that our economy is in dire straits. It seems increasingly clear that unless we in Congress allow the Federal Government to take bold steps, we are facing a serious recession or worse.

Treasury Chief Henry Paulson—backed by President Bush—has laid out a plan that would commit up to $700 billion to relieve the pressure on the credit system by buying bad mortgage debts and other ''toxic assets.''

The American people are rightly furious that their tax dollars will go to ''reward'' the businesses and business people who they believe got us into this mess. Most who have called my office forcefully said ''I've paid my bills, I shouldn't have to pay their bills, too.''

Frankly, I'm furious, also. The idea of spending taxpayer dollars to prop up risky investments keeps me awake at night. It goes against all the principles I have lived by—personal responsibility, smaller government, reliance on the free market.

But we cannot afford to simply look at this as angry taxpayers who believe we should just let the greed gamblers fail. The stakes are too great for that.

Uncle Sam has been involved in controversial bailouts before. There was the bailout of Chrysler in the '80s and later of Mexico in the '90s. On the optimistic side, in both instances, the dollars delivered were repaid including interest. Thus, some suggest that as our own marketplace improves, these bailouts could very well be repaid and perhaps even lead to some profits.

Earlier this week Chairman Bernanke reminded us that Wall Street is an abstraction. The internal credit markets that allow banks to borrow money from each other are hard to understand for our constituents—and for most of us, as well. I have heard constituents—and some members—say we shouldn't worry about the lack of credit between banks.

But the failure of our credit system has broad. implications, not only for the high rollers in Manhattan, but also for the families and small businesses of the Inland Empire.

When local business owners do not have cash today for payroll but know they will in the future, they can turn to their bank and get a short-term loan to pay their employees, stay open and help build the local economy.

When families do not have cash to buy a home or a car, they turn to their bank to get a mortgage, create wealth and help build the local economy.

When high school students do not have cash to pay for college, they turn to their bank to get a student loan. When those students graduate, they enter the workforce and help build the local economy.

When banks stop lending between themselves, they soon stop lending to everyone else and economic expansion at the local level stops. The crisis on Wall Street becomes the crisis on Main Street.

The liquidity crisis is a linchpin of the broader economic crisis facing our constituents. This crisis has already hit our seniors in retirement and those looking at retirement. Even savvy retirement age constituents who made sound investment choices are not immune to our current market downturn. Should we refuse to act swiftly, those who rely on investment income and do not have the luxury of time to wait for long-term market adjustments will have even less money for food, housing and medical needs.

In my own district and yours, we are seeing clear signs that a downturn in the financial markets impacts city and county investments and puts important public projects at risk. Can we afford to increase that risk to local growth?

There is no question that investing in the market also poses risks, but if we can reduce market uncertainty, those risks are reduced for everyone. That is the only way to protect the investments made by seniors who built our economy's foundation and localities serving our constituents.

Allowing the markets to crash and leaving Wall Street to its own devices does punish the decisionmakers who fueled this crisis. But we all know it won't stop there. Millions of Americans will suffer the consequences, even those who felt they were being careful with their retirement nest egg.

There is no question that we in Congress must move deliberately and do everything we can to reduce or eliminate the risk to taxpayer funds. And whatever action is taken by Congress, we must make certain that those who got us into this mess do not profit further from the solutions we develop.

But we cannot avoid risk. Ultimately, we must face the realization that doing nothing will cause a potential catastrophe, and the suffering won't be felt just on Wall Street. It will be on every Main Street in America.

Mr. BACHUS. Madam Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. PUTNAM).

Mr. PUTNAM. Madam Speaker, I thank the gentleman from Alabama for yielding.

There is an old Chinese proverb, ''may you live in interesting times,'' and these are interesting and remarkable times.

In the past 2 weeks, we have seen the five largest investment banks in the United States be reduced to two. Last week, the largest bank in the United States failed. Over 2,000 branches spread out across this country, retail outlets where ordinary Americans, downtown merchants, farmers, students, seniors, savers relied on that bank to meet their needs, it failed last week. This morning, another major bank on the brink of collapse was purchased for $1 a share.

Last week a money market fund announced that, for the first time, they had ''broken the buck,'' that they could not guarantee that every dollar you put into that money market account would be retrievable on your request, and a second major money market account announced that they were closing and not accepting any new deposits for fear of the same thing happening to them.

Now, when you get beyond credit swaps and derivatives and all these complicated things that obviously not even the Wall Street traders who are engaging in them understood and start talking about the bank on the corner failing and the money market funds where every small business holds their payroll, where every saver is trying to wring out an extra half a point of interest, you have reached Main Street. You are now standing at the brink of a financial collapse that is well beyond the financial capitals of the world.

I also failed to mention, since we are not just talking about an American problem, that this weekend alone, three of the largest banks in Europe either failed or were nationalized.

So we live in interesting times, and we are watching one domino after another fall that are the pillars of our financial system here in the United States.

Now, I tried to think of the right analogy, and it dawned on me that, being from Florida, we get a lot of hurricanes, and in 2004 we had three hurricanes come across Central Florida, my home, in nine weeks, bam, bam, bam. Then a year later we watched a storm come across Florida and build in the Gulf, and it got bigger and bigger and moved faster and faster and had a bull's eye on New Orleans, and I, like a lot of Americans, wondered why more people weren't leaving, why more people weren't heeding the warnings that were so obvious from the weather map of what was building into a monster in the Gulf of Mexico.

If you have ever wondered why people don't get out of the way of an oncoming storm, a hurricane that is barreling down on top of you, despite days of notice, despite satellite imagery, despite all of the best advancements in communications, then you have to apply that same analogy to what we are seeing now; one bank after another failing, rolling out of New York, rolling out of Brussels, out of London, out of these places that seem so foreign, into our Main Streets, into our merchants' associations, into our farmer cooperatives.

You are watching this happen. So how could you as a Member of Congress in seeing that roll across the countryside not do everything in your power to prevent it?

The previous speaker made an outstanding reference to the fact that Congress is known for producing fairly bad legislation in the aftermath of a crisis. What we have before us today is an attempt to avert that crisis and all of the rushed legislation that would follow a collapse, the likes of which we have not seen in this country since the 1930s.

This bill is a substantially different bill than what Secretary Paulson and the President sent up here a week ago. It is a better bill than what they sent up here, and it is a bipartisan bill.

We talked about how remarkable these times are. Last week, two candidates who have spent 2 years, two difficult, hard-fought years looking for a way to beat the other one to become the next President of the United States, both hit the pause button and released a joint statement of principles in agreement that Congress needs to act to avert a financial collapse.

This body has come together to produce a bill that is distasteful to most, that required both sides to give up many of the individual items that they thought would be helpful—progrowth capital gains policies that Republicans thought would be helpful, affordable housing trust funds issues that the Democrats thought would be helpful, both gone from the draft of this bill—and instead focusing on the central goal, which is to avert the financial collapse that all of the experts and all of the evidence and all of the bank failures and all of the money market closings indicate is very possible if Congress doesn't act.

So, by virtue of Congress coming together and improving the Paulson plan, by virtue of the people's elected representatives having the opportunity to weigh in on this issue and to hash out these problems and to work around the clock on the weekends to make this a better bill, it will not cost $700 billion, as has been widely reported in the original draft, for a variety of reasons; the potential upside of the assets that the government is buying, the insurance program.

The most recent intervention that this Congress passed in the GSEs was estimated at $300 billion in costs. It was actually scored at $25 billion in costs.

So it is important that the taxpayers understand that because the Congress has moved forward on this issue, it will be a smaller tab for the taxpayer. But it will be an effective intervention to restore the confidence necessary to avoid the kind of panic that we haven't seen in generations in this country.

This is no longer the Paulson-President's plan. Because of the work that Chairman FRANK and the Republican negotiators have done, this is a better bill; better for the taxpayer, no golden parachutes for CEO's who drive their companies into the ground and walk away with millions, none of the special interest projects that concerned so many people on our side.

But, most importantly, the evidence is overwhelming that we must act. It is always difficult to compile legislation this complex under such a short timeframe, and we are up against a short timeframe because of the markets, because of the holidays, because of the natural calendar in our political cycle. The only thing worse than that is the kind of legislation that will result in the aftermath of the debris that remains after a financial collapse.

So I stand here today willing to support this bipartisan compromise that has been hashed out over these last several days that is such an improvement over what we began with a week ago, but is so important to the financial architecture, not just of investment firms and speculators and people who got too cute by half with someone else's money, but someone who is willing to support this bill because it is so important to the seniors, the savers, the merchants and the farmers who need to understand that the confidence will be there in their banking system; that they don't have to withdraw their funds and stick them under the mattress; that our country's free market system is still the greatest in the world; and that this intervention will allow those credit markets to unlock and we will be able to unwind and deleverage this marketplace and move forward together.

So I compliment my chairman, I compliment our Republican negotiators, Mr. BLUNT and Mr. CANTOR, and I urge my colleagues to support this bill.

Mr. FRANK of Massachusetts. I thank the gentleman for his words, and I now recognize the gentlewoman from California (Ms. WOOLSEY) for 2½ minutes.

Ms. WOOLSEY. Thank you, Mr. Chairman, for allowing time for the opposition.

There are some major questions, Madam Speaker, to be answered by a bailout package that fails to address the root cause of the financial crisis facing our Nation, one that does little or nothing to secure the underlying problem of mortgage foreclosure and economic suffering that hardworking Americans are facing every single day.

Question one: Where is the comprehensive economic stimulus package that will assist 95 percent of the taxpayers, a package that includes unemployment benefits, food stamps, infrastructure investment, and, of course, foreclosure relief? Stability should come from the bottom up; an economic stimulus package that will allow those in foreclosure to pay their mortgages and stay in their homes, bringing value back to the mortgage-backed securities that are clogging the financial system.

Question two: Why isn't Wall Street paying for the mess they created? By reinstating a one quarter of 1 percent surcharge on stock trades, we can raise nearly $150 billion a year from those who have actually caused this mess and profited from it also.

Finally, question three: With only 3 months left of this current administration, why are we willing to even make available $700 billion to this administration? President Bush and Secretary Paulson have been wrong from the start on just about everything. If you think they will be responsible with this money, think again.

I, for one, will be in opposition of this bailout with these major questions unanswered.

Mr. BACHUS. Madam Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. MCCOTTER).

Mr. MCCOTTER. I rise today not to change anyone's mind, but to express to my constituents my reasons for opposing this bill.

There will always be time and pretext enough for people to compromise their principles and put forward poor public policy that may in the short run be popular, but in the wrong run will be detrimental to the long-term interests of the American people. We learn this through history.

In the 1832 bank panics, Andrew Jackson had the question of whether he would remove the Bank of the United States' charter. The people in the bank did not like that. They threatened the prosperity of the American people. In the middle of the panic, Andrew Jackson looked at these bankers and he said, ''There are no necessary evils in government. The Treasury to you, gentlemen, is closed.''

This was an act of courage on the part of President Jackson, because he understood what was at stake was not merely an ephemeral prosperity or a panic caused by the very people with their handout. Andrew Jackson understood this was about majoritarian rule; it was about the faith in the people's representative institutions and those who inhabit the seats in which they are entrusted.

Today we are in a global financial bank panic. It is the first of our global economy. We are seeing a leveraged bailout of the United States Treasury. In the end, these interests that want your money are threatening your prosperity, and the choice you face is this: You will lose potentially your prosperity for a short period of time at the expense of your long-term liberty. Once the Federal Government has got you to take that risk and pass it on to you as a ''moral hazard,'' they will be in the marketplace. And as the free market is diminished, your freedom itself is diminished, and as your Congress does not stand up to these and put forward a better plan that truly protects the taxpayers, that truly has the long-term interests of the United States at heart, you will be in jeopardy of losing both your prosperity and your liberty.

The choice is stark, and it was put forward in the book by Dostoevsky. In ''The Brothers Karamazov,'' the grand inquisitor came to Jesus and he said, ''If you wish to subject the people, give them miracle, mystery and authority; but above all, give them bread.''

It has always been the temptation in a crisis especially to sacrifice liberty for short-term promises of prosperity, and it was no mistake that during the 1917 Bolshevik Revolution the slogan was ''peace, land and bread.''

□ 1000

Today you are being asked to choose between bread and freedom. I suggest that the people on Main Street have said that they prefer their freedom, and I am with them.

Mr. FRANK of Massachusetts. Madam Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Chairman FRANK, thank you for trying to save America's economy. I don't know anyone who could have understood the intricacies of this bill, held your own with the Bush-Cheney administration on behalf of the taxpayer and navigated Congress' political waters as skillfully as you have. If this bill passes and the markets have stabilized, it will be to your credit and perhaps, more importantly, when the taxpayer reaps the benefit of this bill, they will look back to your leadership and your legacy.

I want to say a word about that latter point. This is a good deal for the taxpayer, and let me explain why with the help of a current analysis from the staff of Barron's magazine. This is the time to be buying—when everyone else wants to sell. But the government is the only agency that can do so because we can borrow at 3 percent with no collateral requirement. There is such a gap today between today's panic prices and tomorrow's inherent value that the taxpayer is in an enviable position. But the Treasury must act as a proxy for the taxpayer. There's no alternative to that.

Now, once we start buying tranches of securities, even with a third of the money authorized by this bill, the securities markets will bounce back and, more importantly, so will the value of residential real estate. Treasury is likely to be buying mortgage debt at

an average of 65 cents on the dollar. Since Treasury borrowing is about 3 percent with no collateral requirement, we will get about $35 billion in annual interest on $250 billion or $70 billion on $500 billion from these mortgage securities because they will yield a net of about 7 to 8 percent return. I know those are just numbers but this is about numbers.

More importantly, Treasury has the luxury of time. With proper oversight and regulatory discipline, markets will be back on their feet within a year and at that time the taxpayer is likely to recoup a 25 to 30 percent nontaxable capital gain on many of these security packages, on top of the underlying maturity value.

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

Mr. FRANK of Massachusetts. I yield the gentleman an additional minute.

Mr. MORAN of Virginia. Thank you, Mr. FRANK.

More importantly, American consumers, who are the real drivers of this economy, will be back in the drivers seat, able to borrow loans on businesses, cars, college and, most importantly, their homes.

That is why we need to pass this bill now. Greed is the accelerator in a capitalist economy, but unless we're willing to tap on the regulatory brakes once in a while, the economy is going to crash. We learned that 75 years ago. Let us not repeat that mistake again. We need to put some fundamental disciplines into this market to turn us back in the right direction so that we can continue to be the most prosperous country in the world. But right now what we have to do is to steer this economy from the edge of the abyss. That's what this bill does and that's why we need to pass it today.

Mr. BACHUS. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

Madam Speaker, this is clearly one of the most important votes that many of us will cast in our congressional careers. We are all concerned about the state of our economy. We are all concerned about the state of our capital markets. What has infected Wall Street may soon reach Main Street. Inaction has never been an option. But, again, the Paulson plan should never have been our only option. I fear other options, Madam Speaker, have never been considered seriously in the body. Although I certainly want to congratulate our ranking member, SPENCER BACHUS; our Republican leadership—ERIC CANTOR of Virginia, PAUL RYAN of Wisconsin—for the work they've done to improve this bill, this is clearly a better bill, Madam Speaker, than it was a week ago, but that's not the relevant test. The relevant test is when you look at the good in the bill, when you look at the bad in the bill, does it take America in a direction that you believe America should go? By that test, Madam Speaker, I will vote ''no'' on this legislation.

I fear this legislation before us is fraught with unintended consequences. I fear that ultimately it may not work. I fear that it is too much bailout and not enough workout. I fear that taxpayers may end up inheriting the mother of all debts. Now, some have come to the House floor and said, well, the taxpayer's going to make money on this. You know what, Madam Speaker: They may be right. I can tell you this much, Madam Speaker: as history as our guide, the taxpayer lost $200 billion on the S&L bailout. I can raid my neighbor's college fund for his children, go put it on a roulette table in Las Vegas, maybe I'll triple his money for him, but you know what, Madam Speaker, it's not a risk my neighbor voluntarily assumed.

I fear that under this plan, ultimately the Federal Government will become the guarantor of last resort and, Madam Speaker, that does put us on the slippery slope to socialism. If you lose your ability to fail, soon you will lose your ability to succeed. That's why, Madam Speaker, House conservatives have put forth an alternative plan, and we are happy to work on it today and all next week. As important as it is to act quickly, it is more important to act rightly. We would hope this plan would get serious consideration.

And, Madam Speaker, once it does, we hope that we can go on—that we can address the taxpayer crisis, as our fellow citizens are looking at the largest tax increase in American history; the spending crisis of an out-of-control Congress; the energy crisis where we see too many of our fellow citizens struggling to pay their bills.

Madam Speaker, as we look at this legislation, and I respect all regardless of what side they come down on, if in doubt, err on the side of freedom.

Mr. FRANK of Massachusetts. Madam Speaker, I now yield 3 minutes to the chairman of the Armed Services Committee, the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Madam Speaker, article 1, section 8, of the Constitution grants Congress the responsibility of raising and maintaining the military of our country. Our Founding Fathers were wise to put this power in the hands of Congress, the branch of our national government most closely connected to the American people. As chairman of the House Armed Services Committee, I take seriously Congress' role with respect to national security policy. In a series of recent committee hearings designed to study the need for a new comprehensive strategy for advancing American interests, it was evident that America must use all elements of national power—military, diplomatic, and economic—to remain the indispensable nation, acting as a consistent and ever-present global force.

If our economy were to falter, it would undercut America's global military and diplomatic strength. And it would be far more difficult for Congress, working with the President, to properly address our international challenges. It is through the lens of national security that I have examined the economic rescue bill before the Congress today.

The economic crisis is real. Cash flow in the market has slowed, and some of America's top financial firms have failed. If action is not taken immediately, experts warn that the average American, including those in rural Missouri, will find it difficult or impossible to obtain credit for a mortgage, a car loan, a farm loan, a college loan or a small business loan, bringing economic activity to a standstill.

At the request of the President of the United States, Congress has worked over the last week to build consensus around a bipartisan plan to stabilize the financial markets. Luckily, the bill being considered today bears little resemblance to the $700 billion blank check that the President initially requested back on September 20. That approach was totally unacceptable. So Congress improved it in a way that better protects the American taxpayers.

Like many of the Fourth District residents from whom I have heard in the last week, I am angry that we find ourselves considering an economic rescue bill. But as I have studied the specifics of the crisis, I am convinced the consequences of inaction would be dire for America's economic and national security and for our country's overall standing in the world community.

While I support this particular bill, I urge Congress to continue studying the economic turmoil we are facing and to consider additional legislative solutions to it. We must get to the bottom of what caused this crisis so that it does not happen again.

Madam Speaker, I intend to vote in favor of this bill.

Mr. BACHUS. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. I thank the gentleman for yielding, and I want to point out that this legislation is giving us the choice between bankrupting our children or bankrupting a few of these big financial institutions on Wall Street that made bad decisions. Now, my daughter didn't do anything to deserve this. I know what the banks on Wall Street did.

Look at the bill itself. Let me just point to a couple of sections in the brief 2 minutes that I've got to see that the Secretary of the Treasury is being given authority absolutely unprecedented in the history of this Nation. We're essentially creating a King Henry here who is going to be able to buy any type of financial instrument he wants from any financial institution anywhere in the world, anywhere in the world owned by anybody, the Secretary can step in using his authority to buy any troubled asset he wishes—not just limited to residential mortgage-backed securities—any financial

instrument owned by any foreign entity, any American entity anywhere in the world and, quote, the Secretary is authorized to take such actions as the Secretary deems necessary to carry out this act.

It is also unprecedented that you can't sue him to stop him. The judicial review section of this bill says that if you attempt to sue the Secretary, you can only overturn his decision if he does something that's arbitrary, capricious or an abuse of discretion, essentially something that's completely irrational. That's an absolutely unbelievable standard that gives the Secretary unbridled discretion, and you'll never be able to overturn or go after what he's doing in court.

It also allows the Federal Government for the first time, quoting from the bill here, page 28, the Federal property manager who holds, owns or controls mortgages even has the authority to get into negotiating and changing the terms of individual mortgages. It is an unprecedented, unaffordable and unacceptable expansion of Federal power that our kids cannot afford, that we have never seen in the history of this country, and I urge the Members to remember that there's a better alternative.

We, fiscal conservatives in the House, laid out sound alternatives that we need to take time to breathe and think about this and consider thoughtfully in committee. For example, just changing the mark-to-market accounting rule would make a tremendous difference. We could go in and examine, for example, why don't we repeal the capital gains tax and take it to zero as they do in so many other successful economies?

Don't vote to bankrupt our kids at the expense of saving some of the big Wall Street banks.

Mr. FRANK of Massachusetts. I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Thank you.

Like the Iraq war and the PATRIOT Act, this bill is fueled by fear and hinges on haste. So much is missing. There is:

No requirement that Wall Street pay a dime for the damage it caused or the cleanup cost; though a future President can request that Congress do what it declines to do today.

No meaningful limitation on outrageous executive pay; like the war, there is no shared sacrifice; only rewards for the greedy and more burdens for the needy.

No complete bar on American taxpayers having to bail out the Bank of China—and the entire world.

No guarantee taxpayers will not be overcharged for buying toxic debts that no one else wants.

No guarantee taxpayers get a fair share in future profits of those who are bailed out.

Yes, every one of these concerns receives cosmetic attention in this bill. Not even Avon or Mary Kay can compete with the cosmetics in this bill. It's 100 pages—much better indeed—but three pages of what Secretary Paulson would do and 97 pages of what Secretary Paulson could do, plus excuses for approving most of his three pages.

□ 1015

It aspires, but it seldom requires. All of us want to avoid further economic deterioration. Action or inaction today—that is a false choice. It is a matter of having never seriously considered any alternative in these negotiations to handing over $700 billion to the same Bush Administration that has done so much to create this crisis, so little to prevent it, and for whom the vultures have now come home to roost.

Congressman LLOYD DOGGETT's assertions about the shortcomings of the legislation are supported by the following citations to the bill:

(1) "No requirement that Wall Street pay a dime." Section 134 (After 5 years, the President need only submit a proposal, which he may or may not support, to Congress, which it may or may not approve, for recouping any shortfall from the financial industry.)

(2) "No meaningful limitation on outrageous executive pay." See Section 111 (Providing limited and vague restrictions on executive compensation and golden parachute payments. Even these very modest provisions apply only during the period of the bailout or as long as the Treasury actually holds the company's debt or equity.)

(3) "No bar on American taxpayers having to bailout the Bank of China." See Section 101(e) (Includes no prohibition on any American institution acquiring troubled assets owned by foreign institutions and reselling them to the Treasury.); Section 3(9) (Subsection (a) defines bailout-qualified "troubled assets" as mortgage-related securities created before March 14, 2008, but then subsection (b) then grants essentially unlimited authority for the Treasury Secretary to buy any asset he chooses; neither subsection applies a limitation regarding the date upon which the asset was acquired); see also Section 112 (In certain circumstances, foreign banks holding troubled assets may also sell these assets to the Treasury.)

(4) "No guarantee that taxpayers will not be overcharged for buying toxic debts." See Section 101(e) (expresses concern about unjust enrichment while at the same time granting the Secretary of the Treasury unfettered discretion in purchasing troubled assets.)

(5) "No guarantee that taxpayers really share in future profits of those bailed out." See Section 113(d) (The value of any stock warrants received for troubled assets is at the discretion of the same Treasury Secretary who has made clear he does not want the warrants.)

Mr. BACHUS. Madam Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Madam Speaker, I thank the gentleman for yielding.

I rise in opposition to the Emergency Economic Stabilization Act and urge my colleagues respectfully to oppose it.

Our Nation has been confronted by a crisis in our financial markets. The President and this Congress are right to act with all deliberate speed in addressing this crisis. We now have a bill that promises to bring near-term stability to our financial turmoil, but at what price?

Benjamin Franklin in 1759 said, ''They that can give up liberty to purchase a little temporary safety, deserve neither liberty nor safety.''

Economic freedom means the freedom to succeed and the freedom to fail. The decision to give the Federal Government the ability to nationalize almost every bad mortgage in America interrupts this basic truth of our free market economy.

It must be said that Republicans in this Congress improved this bill. But it remains, in my judgment, the largest corporate bailout in American history, forever changes the relationship between government and the financial sector, and passes the cost along to the American people. And I cannot support it.

There are no easy answers, but the American people deserve to know there are alternatives to massive Federal spending. The Bush administration and this Congress have acted quickly, but ignored free market solutions to this crisis. The House Republican plan, as a solid alternative, would have set up an FDIC-style mandatory insurance program in which Wall Street firms would have paid to insure their mortgage-backed securities. Doing so would have made Wall Street pay the cost of this rescue instead of Main Street. And while there is an option for an insurance plan in this bill, it falls far short of the substitute that Republicans desired.

The House Republican plan would have injected liquidity into our markets through fast-acting tax strategies, releasing the economic power inherent in the American economy. Temporarily reducing the repatriation tax, as we did in 2005, would have brought hundreds of millions of dollars back into this economy. And there were other business deductions that would help the financial sector get back on its feet. There were alternatives.

So I say to my colleagues: before you vote, ask yourselves why you came here, and vote with courage and integrity to those principles. If, like me, you came here because you believe in limited government and the freedom of the American marketplace, I urge you vote in accordance with your convictions.

Duty is ours; outcomes belong to God. The American people and our posterity deserve to know that there were men and women in this Congress who opposed the leviathan state in this hour. If you do this, I promise you, I will stand with you. And I believe with all my heart, the American people will stand with you as well. Stand up for limited government and economic freedom. Stand up for the American taxpayer. Reject this bailout and vote

''no'' on the Emergency Economic Stabilization Act.

Mr. FRANK of Massachusetts. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. COSTA) for the purpose of a colloquy.

Mr. COSTA. Madam Speaker, to the chairman of the Financial Services Committee, it is my understanding that section 132 of the bill authorizes the Securities and Exchange Commission to suspend by rule, regulation or order, statement 157 of FASB if the commission determines it is necessary and appropriate and in the public interest and that this discretionary authority would grant banks flexibility in meeting their accounting requirements; is this correct?

Mr. FRANK of Massachusetts. Yes, this reaffirms existing law, but we did it explicitly to underline its importance. There is very legitimate concern in this body on both sides of the aisle for the community banks. They are, in many cases, victims of practices from which they, themselves, abstained.

There is language in here that tries to give them some relief that they would get from the preferred tax situation with Fannie Mae and Freddie Mac. Other Members have raised the question of increasing the FDIC insurance limit next year, and this one in particular on the accounting, obviously none of us want the legislative accounting. But the gentleman has raised a very important point, and yes, we agree absolutely with how he has framed it.

Mr. COSTA. And I understand, Mr. Chairman, the section does not require the SEC to grant such discretion. Is it the intent of the gentleman and the chairman of the SEC to ensure that banks are granted accounting discretion, to the extent that such discretion is consistent with the intent of the language in section 132, including but not limited to in reports that will be required at the end of this month?

Mr. FRANK of Massachusetts. The gentleman is again correct. It does not require it, but we would clearly hope that they would look at this very seriously.

Mr. COSTA. And the legislation doesn't speak to it, but it is my understanding that the chairman of the committee will work on all regulatory agencies, including the banking regulatory agencies, to ensure that banks have the necessary and appropriate flexibility to address the changing market environment regarding capital requirements, accounting, audits and reports, and to do so in a timely manner for reports as of September 30, the end of the next reporting period, and would include but not be limited to the section 132 discretion?

Mr. FRANK of Massachusetts. Yes. There are two separate things here. One is the mark to market accounting due to the consequences that follow that.

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

Mr. FRANK of Massachusetts. I yield an additional 30 seconds.

One thing we talk about as you study what the appropriate accounting ought to be, not legislative but as they study it, there is room for flexibility in how quickly various consequences attach to that, and we are discussing that with the regulators.

Mr. COSTA. Finally, Mr. Chairman, I would like to commend you and the staff for the hard work that has been done on assimilating this very important package.

While it is unfortunate that we are in this position here today, the economic security of our Nation is at risk. We are talking about Main Street here. To do nothing is not an option. I look forward to supporting this effort and your efforts in the next Congress to do the reforms that are necessary to bring back economic sanity to our country. I would urge an ''aye'' vote.

Mr. BACHUS. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I rise in support of the Emergency Economic Stabilization Act of 2008.

Years ago when I was much younger, I was a lifeguard. And I recall one of the first lessons you learn as a lifeguard is that if you know there is a dangerous undertow, you get the people back on the beach and out of the water.

Maybe we can reflect and say we didn't see the undertows coming and we didn't get the people out of the water and onto the beach. But the other thing that I learned when I was a lifeguard was that if you found someone that was in the undertow, you attempted to rescue them. You didn't stand there and curse Mother Nature. You didn't say, Why didn't they do something yesterday? Or, Why didn't we do something an hour ago? Or, Why didn't we blow the alarm 10 minutes ago? You went and you tried to rescue the individual or individuals who were in distress.

That's where we find ourselves today. We are in distress. I am not an expert on the international financial markets, but when bank after bank after bank appears to be going down in Europe, when we have bank failures here, when it appears to be a consensus of this House and the Senate and the executive branch that we have a difficult time, someone called it crisis, some would say that we are on the verge of a cataclysmic event, that we ought to take note and do something about it.

So I would say to my conservative friends, if we want to protect the taxpayer, we ought to try to get the best deal we possibly can under the circumstances. Under these circumstances, as we stand here today, I believe this is the best possible solution we can get.

Would I prefer something else, yes. I voted against the previous question because I wanted the Republican alternative, but we don't have the votes for that. So we need to do something to protect the taxpayer. But more importantly, let's bring this down to the very basic level. This is a question of jobs. It is a question about whether people in our districts are going to have jobs supplied by small businesses, medium-sized businesses. Can they go to the bank to get the credit so they can put out the payroll.

Now, here is the problem. The chairman of the committee mentioned this awhile ago. We don't have the catastrophe right yet. If we prevent the catastrophe, will anybody notice? But it again reminds me of the time when I was a lifeguard. There were a lot of people who didn't get in trouble because I ran a pretty good pool.

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

Mr. BACHUS. I yield 1 additional minute to the gentleman.

Mr. DANIEL E. LUNGREN of California. I didn't allow small children who didn't know how to swim to jump into the pool. I didn't allow people to dive into the pool where I knew it was too shallow and they could break their necks. I didn't get credit for saving them after they dove in the pool and broke their necks. I didn't get credit for saving a little child from jumping in the water and nobody noticing that child and having that child drown. But I know. I did my job, and I prevented some possible tragedies.

So I would ask Members on my side of the aisle, think about it. If you truly believe we have the possibility of this economic breakdown, at least attempt to save the people in the pool. It isn't what I would desire. It is not what I would have brought to the floor had I had the unique chance to do it, but it is the best opportunity we have. Let's not miss it.

Mr. FRANK of Massachusetts. Madam Speaker, I yield to the gentleman from Indiana (Mr. VISCLOSKY) for a unanimous consent request.

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

Mr. VISCLOSKY. Madam Speaker, I rise in opposition to H.R. 3997.

Madam Speaker, in 1991, when Congress was considering repealing the Glass-Steagall Act and its regulatory framework, Representative JOHN DINGELL stated that repealing the Glass-Steagall Act would usher in a ''golden age of thievery.'' Mr. DINGELL has been proven correct.

As recently as September 15, President Bush was saying that ''Americans have good reason to be confident in our economic strength,'' and that ''We have a flexible and resilient system that absorbs challenges and makes corrections and bounces back.'' Henry Paulson was saying that the current turmoil in markets and financial institutions ultimately would ''make things better.''

Now suddenly, we have a crisis. The Bush Administration would have us believe that this crisis is a sudden accident of nature, that it just happened, and could not have been prevented. This crisis is not an accident of nature.

The stage was set for this crisis with the repeal of Glass-Steagall in 1999, but this crisis is not the result of a single error in policy. It is the direct result of years and years of deliberate and cynical exploitation by the captains of an unregulated industry, aided and abetted by an Administration that has willfully failed to enforce our laws and regulations, and that has selected individuals from the very institutions that need oversight to watch over their friends and former colleagues. This crisis is what happens when you set the foxes to guard the henhouse for 8 long years.

Now we are being asked to solve this crisis that has been building for most of the last decade in 7 days. But is the solution being foisted on us really going to help Main Street? Or is it simply meant to clean up Wall Street's mess, cloak the Bush Administration's abysmal failure to protect the people of this country from financial predators, and further enrich those whose covetousness has caused this problem? Is it going to help the people we represent, or is it going simply add to the profits of foreign banks?

Additionally, the Washington Post of September 27, 2008, reports that the six largest banks in the world are going to emerge from this crisis even larger than before. But what about the small community banks that have been following the rules and dealing fairly with borrowers, and who will bear the brunt of the financial dislocation caused by irresponsible financial giants? Why are we leaving our smaller banks to fend for themselves, while bailing out foreign banks? Why does the Royal Bank of Scotland, with $3.5 trillion in assets, need welfare from the American taxpayer?

The Bush Administration is rushing us into spending $700 billion without stopping to think things through, because there just isn't time for thinking. They say, trust us, this is necessary.

I've heard this before.

To me it sounds like what we were told about Iraq: that we had to go to war right away, because of the Weapons of Mass Destruction that Saddam Hussein possessed. Oh, that's right, they didn't exist. We were told ''Trust us.''

It sounds like what we were told when we had to pass the Patriot Act immediately to allow the government to eavesdrop on our private communications and to get the list of books you checked out of the library without probable cause; because there was a risk of terrorism. We were told that we had to fall in line quickly and trust the President.

Now it's ''trust us'' again. I didn't then, and I don't now!

What about the people we're supposed to be protecting? Contrast the President's urgency to help the minions of Wall Street with his disdain for the most vulnerable members of society: our children. During the last two years we asked President Bush to help provide health insurance to 4 million additional children in our country. He refused to do so—twice—but now he says we have to bail out 4 million brokers in 7 days.

Where was the bailout when real people, the people I am here to represent, experienced financial crisis?

When LTV went bankrupt and thousands of people lost their jobs, President Bush didn't sound the alarm. All I know is that Richard Fuld of Lehman Brothers made $34,832,036 last year.

When many Bethlehem Steel retirees had their pensions cut, did President Bush provide a helping hand? All I know is that when Stan O'Neal retired from Merrill Lynch, his compensation package was worth $161.5 million.

When National Steel went bankrupt, did this Administration ask for a bailout? All I know is that Freddie Mac's Richard F. Syron made $18,289,575 in 2007.

When Republic Steel went bust under this Administration, they ceased to exist. On the other hand, AIG ceased to exist after a federal bailout, and no one asked Martin J. Sullivan of AIG to give back the $14,330,736 he was paid last year.

Let us also look ahead. This year, we are projected to have a deficit of $407 billion, on top of our national debt of $9.68 trillion. Our Inland Waterway Trust Fund will be broke by June of next year. Our Highway Trust fund needed an infusion of $8 billion this year because it was out of money. Medicare is slated to be insolvent in 2019. Today we're being asked to provide the titans of Wall Street $700 billion that we will have to borrow because no one wants to pay for it. Think of our poor children, and I mean that literally. And think about the next administration that will have to live with the consequences of this Wall Street bailout for its entire term.

It is clear that the problems in our current financial system are not temporary aberrations in an otherwise healthy system, and will not be easily addressed with a one-time infusion of cash. I know that I am not alone in saying this. On September 25, 2008, 200 independent economists who don't work on Wall Street, who don't work for the Federal Reserve, who don't work for the U.S. Treasury, signed a petition stating that this plan could create perverse incentives, that it is too vague, and that its long-run effects are unclear. Gary Aguirre, a former employee of the Securities and Exchange Commission, points out that as much as half of the $700 billion dollars could be wasted if there is not careful oversight over the valuation of the bonds we would be buying, resulting in a $350 billion gift to Wall Street.

Now, these economists and Mr. Aguirre may be wrong too, but they have a lot more veracity with me than the supposed experts promoting this bailout plan, who are from the same institutions that created this mess in the first place. Given the gravity and systematic nature of our problems, and given the lack of information with which we have been provided, I believe that Congress should be deliberate and conduct a comprehensive examination of alternative solutions.

Chairman DINGELL was right: We are now in the golden age of thieves. And where I come from we put thieves in jail, we don't bail them out. We should reject this proposal.

Mr. FRANK of Massachusetts. Madam Speaker, I yield 2 minutes to the Chair of the Financial Institutions Subcommittee, a very creative legislator, the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Madam Speaker, this is a difficult vote. This bill is not popular, but it is necessary. A wholesale failure of the banking system would be the financial equivalent of an economic heart attack, the consequences of which could severely affect the lives and livelihoods of millions of ordinary American citizens.

The bill before us endeavors to prevent such a calamity. I do not pretend that it is a perfect bill, and taxpayers are rightfully outraged at the prospect of bailing out irresponsible banks and those that lead them.

Speaker PELOSI and Chairman FRANK have made improvements in this bill. We have imposed stronger oversight, allowed judicial review, and mandated transparency through the publication of asset purchase prices. We have directed the Treasury to safeguard taxpayer interest while reducing foreclosure, allowed the government to obtain equity warrants so taxpayers may participate in the upside of rescued banks. We have created a system under which the banks themselves will pay to insure each other's assets.

Perhaps most importantly, half the funds, $350 billion, will not be made available until after a 4-month cooling off period, during which time we in Congress can use that transparent reporting to examine the prices paid for the assets, the warrants obtained, and the program's effectiveness in stabilizing the financial system and aiding American taxpayers and homeowners.

□ 1030

We will continue our work on October 6 in hearings before the Government Reform and Oversight Committee in ways to reform the financial system and stabilize our economy.

I urge a ''yes'' vote.

Mr. BACHUS. Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. I thank the gentleman for yielding.

This is probably the most important vote that Members of Congress are going to take this year and for many, many years. Unfortunately, this bill is not going to solve the problem. This bill is going to bail out foreign banks. It's going to bail out Wall Street. But it's not going to bail out banks, and it's going to hurt the taxpayer.

During the negotiations, we've had some changes to the Paulson bill, but this essentially is Mr. Paulson's bill to help his friends, and I can't buy it.

Frankly, Madam Speaker, I see this bill as just a stopgap that's going to push us a little further down the road. We're still going to have the economic collapse, we're still going to have the stock market crash, we're still going to have all of the problems that this is supposed to fix. We heard the same argument with the Fannie Mae bailout and Freddie Mac. We've heard it in the discussion about Bear Stearns and AIG. It's the same old story. We're just going further down the road. We're getting deeper and deeper. The cliff is getting steeper and steeper.

We need to slow this down. We need to stop this process. We need to vote against this bill and find something that really makes sense economically that's going to secure the bank situation.

We have a capital problem, not a liquidity problem in our banks, Madam

Speaker, and we've got to find a solution. And there are solutions. This is not the only one. This one is the only one to bail out Wall Street, but it's going to cost our taxpayers dearly.

Madam Speaker, this is a huge cow patty with a piece of marshmallow stuck in the middle of it, and I'm not going to eat that cow patty.

I would encourage all of the Members of my conference and your conference to vote against this bill so we can find something that makes sense.

Mr. FRANK of Massachusetts. Mr. Speaker, I'm sure the Members will be relieved to learn that I have no matching metaphor.

I recognize for 3 minutes the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Just because your constituents hate this bill—and will hate it more when they learn the details—does not mean that voting for it is an act of courageous patriotism. Just because this bill is unpopular doesn't mean we have to pass it immediately. Some 400 eminent economists, including three Noble Laureates, are asking us to come back and do our job and write a good bill in the next week or so.

They state—and their chart is here so you might want to read along—''We ask Congress not to rush, to hold appropriate hearings and to carefully consider the right course of action.'' Four hundred economists, three Noble Laureates.

Now, we know that this bill will allow million-dollar-a-month salaries to executives at bailed out firms, and it allows hundreds of billions of dollars to be used to buy the toxic assets currently held by foreign investors. But we're told not to worry because this $700 billion bill isn't going to cost us anything. We're going to recoup all of the costs from some future revenue bill that we will enact.

Now, the bill does not automatically enact any revenue increase, nor does it protect a revenue bill from filibuster or veto. Congress is highly unlikely to pass a multi-hundred billion dollar tax increase in 2013 or any other year. Tax increase bills are anathema to many. Forty-one Senators can block the plan, and we're giving Wall Street enough money to hire 4,100 lobbyists.

In recent years, Wall Street has effectively defeated every attempt to close every loophole they currently exploit, no matter how pernicious, including those involving Cayman Island tax havens used by hedge fund managers to pay zero tax.

Section 134 of the bill says the tax will be on the entire ''financial services industry''—good banks who don't need a bail out; bad banks who used a bailout; community banks, maybe even credit unions.

It is absolutely impossible to draft a tax that will hit only those firms who receive bailout payments and even more impossible to draft one that taxes each bank in proportion to how much money we lose on the toxic assets we happen to buy from them. In fact, there are no provisions in this bill that even keep track of the losses on the assets we acquire from an individual bank as we manage them, combine them, put them together in pools with assets we acquire from other banks and then sell them off.

Now, these bailed-out firms, many of them won't exist in 2013. Some are going to go under. Some of the bailed-out firms are just shell companies anyway. For example, if the Bank of Shanghai currently owes $30 billion of toxic assets to its tiny subsidiary it has already incorporated in California, the subsidiary will sell those toxic assets to the Treasury; the bailout went to that tiny subsidiary in 2009; it's not even going to exist in 2013.

Many of the bailed-out firms are going to be unprofitable in 2013. And therefore you're not going to be able to put an income tax on them. Some of the bailed-out firms are going to move offshore before 2013. Wall Street gets their money now, and we get it back never.

Mr. BACHUS. Madam Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. First off, I want to commend my colleagues, especially Minority Leader JOHN BOEHNER, ROY BLUNT, ERIC CANTOR, and certainly Ranking Member SPENCER BACHUS, for their hard work in improving this bill. However, Madam Speaker, after careful and agonizing consideration, I cannot support H.R. 3997 and will be voting ''no.''

I understand the need to act, and I understand the urge to act quickly. We must restore the flow of credit. I firmly subscribe to the belief that Main Street and Wall Street are inextricably linked. Instability in the financial markets leads to instability in taxpayers' personal accounts and their personal funds.

Meanwhile, that capital that flows through our financial markets is vital to the continued success of our businesses, large and small. We should all agree that a failure of our credit markets would be an enormous catastrophe, and the government does have a role in ensuring that the financial markets function soundly.

At the same time, we cannot allow the American taxpayer to become the insurance policy for financial decisions that didn't quite turn out as planned. Whether you're talking about someone from South Carolina who took a mortgage they couldn't afford or a Wall Street banker who gave that mortgage, we see just how important personal responsibility must be to the American society. And I fear that this legislation erodes this accountability and the freedom that comes with it.

Unfortunately, Madam Speaker, our government is in debt, and we're in a lot of it. In fact, this whole crisis is built around debt, where much bad debts has caused an inability to get new credit—otherwise known as debt. My daddy always told me that you can't borrow your way out of debt. And he was right.

There are other reasonable options that we should explore to help the markets heal themselves and that would not burden our country under even greater mounds of debt. I was pushing for a plan that would use more free market principles, such as suspension of capital gains, a repatriation of earnings to help spur economic growth by helping all Americans whose retirement accounts are invested in the stock market or own a house or business so they can jump start the flow of funds back in the system.

There is no doubt we find ourselves in a precarious situation, and the people are angry, and rightfully so. I'm angry. But we must not allow this anger to cloud our judgment and make choices that will divide this country. This is not a matter of Main Street versus Wall Street.

But when it comes time to vote on this bill, Madam Speaker, I will be voting ''no.'' I understand my colleagues for their reasoning, and I'm confident that we all want to do the best for this country. But I believe so strongly in the principles of the free market and the belief in the word ''freedom.'' That's why I'm opposing this bill.

My fear is that today the government will forever change the face of the American free market.

Mr. FRANK of Massachusetts. Madam Speaker, for the purpose of a colloquy, I yield 2 minutes to the gentleman from Georgia (Mr. MARSHALL).

Mr. MARSHALL. Thank you, Mr. Chairman.

I want to begin by complimenting the negotiators on addressing an issue that's very important to small community banks generally, and that is authorizing the deduction of the Fannie Mae losses against ordinary income as soon as possible. That will help all community banks.

Many of my banks, Mr. Chairman, are suffering from loans on their books from typically builders and developers who are now unable to complete their projects. And these banks feel strongly that they would be assisted greatly if there were an opportunity for them to borrow from the Fed window at 1, maybe 2 percent—but a very low interest rate—the funds to cover these loans on their books that currently they're illiquid.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. MARSHALL. Yes.

Mr. FRANK of Massachusetts. I think the gentleman makes a very good point. It's not anything obviously that we would legislate. I know he knows better than most, and he's not asking for that. But it is something I will join him in urging on the Federal Reserve.

The community banks are the innocent victims overwhelmingly of this. They were regulated. They didn't make subprime loans. By the way, they were

the ones covered by CRA. The bad loans were made by the institutions not covered by the Community Reinvestment Act.

But the gentleman is right. These banks play a vital function that will be even more vital as other sources dry up, and I will work with him to try to get that kind of relief.

Mr. MARSHALL. I thank the chairman for his interest in this particular issue. I agree with the chairman's analysis of the importance of these banks, and I look forward to working with the chairman to assist these banks.

Mr. BACHUS. Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. I want to thank my friend from Alabama for yielding the time.

Madam Speaker, I've often said as I have stood up that when the process is broken, the product is flawed. And I appreciate all of the meetings that the chairman and ranking member and others have attended and the time that they have spent. There was only one hearing that I know of in the Financial Services Committee that was held before this bill, and that was to have Secretary Paulson and Chairman Bernanke come and testify. Those were the only two witnesses. And I'm not sure what alternatives are out there, what the plans are for a free market, for capital infusion and not just buying these toxic assets.

And I think that's going to be the key to any plan working is the infusion of capital. But the process is broken because there was no markup on the bill. The bill was introduced about 24 hours ago. It's 106 pages. And as we saw earlier in the week with some of the tax extender bills and some of the other bills that were introduced early in the morning, brought to the floor early afternoon, had problems in it, having to recommit, redo the rules.

You cannot do this type of bailout of $700 billion without adequate hearings, without adequate testimony, without hearing other alternatives that can be injected into this that we could do some of the things as the net operating loss, how that can help a business. Doing away with the capital gains tax, the repatriation of money to come back into this country. The last time we did that, $350 billion came in.

These banks need cash. They need capital. They do not need somebody buying these assets when they still have mark-to-market. They still have accounting rules that don't allow them to have the amount of money they need to loan to small businesses and individuals to keep our economy going.

This is a rush. We need to defeat this bill.

Mr. FRANK of Massachusetts. Madam Speaker, there's been reference in this debate to very good provisions that help community banks and others that are tax provisions.

I now want to recognize for 3 minutes the author of those, the chairman of the Committee on Ways and Means, the gentleman from New York (Mr. RANGEL).

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

Mr. RANGEL. Madam Speaker, this is a serious issue for those of us in government. I don't know where the advocates of reduced government really are today.

□ 1045

The marketplace should work as well, and now we're asking the government to come in with close to $1 trillion in order to bail out the private sector.

The administration has come up with a proposal that, to me, reminds me of roulette, and they're challenging us to just take the bullets. As Chairman FRANK has said so often, this is a no-win proposition because, in support of this—and I will be supporting it—no one is going to thank us for what they don't know and how serious it is, but I do know one thing, that those who have caused the problem somehow have managed to get away without any blame, without any penalty, and the crisis now falls on the American people.

Well, for some people, it will be just an inconvenience. They'll sell a couple of houses; they'll get rid of some of their stocks, and they'll continue to game the system, but for the poor, they won't have these options since we live in a country and, indeed, in a world that is dependent on credit. So the poor will not be inconvenienced, but irreparable harm could be done to the dreams that it took so long for the middle income to achieve to be able to own a home, to be able to send their kids to college, to be able to put food on the table, to clothe them, and to have the respect that the middle class in America has stood for for so long.

We have seen in recent months that this class of people has had their dreams dampened by the increase in gasoline prices, in health costs, in education to such an extent that the government just gave them a handout with $1,000 here and there to try to restore their dignity. Obviously, that didn't work. How is it that we couldn't find money to give them jobs? to create a fair and equitable tax system? to increase education? to increase health? to make certain that our infrastructure was conducive of America's being competitive? No, it costs too much money.

Somehow, the conservatives in the other party can find an exposure to American taxpayers for close to $1 trillion, and not too long ago it was just another $300 billion. For war and for these types of things, we can always find the money, but to make certain that the underclass—the poor folks—and the middle class are able to get an investment in America and into their lives so that they can become more prosperous and can enjoy the dreams of America, we can't seem to find it.

So now we have the Secretary of the Treasury. We don't know where he goes after December, and we will forever have to staple him to whatever excuses we give for being frightened to death that he just might be right. It is wrong to do this to a country. It is wrong to do this to the Congress, but it just seems to me that I can't afford to take the risk.

I support the work of BARNEY FRANK and of all those who work diligently to try to make certain that we don't allow the sky to fall on American's middle class and poor folks.

Mr. BACHUS. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. PAUL).

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

Mr. PAUL. Madam Speaker, I rise in strong opposition to this bill. This is only going to make the problem that much worse. The problem came about because we spent too much; we borrowed too much, and we printed too much money; we inflated too much, and we overregulated. This is all that this bill is about is more of the same.

So you can't solve the problem. We are looking at a symptom. We are looking at the collapsing of a market that was unstable. It was unstable because of the way it came about. It came about because of a monopoly control of money and credit by the Federal Reserve System, and that is a natural consequence of what happens when a Federal Reserve System creates too much credit.

Now, there have been a fair number of free market economists around who have predicted this would happen. Yet do we look to them for advice? No. We totally exclude them. We don't listen to them. We don't look at them. We look to the people who created the problem, and then we perpetuate the problem.

The most serious mistake that could be made here today is to blame free market capitalism for this problem. This has nothing to do with free market capitalism. This has to do with a managed economy, with an inflationary system, with corporatism, and with a special interest system. It has nothing to do with the failure of free markets and capitalism. Yet we're resorting now, once again, to promoting more and more government.

Long term, this is disastrous because of everything we're doing here and because of everything we've done for 6 months. We've already pumped in $700 billion. Here is another $700 billion. This is going to destroy the dollar. That's what you should be concerned about. Yes, Wall Street is in trouble. There are a lot of problems, and if we don't vote for this, there are going to be problems. Believe me: If you destroy the dollar, you're going to destroy a worldwide economy, and that's what we're on the verge of doing, and it is inevitable, if we continue this, that that's what's going to happen. It's

going to be a lot more serious than what we're dealing with today.

We need to get our house in order. We need more oversight—that is a certainty—but we need oversight of the Federal Reserve System, of the Exchange Stabilization Fund and of the President's Working Group on Financial Markets. Find out what they're doing. How much have they been meddling in the market?

What we're doing today is going to make things much worse.

The process of this bailout reminds me of a panic-stricken swimmer thrashing in the water only making his situation worse. Even a ''bipartisan deal''—whatever that is supposed to mean—will not stop the Congress from thrashing about.

The beneficiaries of the corrupt monetary system of the last 3 decades are now desperately looking for victims to stick with the bill after they have reaped decades of profit and privilege.

The difficulties in our economy will continue because the legislative and the executive branches have not yet begun to address the real problems. The housing bubble's collapse, as was the dot corn bubble's collapse, was predictable and is merely a symptom of the monetary system that brought us to this point.

Indeed, we do face a major crisis, but it is much bigger than the freezing up of Wall Street and dealing with worthless assets on the books of major banks. The true crisis is the pending collapse of the fiat dollar system that emerged after the breakdown of the Bretton Woods agreement in 1971.

For 37 years the world built a financial system based on the dollar as the reserve currency of the world in an attempt to make the dollar serve as the new standard of value. However since 1971, the dollar has had no intrinsic value, as it is not tied to gold. The dollar is simply a fiat currency, which has fluctuated in value on a daily, if not hourly, bias. This worked to some degree until the market realized that too much debt and malinvestment existed and a correction was required.

Because of our economic and military strength, compared to other countries, trust in America's currency lasted longer than deserved. This resulted in the biggest worldwide economic distortion in all of history. The problem is much bigger than the fears of a temporary decline on Wall Street if the bailout is not agreed to.

Money's most important function is to serve as a means of exchange—a measurement of value. If this crucial yardstick is not stable, it becomes impossible for investors, entrepreneurs, savers, and consumers to make correct decisions; these mistakes create the bubble that must eventually be corrected.

Just imagine the results if a construction company was forced to use a yardstick whose measures changed daily to construct a skyscraper. The result would be a very unstable and dangerous building. No doubt the construction company would try to cover up their fundamental problem with patchwork repairs, but no amount of patchwork can fix a building with an unstable inner structure. Eventually, the skyscraper will collapse, forcing the construction company to rebuild—hopefully this time with a stable yardstick. This $700 billion package is more patchwork repair and will prove to be money down a rat hole and will only make the dollar crisis that much worse.

But what politicians are willing to say that the financial ''skyscraper''—the global financial and monetary system-is a house of cards. It is not going to happen at this juncture. They're not even talking about this. They talk only of bailouts, more monetary inflation, more special interest spending, more debt, and more regulations. There is almost no talk of the relationship of the Community Reinvestment Act, HUD, and government assisted loans to the housing bubble. And there is no talk of the oversight that is desperately needed for the Federal Reserve, the Exchange Stabilization Fund, and all the activities of the President's Working Group on financial markets. When these actions are taken we will at last know that Congress is serious about the reforms that are really needed.

In conclusion, there are three good reasons why Congress should reject this legislation:

It is immoral—Dumping bad debt on the innocent taxpayers is an act of theft and is wrong.

It is unconstitutional—There is no constitutional authority to use government power to serve special interests.

It is bad economic policy—By refusing to address the monetary system while continuing to place the burdens of the bailout on the dollar, we can be certain that in time, we will be faced with another, more severe crisis when the market figures out that there is no magic government bailout or regulation that can make a fraudulent monetary system work.

Monetary reform will eventually come, but, unfortunately, Congress' actions this week make it more likely the reform will come under dire circumstances, such as the midst of a worldwide collapse of the dollar. The question then will be how much of our liberties will be sacrificed in the process. Just remember what we lost in the aftermath of 9–11.

The best result we can hope for is that the economic necessity of getting our fiscal house in order will, at last, force us to give up our world empire. Without the empire we can then concentrate on rebuilding the Republic.

Mr. FRANK of Massachusetts. I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Let me thank Chairman FRANK for your efforts to improve this administration's $700 billion blank check bill.

Madam Speaker, as a former member of the House Financial Services Committee for 8 years, I can tell you that the situation that we find ourselves in today is the direct result of the deregulation-happy, turn-a-blind-eye approach of this administration and its allies in Congress.

Now we see the horrific price of these reckless deregulation policies. More than 600,000 Americans have lost their jobs since January. People need jobs to obtain credit, to pay their rent, to pay their house notes, to buy a 401(k) or to really have a retirement account. Millions of people are living paycheck to paycheck if they really have a paycheck. Home foreclosures are skyrocketing; home values are plunging; banks are failing, and we are still spending more than $10 billion every month on a war in Iraq that did not have to be waged.

So I'm convinced that this bailout is not the solution to this mess. It does little to address the underlying problem—the foreclosure crisis. We need a moratorium on foreclosures, and we need bankruptcy reform to help people stay in their homes. This bill should be paid for by the high-flying industry that created this problem. $700 billion should not be given to Wall Street and to the Bush administration unless those who caused this mess pay for it.

As my bill indicates, the Income Equity Act, we should also prohibit the tax deductibility of executive compensation in any company where the highest paid corporate officer's compensation exceeds by 25–1 that of a worker's of the lowest wage.

Third, we need an economic stimulus package to deal with the crushing reality of the recession that is hitting people hard each and every day. I cannot vote to reward those predatory and subprime lenders who are really creating havoc in the lives of millions of Americans. There has got to be a better way.

Mr. BACHUS. Madam Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Madam Speaker, I wish there were a better way, but I haven't seen it yet, and I think this is a good bipartisan work product. It is a difficult vote for all of us. Either we're promoting unprecedented Federal interference in the marketplace or we're bailing out Wall Street millionaires and are rewarding bad business decisions. There's a grain of truth in all of this, but it's also true that this doesn't address some of the fundamental problems with our current economic slowdown.

This helps, on the margin, the housing situation. It will allow some people to renegotiate in a better posture, but it doesn't solve the rising unemployment and the rising deficits and the falling dollar, but it's also true that with credit drying up and with the failure of the mortgage banks and banks that the failure to act would bring even greater economic devastation.

We saw the future a couple of weeks ago: Markets plunged. Lehman Brothers failed. AIG, Freddie and Fannie needed bailouts. Credit virtually disappeared across the spectrum. We have to take economic recovery one step at a time. If there is no credit, nothing else matters. Failure to take this step today will almost certainly worsen the situation, perhaps beyond repair.

This is a compromise. There is a lot not to like. We could pick this bill to death on both sides of the aisle. We could play the blame game forever, but politics is the art of the possible, not the art of the perfect. If this bill goes down, I don't think most of my colleagues want ownership of what's going to follow. I'm hopeful that some of the money that we're putting forward will be returned to taxpayers eventually, but there are no guarantees, but doing nothing or delaying this indefinitely is not a viable option.

I urge my colleagues to show leadership and to take the tough vote and vote ''yes.''

Mr. FRANK of Massachusetts. Madam Speaker, I now yield 4 minutes to the very able Chair of our Capital Markets Subcommittee, a man who has played a very important role in our trying to stabilize this situation, the gentleman from Pennsylvania (Mr. KANJORSKI).

Mr. KANJORSKI. Mr. Chairman, if I may just make a comment in the beginning here and ask you the question:

Is it correct to say that nothing in this act is meant to distract from any rights of recovery against private parties to redress wrongdoing that exists under Federal or State law?

Mr. FRANK of Massachusetts. If the gentleman would yield, he is absolutely correct.

By the way, one of the points in the original bill the Treasury Secretary gave us inappropriately freed him from a number of judicial restraints. We have restored those, and we have taken away no existing legal right whatsoever in this bill.

Mr. KANJORSKI. Thank you, Mr. Chairman.

Madam Speaker, I rise today with a heavy heart. The reality is, as my friend from Virginia (Mr. DAVIS) said, we don't have a perfect bill here. We do have a perfect storm, however, and we have a bad situation. The inaction, or the failure to act, could be exacerbating to this situation to the extent that most of us can't even imagine how bad it could get.

I'm not here in defense of Wall Street fat cats nor am I here in defense of those who perpetrated this greed and this expansion over the last 5 to 7 years that has caused this problem. I'm not here as a faultfinder of who is responsible politically, economically, socially or otherwise.

I am here because I recognize that there is going to be hurt, extreme hurt, if we do nothing, and I want to make sure that my constituents and that the rest of the public watching this understand that we're not bailing someone out in a far-off place called Wall Street. We're making sure that next week and that next month a worker in my hometown of Nanticoke, Pennsylvania will be able to go to his ATM machine and draw out money, that he will be able to be paid by a check or by a cash transfer that will give money to his account so that he can spend it on his family. I'm here so that he can continue to negotiate to buy a new home or a used home or so that he can provide for his family goods or services that are necessary and that may disappear.

So often, many of us get so far removed from history and from circumstances of the past that we hardly remember or recall what people told us could be. I think it would be a good thing for all of us to refer back to some of the movies that depicted the Great Depression and for all of us to just look at what can happen when there is the total collapse and failure of an economic system. I don't want to see that happen again in America.

In order to see that that does not happen, it is necessary that we take action on this bill. This is not an easy vote for any Member in this Chamber, and I will be the last one who will cast dispersions as to what the motivations for voting ''yes'' or ''no'' will be by my fellow Members. However, I will tell you this:

It is time for all good men to come to the defense of their country and to the times. In my opinion, that means we must put aside our own personal careers and our own personal thoughts and even our own ideas of what would be the right thing and vote to save this country's economic system. If we fail to do this in this 11th hour, we are already starting to see around the world, through the window of television, just what can happen to the markets of this world and, eventually, to all of the small towns across this world.

□ 1100

I think that we've done a hard job in trying to put into this bill the safeguards for the taxpayers, the modifications that are necessary. It was an extreme bill, three and a half pages, giving total dictatorial power to the Secretary Treasurer.

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

Mr. FRANK of Massachusetts. I yield the gentleman an additional 30 seconds.

Mr. KANJORSKI. We have modified it over these last 7 to 10 days to make it more livable, but not perfect. What I urge my colleagues to do is put aside partisanship, put aside fear, and realize why we're here. Only a couple of times in a decade are we asked to stand up and be counted; this is one of those historic moments. I urge my colleagues to show the fortitude to vote ''yes.''

INTRODUCTION

Madam Speaker, as our great Nation faces one of the most severe economic crises in its history, I share the sense of outrage of the American people that we find ourselves in this situation. I am angry at our regulators who did not do enough to prevent this deeply troubling situation. I am angry that we have reached a moment in which those who followed the rules are now being asked to help those who flaunted the rules. But most of all, I am furious at the greed of the fat cats on Wall Street who created the financial products that led to this mess.

Today, the Members of this storied institution must choose between two bad alternatives. First, we could opt to do nothing. According to many reputable economists, this choice carries the grave risk of resulting in an almost certain global financial meltdown. Second, we could choose to act by voting for the legislation before us. This choice—while admittedly an expensive and imperfect one—provides the urgent injection of vast government resources to unclog the financial arteries of our capital markets so that our economy can, hopefully, begin to function more normally once again.

Ironically, the choice of inaction, which is the risky choice for the good of our Nation, is the safer choice for the good of the lawmaker. But political expediency must sometimes yield to practical necessity. In this situation, we ultimately have to do what is right. So, to resist the call of duty by voting against this package is, for me, simply not an option. I urge my colleagues to be brave, put partisanship aside, and send a message of consensus to the Amierican people. By working to restore confidence in our credit markets, we will ultimately prevent severe economic consequences for the families living and the small businesses operating on Main Street.

In the midst of another global economic crisis 75 years ago, President Franklin Roosevelt said, ''One thing is sure. We have to do something. We have to do the best we know how at the moment. If it doesn't turn out right, we can modify it as we go along.'' I have concluded that this bill is the best we know how to do at this moment. We should all support it for the good of our Nation, and we can always change it later.

In sum, only action will protect the hard-working American people who, if we do not act, will lose their jobs, their paychecks, their pensions, their homes, and their very way of life as a result of the severe hardships a severe economic downturn will bring. Because I cannot in good conscience sit idly by as disaster is looming, and because I understand the potentially devastating effects on middle class families and retirees if we fail to act, I must vote for this bill.

HOW THE ECONOMY REACHED THIS POINT

The causes of our current financial turmoil are many. Some of the contributors to this paralyzing credit crisis include an environment of easy credit and low interest rates, lax mortgage underwriting standards, and a national housing bubble, wherein prices rose to levels well beyond the reasonable values of homes.

My concerns about the rapid growth in home values led me in July 2002 to question Alan Greenspan about the potential of a valuation bubble in the housing markets and about what could happen to the economy if the bubble burst. Chairman Greenspan responded that he saw ''no evidence'' of ''a national bubble in home values'' and that the matter did not need to be addressed by policy reforms. If only he had answered differently, we might have been able to take action in time to prevent the economic turmoil that we are now experiencing.

The unfettered creation of new, complex financial products also contributed to the present crisis. Financial wizards first packaged faulty loans into securities and then divided and combined these financial instruments into novel products like collateralized debt obligations, which received strong estimates of creditworthiness from ratings agencies. The geniuses of Wall Street also insured their bets with flawed credit default swaps. They additionally developed and sold financial derivatives whose risks few participants in the marketplace fully appreciated.

This financial house of cards began to collapse once borrowers with subprime mortgages began to default on their loans in greater and greater numbers. These defaults undermined the associated mortgage-backed securities, collateralized debt obligations, credit default swaps, and derivatives. Eventually, the

collapse of the subprime mortgage market infected the prime mortgage market, which in turn infected the American financial system.

Once the contagion spread into our increasingly interconnected global financial system, banks and other financial institutions began to lose confidence in one another as they could not determine the true exposure of their partners to the underlying problems. As a result, they stopped lending to one another.

Our present predicament also results from one of the cardinal sins: greed. The titans at investment banks simply could not make enough money, and they increasingly leveraged their investments with fewer and fewer assets. Further, they created, bought, and sold financial instruments for which they neither completely understood nor fully appreciated the risks. In pursuit of the dream of homeownership, far too many Americans also borrowed too much and lived beyond their means with the help of low interest rates and access to easy credit.

Rather than lament the past, however, we must rise up to overcome this challenge, correct our mistakes, and reestablish an economically sound America for ourselves and future generations. The economy is a man-made construct. Man made it, and man can fix it. We are working to fix our economy with this legislation.

WHY WE MUST ACT NOW

We should not underestimate the urgency that this credit crisis demands. Money and credit are the lifeblood of an economy, and during the last year the credit markets have become increasingly clogged as financial institutions' trust in one another has worn away because of the troubled assets that they hold. As a result of this lack of confidence, bank lending to other banks has come to a virtual halt. When banks stop lending to one another and hoard their cash reserves, small businesses and consumers are the ones who are ultimately hurt the most.

Lines of credit that were once open could be, and in some cases have already been, closed. Without access to credit, businesses might not have the money they need to pay their workers and workers could lose their jobs. A shutdown of the credit system would also result in difficulty in getting loans to go to school, buy a home, pay for emergency needs, or expand a business. It could also result in further significant drops in the prices of stocks and bonds held in the retirement plans of workers and the pensions of senior citizens.

Moreover, a pervasive lack of confidence by the participants in our capital markets has now created a vicious cycle. After pursuing in recent months a number of piecemeal, makeshift fixes at several financial services companies to address specific problems resulting from the credit crisis, Treasury Secretary Henry Paulson and Federal Reserve Chairman Ben Bernanke determined on September 18 that they needed even more power to repair the problems in the credit markets, restore confidence, and promote a sense of optimism.

Secretary Paulson and Chairman Bernanke, along with many highly regarded experts, have therefore advised the Congress to take bold action to shield average Americans from the harm caused by the credit crisis. In analyzing the contributing factors that led to the Great Depression, many have concluded that the Government should have taken decisive action earlier to prevent, forestall, and lessen the effects of that sizable economic downturn. By taking bold action now in response to this latest economic crisis, we are learning from the lessons of the past.

Many Americans view this Government intervention as a bailout of Wall Street and as an unjust reward for bad decisions and irresponsible behavior. Americans have good instincts, and they are not wrong to view the situation in this light. After all, irresponsibility and greed on Wall Street have provoked anger in nearly all of us in recent days.

Americans also feel isolated from the consequences of the current economic strife because most of them have yet to experience its direct effects. As countless economists, however, have warned us, Americans have a false sense of security about their current economic prospects: They wake up, go to work, get paid, make a withdrawal from an ATM, fill up their gas tank, buy some food, and go home. To them, things still seem relatively normal.

To protect hard-working Americans and retirees from this economic tidal wave, the Congress must act now before it is too late. In voting for this legislation, I am not voting to help Wall Street fat cats. Instead, I am voting to safeguard the jobs, paychecks, pensions, savings, homes, and security of average Americans. In short, I am voting to protect their very way of life.

THE FAULTY INITIAL PLAN

Like every American who read the initial 3-page legislative proposal, I had very strong concerns about the plan that Treasury Secretary Paulson sent to the Congress to create a program of $700 billion to permit the Government to purchase the troubled assets of financial institutions. It would have essentially provided the Treasury Secretary with an open-ended, blank check. It lacked needed controls, it failed to reform business-as-usual on Wall Street, and it did not do enough to protect the interests of taxpayers. Moreover, the initial plan would have granted the Treasury Secretary vast, unchecked powers without oversight by the courts and the Congress.

This unacceptable package would have given Americans a raw deal because executives suffered no consequences for their reckless behavior. Taxpayers also received no promise of repayment for their contribution. Corporations additionally would have been bailed out by the taxpayers and then allowed to walk away with all of the profits, leaving average Americans to fall behind even further.

In sum, the first version of the plan that the Congress received from Secretary Paulson was ill-conceived and unfair to the taxpayers. The Congress rightly rejected this first draft.

THE VASTLY IMPROVED PLAN

Fortunately, we live in a democracy, and as the Chairman of the House Financial Services Capital Markets Subcommittee, I worked with Financial Services Committee Chairman Barney Frank and other leaders in the Congress to make significant changes, negotiate a bipartisan compromise, and improve this legislation as much as possible and as quickly as possible. In brief, we revised the plan to protect taxpayers, limit executive pay at distressed companies getting help, establish strong oversight and accountability, and cut overall costs. As a result, the original proposal of less than 3 pages grew into a final bill of 110 pages.

The final bill protects taxpayers in many ways. It cuts the initial outlay of $700 billion in half and conditions the installment above $350 billion on legislative review. It also gives taxpayers an ownership stake in the companies assisted by the program. This change will ensure that Americans share in any future profits of the distressed entities that it helps with the chance to buy stocks low and sell them high. The bill also protects taxpayers by requiring the program's managers to minimize short-term costs, maximize long-term gains, establish fair contracting procedures, and curtail conflicts of interest.

This bill now protects taxpayers in one other important way. During my opening comments to Secretary Paulson and Chairman Bernanke at last week's hearing of the Financial Services Committee, I said that we needed to seek ways to pay for this massive Government intervention, including placing surcharges on millionaires' incomes and raising fees on securities transactions. I am therefore pleased that the final bill now before us guarantees that taxpayers will be paid in full, if other protections have failed to produce a profit. Specifically, if after 5 years the program has a shortfall, then the President must submit to the Congress a proposal that recoups from the financial industry any projected losses to the taxpayer. This reform is sensible and prudent.

In developing this bill, I also sought to prevent those who contributed the most to this crisis from further profiting by revising the initial Treasury plan to ensure that the Wall Street executives who ask for the Government's help do not continue to get fat paychecks. The final bill also blocks multi-million dollar golden parachutes at distressed companies so that CEOs land just as hard as average workers when they lose their jobs. Moreover, the final bill claws back big bonuses earned by CEOs as a result of financial statements later found to be false or inaccurate.

The final bill also checks the Treasury Department's power in several ways. The Congress will now have the full authority and resources to examine executive decisions with a Congressional Oversight Panel. The revised legislation additionally provides for meaningful judicial review. Our constitutional system works well because of a balance of powers among the branches of government. In short, the final bill recognizes the importance of this balance. These changes helped to correct some of the most flagrant excesses of the initial Treasury plan.

In addition, I worked to ensure that the final bill provides for strong accountability and real transparency. The final bill puts in place a permanent, in-house watchdog to stop waste, fraud, and abuse. It also provides for the real-time disclosure of business transactions on the Internet so that the American public can inspect the assets they are buying. I strongly support the provisions in the bill to force Federal financial regulators to cooperate with the Federal Bureau of Investigation in its efforts to find the wrongdoers who committed crimes in the development, advertising, and sale of the financial products that contributed to this crisis.

This final bill, moreover, will help struggling homeowners because it allows the Government, as the holder of mortgages and mortgage-backed securities, to do all that it reasonably can to prevent foreclosures through loss mitigation efforts. Among these provisions is a new duty for servicers to modify loans based on the best interest of all investors in a

pool of mortgages rather than the interest of any individual investor. This change in the law is based on those reforms found in the Emergency Mortgage Loan Modification Act, which I introduced with the gentleman from Delaware (Mr. CASTLE). This reform and the other foreclosure mitigation requirements in the final bill will help to keep people in their homes and spur economic recovery by preventing real estate prices from falling further and perhaps even helping prices to rise.

PROVIDING OVERSIGHT AND REGULATION GOING FORWARD

The public should view passage of an economic stabilization package to forestall disastrous consequences for average Americans as only the beginning of our work in the Congress. In the months ahead, we must all commit to examining what went wrong and to writing tough new laws to improve the regulation of our financial system and safeguard consumers. We must also enact new laws to control excessive greed and protect against future risks to our entire economic system.

Our capital markets have evolved significantly in recent years, and our outdated regulatory structure was clearly not up to the task of regulating today's marketplace. Moreover, the recent events in our markets have clearly put a tombstone on the era of deregulation. As many of us on this side of the aisle have long believed, only Government can save capitalism from its own excess. To control a free market, I therefore believe that we need sensible regulation and strong enforcement. We also need greater coordination in our financial regulation, as is the case in other countries like the United Kingdom.

Our regulatory system must also have the flexibility to respond to innovation. The financial services industry has created a number of complex products like derivatives and credit default swaps in recent years, but we have yet to properly regulate these instruments. In July, before American International Group collapsed under the weight of its sizable credit default swaps, I began working with the Government Accountability Office to identify appropriate legislative and regulatory reforms to improve the oversight for structured finance products.

Because we live in a global economy that is interconnected, protecting against systemic risk must additionally become one of our highest reform priorities. If one proverbial domino falls, we cannot allow the chain to continue. The recent crisis has vividly demonstrated the consequences of not effectively regulating against systemic risk. Failure in one segment of the market inevitably brings other segments down with it.

Still further, we must act to pass new laws to protect consumers from lax underwriting standards, compromised appraisals, and faulty mortgage servicing practices. I introduced a strong consumer protection bill to achieve these goals more than 3 years ago, and last year the House passed H.R. 3915, the Mortgage Reform and Anti-Predatory Lending Act. This latest bill to crack down on predatory lending practices is substantially similar to the content of the bill I first proposed in 2005. The Senate now needs to complete its work on these matters.

SUMMATION

In conclusion, the bill before us is still imperfect, but for the good of our Nation we should pass it. The adoption of this legislation will, first and foremost, help to safeguard the jobs, pensions, and paychecks of average Americans. We have made significant improvements to this bill during the last 10 days to protect taxpayers, provide robust oversight, and limit excessive compensation for CEOs and executives, among other things. This bill is now much better, and it deserves everyone's support because our Nation's economy depends on it.

Today, the eye of an economic hurricane is fast approaching. To protect the way of life for average Americans, we must rise up to meet this challenge and come together. We cannot sit on our hands. Instead, we must act and pass this bill. As my fellow Pennsylvanian, Benjamin Franklin, said at the founding of our country, "We must all hang together, or surely we will all hang separately." I urge support for the Emergency Economic Stabilization Act of 2008.

Mr. BACHUS. Madam Speaker, may I inquire as to the remaining time on each side.

The SPEAKER pro tempore. The gentleman from Alabama has 49½ minutes, and the gentleman from Massachusetts has 50 minutes.

Mr. BACHUS. Madam Speaker, I yield 1 minute to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Madam Speaker, first, I want to thank all who have worked on this measure; but I do regret that Ranking Member BACHUS did not have greater opportunity for more input.

I will be voting ''no'' on this measure because this is a Band-aid approach that will not save America. We need to infuse capital into our banking system and not more Federal debt. Federal debt is not the way to go.

We also must look at the fundamental cause of encouraging those who have little chance to repay to get loans. Over-encouragement was a fundamental cause, and it is not addressed in this bill.

I hope we will vote ''no'' for a better day and a better bill.

Mr. FRANK of Massachusetts. Madam Speaker, one of the most valuable members of the Finance subcommittee, the gentlewoman from New York (Mrs. MCCARTHY), is recognized for 2 minutes.

Mrs. MCCARTHY of New York. Madam Speaker, I rise today in support of the Emergency Economic Stabilization Act of 2008.

In the past couple of weeks we have seen many Americans wondering what's going on; what's going on with our economy; what is going on down in Washington. People have watched anxiously as the markets and the banks have stumbled and many of us have seen investments that we spent years building up now disappearing within days.

Within only a couple of days, some of the world's largest financial institutions shut their doors and the U.S. Treasury Secretary had begun talks with Congress in an effort to avoid a potential collapse of our economy.

In recent days, we have seen and heard a variety of proposals to address the financial crisis. Americans have rightly been disturbed by the idea that Congress would bail out Wall Street and CEOs, but we also know that we could not just stand by and watch our economy crumble.

People needed to know that Congress was acting in their best interests and that their hard-earned money is going to be safer. We needed to make sure that not only was Wall Street going to remain solvent, but so was all our small towns and villages across this country.

We also needed to make sure that every proposal we put forward would protect those Americans who were hoping to retire within this year or next year so they don't lose their savings they need to live on.

I am pleased that we have been able to come up with a comprehensive package that strikes a fair balance and can potentially offer the relief we need to restore confidence in the markets. Both sides certainly don't like what's been put in front of us to have us in this position, but both sides, both leaders of our political parties have worked together—BARNEY FRANK, Mr. BACHUS, Mr. BOEHNER, ROY BLUNT, NANCY PELOSI.

This is a crisis that is facing our country. And I know it's a tough vote, especially right before an election. This might cost some of us our election, but that's why we're here, we're here to certainly protect the American people. I'm here to protect my constituents back home, making sure that they have jobs in the next coming months.

We have to make sure this bill passes.

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

Mr. FRANK of Massachusetts. I yield the gentlewoman 30 seconds.

Mrs. MCCARTHY of New York. We have to make sure that people understand we're trying to stop the hemorrhaging to protect the people back home. That is the most important thing we are doing. That is why ''yes'' is the right vote.

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

Mr. SHAYS. Most of my constituents consider this a bailout. Some of them, in fact, are willing to walk bread lines in order to see wealthy Wall Street tycoons pay for their greed. The fact is, that would be irresponsible.

While this is not 1929 all over again, it could be if we step aside and let the wonders of the market work its will in this environment. We can't let the foolishness and greed on Wall Street bring down Main Street; at least I don't intend to.

We are witnessing the economy coming to a grinding halt. Money is simply not being lent to individuals who need it. For businesses, this has meant an inability to borrow, to expand, invest in new equipment, stock shelves, or even meet short-term cash needs, such as payroll. For individuals, it has

threatened the assets of everyone who has an IRA or 401(k), college savings, pension plans, or owns a home.

It has been difficult for me to hear so many Members act like they were not responsible for this credit crisis when they had the opportunity to advocate reform or at least support it, but chose not to.

We will have plenty of time to determine what went wrong and what individuals and institutions are responsible, but this is not the day or time to focus on who is at fault and what systemic changes need to be made.

I recognize today's liquidity injection is a short-term solution to a long-term systemic problem. Those of us who return—and I make no assumptions about my own election—have our work cut out for us in the next Congress.

I will vote for the Emergency Economic Stabilization Act and thank my colleagues in both Chambers, and on both sides of the aisle, for their bipartisan effort to avert a more serious economic crisis.

I believe the negotiators have worked in good faith, but we all have lingering questions. My own continue to be whether $700 billion is actually enough; why we aren't increasing FDIC insurance above $100,000 so deposits don't withdraw their funds, and why we aren't addressing directly the capital markets problem like we did in the early 1980s.

I believe this legislation will address the short-term liquidity problem. And in the end, I believe taxpayers, at a minimum, will be held harmless, or even see a positive return on this expenditure.

If this bill passes and puts liquidity in the market like we hope, we should be given the time we need to make some long-term changes.

I urge my colleagues to carefully weigh the effects of action, or inaction, and allow this solution not only to pass, but to work.

Mr. FRANK of Massachusetts. Madam Speaker, I yield 2 minutes to the Representative from one of our great urban quarters, the gentleman from Philadelphia, Mr. FATTAH.

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

Mr. FATTAH. Madam Speaker, I rise in support of this bill. Now, I know that we're tempted to see this just as another train wreck of the Bush administration, but we have to look past that to protecting the jobs of our constituents, their 401ks, their pension funds, their ability to own and run and borrow to establish small businesses. We have to see this as a responsibility to protect community banking institutions.

Now, there is a lot at stake in this vote, and there are Members who have varying positions, but I just look at the facts. We have some 9,800 people who are being foreclosed on every day. We have seen 600,000 people lose their jobs since the beginning of this year. We have an economic catastrophe that has taken place on Wall Street and is now showing up in other financial capitals around the world.

We have a responsibility to defend this country and to stand on behalf of our constituents. And I do that reluctantly in some respects, but on this day, I think all of us should rise to the occasion and support this bill. And with those who can't, we understand that you think that there should be a better way. There is a bill in front of us today to stand in the breach, and I stand in favor of it. And I commend BARNEY FRANK for his leadership on it. Thank you.

Mr. BACHUS. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. POE).

Mr. POE. I thank the gentleman for yielding.

Madam Speaker, because Wall Street money grabbers have made bad judgment calls, the American taxpayer is being forced to bail them out at $700 billion. Why is it, Madam Speaker, that the bigger the business, the more the Federal Government thinks it should swoop in and save incompetent businesses? Small businesses, mom and pop grocery stores, don't get this break. When they make bad financial decisions, they go out of business. But the rich and famous Wall Street New York City fat cats expect Joe Six-Pack to buck it up and pay for all this nonsense.

Reward people for being irresponsible and expect responsible people to pay for the sins of the financial industry? I think not. Putting a financial gun to the head of each American is not the answer.

Madam Speaker, I have this bill; it's over 100 pages long. That means it's seven billion dollars a page. The New York City fat cats expect us to pay for it. I think not.

This year alone, Madam Speaker, it's a sad time to be an American taxpayer. Here's Uncle Sam, all beat up because he's broke, and the reason is we have paid out Bear Stearns, a bailout, $28 billion, Fannie Mae and Freddie Mac, $200 billion, AIG bailout, $85 billion. Last week, the automobile industry got $26 billion. And today, lo and behold, $700 billion.

The American taxpayer is tired of paying for the sins of other people. It's time for them to pay and be responsible for their own misconduct.

And that's just the way it is.

Mr. FRANK of Massachusetts. Madam Speaker, while I believe the gentleman is a little bit too harsh on the Bush administration, I understand his point of view.

Madam Speaker, I now yield to the gentleman from Michigan, the dean of the House, for purposes of a colloquy.

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

Mr. DINGELL. Madam Speaker, I want to commend the distinguished gentleman from Massachusetts for the outstanding job he and the leadership have done on crafting this legislation. They took a bad piece of legislation and they have significantly improved it to make it much better.

I rise to support the legislation. And I would like to engage in a colloquy with my dear friend, Mr. FRANK. I would note that the colloquy is an important one.

Madam Speaker, the automobile manufacturers face the most difficult conditions they've faced in decades. We need to do something to help unfreeze the credit markets that are hurting our industry.

As I read the legislation, the Secretary has the authority to purchase from a motor vehicle finance company traditional car loans and mortgage-related paper, such as a home equity loan used to purchase cars or trucks. Is my interpretation correct?

I yield to my good friend.

Mr. FRANK of Massachusetts. I thank the gentleman, who comes to us with great authority here because of having chaired the committee for years and had some of this jurisdiction, and having been right when other people were resistant, he speaks with a great deal of credibility. And the answer to his question is, yes, it does require that there be consultation with the Chairman of the Federal Reserve, but the Treasury Secretary is empowered to do exactly that.

And I would add, as the gentleman knows, in my judgment, one of the major areas of damage we will see if this bill fails is that we will start to see a real contraction in credit for automobiles. So the automobile makers and the people who sell automobiles will all be hurt. And the answer is yes to the gentleman's question.

Mr. DINGELL. I have an additional question to my dear friend. If the Federal Reserve Board were to use the authority it has to address extraordinary circumstances in the credit market, motor vehicle companies would have access to capital that would help them to finance dealer floor plans and to make consumer loans. Am I correct in this? And would my good friend support such a decision by the Federal Reserve Bank to make funds available as long as these companies face unusual and extraordinary market conditions?

Mr. FRANK of Massachusetts. If the gentleman would yield, yes. Again, that is well within the legal authority that this Federal Reserve Chair has described to us that he has under the statute from the Depression.

And given the centrality of the automobile industry—and we're talking, I want to again stress, not just making cars, but selling them and servicing them and repairing them, and of course providing great mobility to the American people. Clearly, this a worthy subject for the Federal Reserve to intervene with, when appropriate.

Mr. DINGELL. Madam Speaker, I want to thank my good friend, the

chairman of the subcommittee. He has worked very hard on an extremely difficult subject, and has perfected a very difficult piece of legislation in a remarkable way. The House and the country owe the gentleman a great debt.

Mr. FRANK of Massachusetts. If the gentleman would yield, that would mean a great deal to me coming from anyone, but from the gentleman from Michigan, with his long record here in these areas, it means a particularly great deal.

Mr. DINGELL. I thank my good friend.

Madam Speaker, in the last few months we have watched the Bush administration negotiate the sale of Bear Stearns and Merrill Lynch, nationalize Fannie Mae and Freddie Mac, take an 80 percent stake in A.I.G., and let Lehman Brothers enter bankruptcy. When it became clear that this inconsistent, ad hoc approach was not going to be enough to keep our Nation from economic crisis, the Bush administration presented Congress with a plan that would give the Treasury Secretary unfettered authority to purchase up to $700 billion in troubled assets. In 2 days of hearings, Treasury Secretary Paulson and Federal Reserve Chairman Bernanke were asked by members of the Senate Banking Committee and the House Financial Services Committee to explain why such unprecedented and unfettered authority should be granted to a single individual, and it was clear that there was no answer.

Since the Bush administration's proposal was first introduced, a consensus has emerged that this bailout package is needed but that it needs to be improved through the inclusion of a number of important provisions. I congratulate Chairman FRANK and Ranking Member BACHUS of the Financial Services Committee and Senators DODD and BENNETT of the Senate Banking Committee for working together to turn an unacceptable proposal into a bipartisan bill that will hopefully help bring us out of this crisis.

I had a number of concerns about what is in the President's proposal: I was concerned about the potential cost, I was concerned about how the Treasury would determine a price for these assets, and I was concerned that there may have been other, more effective ways of giving these institutions access to the capital they need. I am happy to say that thanks to the hard work of the congressional negotiators, many of my concerns have been addressed.

One concern that remains about this legislation is that it does nothing to address the underlying causes of this crisis. When Congress passed the Gramm-Leech-Bliley Act in 1999 and deregulated the financial sector, I warned my colleagues that tearing down the regulatory structure enacted after the Great Depression would lead to huge institutions that would be free to engage in risky behavior and that the failure of those institutions would result in massive government bailouts. I wish that my prediction had been wrong, but today that is exactly the situation we are faced with. The American people need to understand that nothing in this plan will address that issue. The plan does not reduce the amount of risk that these institutions are allowed to take on, it does not create a new agency or empower an existing one to review the actions of currently unregulated financial institutions, and it does not create any new standards to guide them in the future.

Many Americans, who have seen their paycheck shrink over the last 8 years, who have watched some of their neighbors lose their jobs, who are struggling to pay increased costs for things like gas, groceries, or health care services, and who resisted the temptation to take out a risky loan and instead bought a house they were sure they could afford and made every payment, do not understand this bailout. They do not understand what this plan will do, they do not understand why it costs so much, and they do not understand why their tax dollars are going to be spent to bail out the same Wall Street banks whose risky behavior contributed to this mess. Most importantly, they do not understand why the Government is offering so little to help their family.

To all of my constituents who want to know why they are being asked to foot the bill to pay for this bailout, I can tell you only one thing: The cost of inaction to you and your family is greater than the cost of this bailout. Should Wall Street decline further and the value of the dollar continue to fall, it will mean greater unemployment, even higher prices for basic commodities, and access to credit for things like college education or home improvements will be even harder to obtain. The impact on the broader economy will be felt by every American. In fact, the credit crisis is already having an impact on the automobile industry that is so important to my constituents in Michigan and to hundreds of thousands of families around the country. If access to credit continues to dry up, the automobile financing companies will be unable to keep vehicles on dealership lots and help customers obtain financing. The automobile financing companies are not responsible for the current credit crisis, but they will be eligible to participate in this program to obtain the credit they need to keep vehicle sales strong.

Furthermore, the package that we are voting on today is a far cry from the bailout proposal first offered by the President. It contains important provisions assuring greater transparency and oversight and ensures that there will be no golden parachutes for the executives whose recklessness contributed to this crisis. It also includes provisions that will assist families who are struggling to keep their homes by requiring the Federal Government to modify the terms of the mortgages it acquires.

Most importantly, Speaker PELOSI, Chairman FRANK, and others were able to negotiate into this package important provisions designed to protect taxpayer dollars and ensure our investment is recouped. For example, the Government will have the option to take equity in the companies that participate in the bailout and will create an insurance program for and collect premiums from those holding toxic assets. If after 5 years these provisions have not allowed the Government to recoup 100 percent of the cost of the bailout, the losses will be recaptured directly from the financial industry itself.

I do not, however, want to commit to anyone that this imperfect bill will work. It may not. Scholars of the Great Depression have told us that had the Government addressed the liquidity problem the economic collapse might have been a lot shorter or less forceful in its impact, or both. This bill may not work. But we have to try. Inaction is not an option.

I understand the anger and frustration that exists about this bailout. I pledge to my constituents that this will not be the only congressional response to this situation. This legislation creates a Congressional Oversight Panel, tasked with drafting a special report on regulatory reform that will be ready in time for the 111th Congress. Should the voters in Michigan's 15th Congressional District see fit to return me to Congress next year I will work to see that report turned into legislation that restores the regulatory structure that is supposed to protect the financial system from this kind of failure and that provides much needed assistance to the hard working men and women who are suffering because of the economic climate created by irresponsible parties on Wall Street and here in Washington.

I again want to thank the leadership of both parties in both the House and the Senate, and in particular Chairman FRANK for the work that they have done to improve upon the plan sent to us by the Bush administration. I know that many of my colleagues are as skeptical of this plan as I am, and I know that for many of you it may be easier to vote against this plan than it will be to vote for it and have to explain to voters back home why we had to take this difficult step, but we must join together and pass this legislation now for the good of the country. I urge my colleagues to support this bill.

The SPEAKER pro tempore. The gentleman from New Jersey is recognized to yield time managed by the gentleman from Alabama.

Mr. GARRETT of New Jersey. Madam Speaker, I yield 3 minutes to the gentlelady from Illinois.

Mrs. BIGGERT. I thank the gentleman for yielding.

Madam Speaker, I rise today in reluctant opposition to this massive bailout of Wall Street. I understand why many of my colleagues are inclined to support it; the urge to act now and do something—anything—to restore investor confidence is very compelling.

□ 1115

Our economy faces great risks, and I agree wholeheartedly that the government must intervene in some way to restore stability. But the plan that we are considering today is not what my constituents want, it's not what's best for the average American taxpayer, and it's not what's best for this economy.

As a member of the working group assigned by GOP Leader BOEHNER to explore alternatives to a massive taxpayer-funded bailout, I was very pleased this weekend when we were able to develop a very realistic, workable alternative option to shore up these mortgage-backed securities. We took a long, hard look at the market and saw that a government-backed insurance plan could go a long way toward returning market value to many of these assets. It would address the market's aversion to these investments, and it would be entirely funded by risk-based premiums leveled on the holders of the assets, not taxpayers.

Our premise for this plan was and remains that Wall Street should pay for Wall Street's mistake.

In addition, we outlined a tax proposal that would have injected billions into the private market, restoring liquidity and credit available on Main Street America. By temporarily removing the disincentive to repatriate, or bring back to America, profits made by American companies overseas, we could open the floodgates of capital into our marketplace.

These are ideas that can work. But instead leaders have only agreed to attach a watered-down version of the insurance proposal to the same $700 billion bailout that the administration originally proposed. It creates an insurance purchase option for financial firms but then offers them the alternative of free taxpayer money. I wonder which one they will take?

I'm very pleased that this plan has been improved over the past few days, especially the provisions limiting golden parachutes and allowing the public to share in the profits that may be made. But I am not convinced that we have taken the time to really come up with a strategy that truly protects the taxpayers.

Let's take another look. Maybe we should start over. We discussed looking at the S and L crisis. The administration discounted that. Let's go back and look at the FDIC and doing away with mark to marketing. Instead of banks using fair value accounting, the SEC should use true value, giving immediate positive impact on the financial industry.

Madam Speaker, we can and should do better. Main Street Americans deserve no less.

Mr. FRANK of Massachusetts. Madam Speaker, I now yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the gentleman for yielding.

Madam Speaker, we started here a week ago with the Paulson plan. It was simple: Give him the keys to the Treasury and suspend all the laws. What we are doing, or proposing here today, is infinitely better, and the Democrats have labored hard to put in taxpayer protections and provide consequences for Wall Street executives.

But what we consider today is still built on the Paulson-Bush premise; that is, President Bush and his Treasury Secretary, Mr. Paulson, say that dumping $700 billion of taxpayer-financed debt—we'll borrow the money—on top of Wall Street and buying up Wall Street's bad debts will solve the liquidity problem. It will trickle down through the economy to benefit small business. It will solve the underlying problem with the housing market, and it will stem job loss.

I don't buy it. There are less expensive, less risky, targeted regulatory reforms and programs that could work better.

But bottom line, President George Bush and his Treasury Secretary, Henry Paulson, insisted on a top-down Wall Street bailout solution. It's sort of like the financial surge strategy. And just like the surge in Iraq, as we go into it at the outset, we know it's not sustainable and we know it won't solve the underlying problems.

Even worse, President Bush and Secretary Paulson and the Republicans insisted upon watering down the most critical portions of the bill. There is no mandatory way to pay for this bailout, no fee, no tax, just a proposal from a future President to a Congress that a Congress might think about to help take taxpayers off the hook. That's not protection. The golden parachutes, yes, they were exchanged for camouflaged parachutes. The execs on Wall Street are still going to get millions. Look at the loopholes there. We have added back in, at the insistence of the Secretary, credit card debt, auto loans.

We can do better. We should start again on a new package, come back next week.

Mr. GARRETT of New Jersey. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. ISSA).

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

Mr. ISSA. Madam Speaker, I rise in opposition to this bill.

I am resolute in my opposition, not because it was easy to vote against your President, but our President and his administration are wrong. And if we vote here today for this bill, it is truly the end of the Reagan era.

It's the end of the Reagan era because, in fact, under Ronald Reagan's time, we dealt with similar problems, a huge financial problem, and we worked our way out of it without unnecessarily buying assets. We closed institutions but we also saved institutions.

Madam Speaker, my Governor often says, ''I'll be back.'' Madam Speaker, I have no doubt I'll be back, and I have no doubt that we will be trying to fix the problems next year that we don't fix here today. The mark-to-market problem, which Secretary Paulson has refused to deal with, in fact, in his own bill is very clearly being denounced. He is raising the price of the assets we buy above mark-to-market while refusing to have the other assets allowed to be flowed to their true value. By definition today we are picking winners and losers in assets rather than going to creditworthy companies and helping them get the capital they need so they can make loans to men and women and companies and entrepreneurs out there who desperately need it to grow our economy.

Madam Speaker, we are deleveraging the very capital and the very enterprises we need to date. GE Capital has said they are openly deleveraging. Why? Because that's the signal we're sending. We are collapsing this country into, in fact, a recession at a time in which the Ronald Reagan policy would be to expand opportunity, to find ways to give people who have great ideas an opportunity to reinvent America.

So today we are ending the Reagan era if we vote for this, and if we can't come back and fix it next year, we will have permanently put a coffin on top of the coffin of Ronald Reagan.

Mr. FRANK of Massachusetts. Madam Speaker, no one in this House has done more to fight for affordable housing and to prevent foreclosures and no one has had more of an impact and is trying within this bill to do the maximum that political constraints allow. So I now recognize for 3 minutes the Chair of the Housing Subcommittee, the gentlewoman from California (Ms. WATERS).

Ms. WATERS. First, I would like to thank BARNEY FRANK for his extraordinary work, accepting the impossible task of making sense of the economic crisis we are facing.

Madam Speaker, $700 billion is a lot of money. Bailout for Wall Street? I don't think so. I could care less about Wall Street and the high-priced schemers and their tricky products: hedge funds, short selling, and insider trading. I care about Main Street and Martin Luther King, Jr. Drive.

I am voting ''yes'' on this bill because this $700 billion will purchase the nonperforming loans, the bad debt, and the toxic paper which, if left to the market, could cause the greatest financial crisis our country has ever seen. These nonperforming loans represent people, real Americans in trouble. Yes, some got in over their heads. They contracted for mortgages they could not afford. But many Americans are the victims of predatory lending, suckered into adjustable rate mortgages that lured them with a low interest rate, no down payment, or no documentation loans that adjusted or reset within 6 months, 1 year, 2 years, or 3 years. Homeowners were not always told the truth. Upon reset, homeowners were then faced with mortgages that doubled, tripled, or quadrupled with the new interest rates and the margins that were added to the existing interest rates.

There's enough blame to go around. Greed, a regulatory system that turned a blind eye to these exotic schemes and products, brokers and banks who peddled these products, and investment banks who invested in these products all share some of the blame. We must correct the problems caused by these loans. We must modify these loans and stop the foreclosures and help American families keep their homes. We must reform our Federal regulatory agencies and never allow this subprime exploitation to occur again.

Today we have financial institutions that will fail if we do not act. Credit will dry up for home mortgages, auto purchases, student loans, and small businesses. More jobs will be lost and the economy will crash.

I would have preferred to have a strong bankruptcy provision in this bill, giving Americans a real option to work themselves out of debt. I would have also liked to have seen a provision

providing a substantial fee to Wall Street firms that participate in this program. But, unfortunately, there was not the support or political will to get these things done.

I have worked on this bill to strengthen the ability for the servicers who collect those mortgage payments and fees to modify these loans. I have worked to assist small regional and minority banks. I have included language to open up the ability for women and minorities to participate in asset management and all the other business opportunities, including opportunities for the newspapers, ad agencies, consulting firms, real estate professionals, legal services, financial managers, and information systems consulting services that will be created as we use these funds to clean up this mess.

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

Mr. FRANK of Massachusetts. I yield an additional minute to the gentlewoman.

Ms. WATERS. Madam Speaker, I am also pleased that the bill creates a Financial Stability Oversight Board to oversee the work that is to be done in this Emergency Economic Stabilization Act of 2008.

Finally, I cannot take the chance that people who have worked all of their lives to save for their retirement will lose their pension funds and 401(k) savings nor can I take the chance that the stock market will be weakened and Americans will lose their investments. There will be many who will say ''I don't believe the average person will be hurt if we do not act.'' I refuse to take that chance. Today we do what we truly believe must be done. But believe me, we must and we will tighten the screws on Wall Street. This bill will support the idea that we must get rid of these outrageous compensation packages for CEOs and executives. We must prosecute those who violate the law and ignore their responsibilities.

Today I vote ''yes,'' but there is much more to be done. We must never again allow the risk to our economy that's been created by greed to ever occur again.

Mr. BACHUS. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Madam Speaker, I came to the floor this week, and, America, I said, you should be concerned about what Washington is about to do. Last night I came to the floor and I said you should be alarmed about what Washington is doing because of the lack of deliberation. Today I come and say, America, you should be outraged about what Washington is about to do because Washington is not listening to you.

Whether you are Republican or Democrat, our offices have been hearing phone calls, 10–1, 100–1 against this proposal. But Washington is not listening. They are going ahead with the proposal as well.

There is a problem. We recognize the problem. We must work on it now. But we should not go for the solutions to that problem to the same people who have brought that problem to us. We should not go to the administration, who has brought this problem to us through their actions in the past; the Federal Reserve with their roller coaster interest rates from 2001 to 2004, 6 percent to 1 percent down; and then 2004 to 2007, 1 to 5 percent up; bubbles and bursts from the Fed and their false promises with Bear Stearns and AIG and GSEs.

Nor should we turn to the Democrat leadership that has signed on to this bill; that Democrat leadership who has given us CRAs in the past that has led to the meltdown in the subprime market. Nor should we turn to the Democrat leadership who has blocked reform in the past to these GSEs and unbelievably say they will block any reform in the future to the GSEs.

□ 1130

No. The stakes are too high to turn back to those who have brought us the problem in the first place. We should look for new solutions. And there are solutions.

But I will close on this, Madam Speaker. The noted University of Chicago economist, Robert Schimer, tells us that the U.S. has long been a beacon of free markets in the world. When economic conditions turn sour in Argentina or Indonesia, we give very clear instructions on what to do: Balance the budget. Cut government employment. Maintain free trade and the rule of law. And don't prop up failing enterprises. Those approaches by the U.S. are correct.

But when the U.S. ignores its own advice in this situation, it reduces our credibility in the future. Rewriting the rules of the game at this stage will therefore have serious ramifications not only for the people in this country but for the future of the globe. The social cost is far, far greater than any $700 billion.

Mr. FRANK of Massachusetts. Madam Speaker, I yield myself 30 seconds to correct an egregious misrepresentation of history.

The gentleman just said that the Democratic leadership, I'm sorry, he said the Democrat leadership, I wouldn't want to misquote his adjective. He said the Democrat leadership, a point of great rhetorical significance to the large-minded on the other side, says that the Democrats fought GSE reform.

The Republicans controlled this Congress from 1995 to 2006. No bill passing GSE reform went through. The Democrats took over in 2007. Within a couple of months this House, 4 months, this House passed——

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

Mr. FRANK of Massachusetts. I yield myself 30 additional seconds.

The House passed the GSE reform that the Bush administration requested. We then asked the Secretary of the Treasury to put that into the stimulus. He said no. The Senate then did it in July—and the bill became law. So 12 years of Republican rule, zero action on GSE reform, a year and a half of the Democrats being in power and GSE reform was passed.

I now yield 3 minutes to the gentleman from Tennessee.

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

Mr. TANNER. I thank the chairman for yielding. And I know if anybody has been keeping up with this weekend, I know that they realize and understand that this is not an ordinary time. I believe personally we are here because in this decade we have witnessed financial mismanagement and regulatory neglect which leads us to this morning.

Unfortunately, when the Secretary of the Treasury came over and we looked at the proposal, or the bare bones of the proposal, it appeared to some of us that it was all about private gain and public risk. And that was unacceptable for the taxpayers to take the risk to help those referred to as Wall Street.

So I have been asked to talk about this recoupment clause, section 134 of the bill, that was finally accepted in negotiations. It says the following: ''Upon the expiration of the 5-year period beginning upon the date of enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Director of the Congressional Budget Office, shall submit a report to the Congress on the net amount within the Troubled Asset Relief Program''—this bill. ''In any case there is a shortfall, the President shall submit a legislative proposal that recoups from the financial industry an amount equal to the shortfall in order to ensure that the Troubled Asset Relief Program does not add to the deficit or national debt.''

What this means is we have taken away the private gain-public risk aspects of this act and made sure that the people who are eligible to participate in it will pay back to the Treasury any shortfall that may occur at the end of the program.

With this section 134, it is my opinion that this is no longer about Wall Street. This is about the IRAs, the 401(k)s, the pension plans that all American citizens have and that all State governments have at stake in their pension programs. This is no longer, then, about bailing out anyone. It is about trying to put together a plan that will do less harm than we would do otherwise by our inaction to every American citizen's financial security, IRA, 401(k) pension programs.

If we have, as Chairman Bernanke, Secretary Paulson, the President and others has said, a colossal or a catastrophic situation happen because of our inaction, it's not going to be Wall Street; it's going to be the 401(k)s, the IRAs and the pension plans that all of us share.

Mr. KINGSTON. Madam Speaker, I yield 2 minutes to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Madam Speaker, almost 2 weeks ago, Secretary Henry Paulson came to this Congress requesting $700 billion of taxpayer money for his friends and former colleagues on Wall Street. The former chairman of the investment bank of Goldman Sachs also asked this Congress to pass a law ensuring that his actions ''are nonreviewable and committed to agency discretion, and may not be reviewed by any court of law or any administrative agency.''

The Founders of this great Nation set up an ingenious system of government to ensure that power was not disproportionately given to any one individual. The goal was to avoid tyranny, to avoid tyranny at all costs. But Secretary Paulson most likely skipped class that day and was hoping that we had as well. Many wonder how such a poorly constructed piece of legislation could even come to the Congress in the first place. And I wonder how our President approved this as well.

By demanding this bailout money, the administration attempted to circumvent the legislative process. Moreover, the administration continues to insist that their way is the only way to avoid an imminent crisis.

And perhaps most stunning is that the administration officials that are responsible for protecting American taxpayers and our free-market system were asleep at the switch. Securities and Exchange Commission Chairman Chris Cox recently admitted his culpability in this matter and amazingly, the Secretary of the Treasury recently admitted he had seen this crisis coming for almost a year and just now has come to our Congress.

Such large-scale government interference in our government ensures that the correction process will take much longer. And what would help toward long-term stability is an injection of private capital, private capital into our economy. We need to lower tax rates on capital gains and corporate income, allowing people to invest more of their money and relieving American companies from one of the highest corporate tax rates in the world.

The Democrats didn't care to address the capital gains tax issue. And in fact their response to the administration's bailout plan was just as bad.

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

Mr. KINGSTON. I yield the gentleman 15 additional seconds.

Mr. MILLER of Florida. The plan was just as bad.

I can tell you that an overwhelming majority of my constituents have called, e-mailed and written to my office stating their outright opposition to any sort of bailout. The American taxpayer deserves better than what we are getting here today. And we must not sacrifice long-term freedom for short-term financial gain.

Mr. FRANK of Massachusetts. Madam Speaker, I yield myself 15 seconds. On page 58 the gentleman was right to object to the provision in the original bill sent to us by the Secretary exempting him from judicial review. We have disexempted him. If Members will look at page 58, he is now subject to appropriate judicial review.

I now yield 2 minutes to the gentleman from Minnesota.

Mr. OBERSTAR. Madam Speaker, I thank the chairman for the time. We've been here before at this precipice, looking into the abyss of uncertainty—of Lockheed, of New York City's financial crisis, of Chrysler and of post-9/11 airlines, perhaps not all of us personally, but we, this body. And in each of those cases where great uncertainty shadowed over this body, we found a way to make the right decision. And in each of those cases, the government was called upon, the Federal Government, to help the private sector, or in the case of New York City, the city, and through it, the private sector.

And in each case, our good judgment was rewarded. Lockheed paid off its loan. Chrysler paid off its securitized loan from the Federal Government with interest. The New York City financial crisis was not limited to New York. It spread into every State of this country. And we saved each hometown bank by coming to the rescue of New York City.

And I stood here in the well of this House with the gentleman from Alaska (Mr. YOUNG), then the chairman of the Committee on Transportation and Infrastructure, to ask this body to look over the horizon to what would happen on Monday if on Friday we didn't propose to rescue the airlines who had been shut down by the Federal Government in a national security interest and provide loan guarantees.

And while it stumbled, the proposal stumbled and faltered that evening, it was a commitment to come back the following week and to do it and to do the right thing. And in those negotiations, I remember very well Speaker Hastert.

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

Mr. FRANK of Massachusetts. I yield the gentleman another 15 seconds.

Mr. OBERSTAR. I remember Speaker Hastert saying, no, this is the right thing. We have to do it.

We are again at that point. Chairman FRANK has crafted an extraordinarily talented proposal that protects the public interest. And once again, we have to do it.

Mr. BACHUS. Madam Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I rise today in opposition to this bailout not because I don't believe we face financial crisis in this country. I rise in opposition to this bailout because I know we are in a financial crisis, one that will be prolonged with this legislation.

The premise of this unprecedented government intervention is that the free market has failed and that government must come to its rescue.

In reality, the crisis we now face is a result of government intervention in the market. We are in this predicament largely because implicit, and eventually explicit, Federal guarantees in Fannie Mae and Freddie Mac shielded the financial services sector from market discipline.

Madam Speaker, those who believe that they can control and direct the market's invisible hand will eventually be slapped by it. That is the painful and embarrassing situation we find ourselves in today. We don't have enough money in the Federal Treasury, nor can we responsibly borrow enough money, to keep the market from finding its natural bottom.

Now is the time to act on the free market principles we profess to believe in. Let's vote down this bill and instead pass legislation that is consistent with those principles.

Mr. FRANK of Massachusetts. I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy as I credit his mastery for bringing this bill before us today. Thanks to his leadership, the leadership of Speaker PELOSI, and the cooperation of the Republicans, it is a far better bill.

But, unfortunately, this is not likely to be the end of the bubbles. We must with our actions be extraordinarily careful if we don't want to compromise the next rescue. Remember Long-Term Capital Management, the hedge fund? What happens if the hedge fund industry is next? The article in today's New York Times wasn't very comforting. Any real rescue must include bankruptcy equality for homeowners. This is not just a moral issue. Fairness to our Nation's homeowners is the key to stabilizing home values currently in free fall.

We cannot continue to bail out failing industries with borrowed money. No bill should be enacted without a payback from the financial services sector to be rescued, not merely a hint of a promise to pay back in 5 years. At the core, we are ignoring the fundamental question about the size and scale of the financial services industry in trouble not just because of a lack of regulation, but because we had too many people pursuing unsustainable business practices.

We have seen change from an irresponsible White House proposal into a responsible bill. But it's not as good as it should be. And sadly, may be besides the point if more bubbles explode.

I will vote ''no,'' reluctantly hoping I am wrong, but fearing that I am right.

Mr. BACHUS. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Madam Speaker, we've heard a number of comments about we've just got to bite the bullet

and do this. We heard the same things about let's bail out Fannie Mae and Freddie Mac. We've got to take this one step. And then we heard from the former chairman of the FDIC, guys, you don't realize, if you do this, you are going to start the dominoes falling.

People have talked about this precipice.

Making this vote, passing this bill is jumping into the precipice because next we have got to come bail out the community banks that are doing just fine. If we would allow the banks to value these mortgage-based securities at the very value Paulson wants to take taxpayer money and buy them, they would be okay. Washington Mutual wouldn't have failed. We hear about we did the right thing with Chrysler and New York. Those were loans. This is putting the government in the position of buying all these things.

And as the FDIC former Chair said, when the Federal Government buys them, they immediately become worth less. That is the way it is. That is the way it will be.

And nobody seems to ask, who is it that is going to manage these assets? I have been asking. And finally the answer I got was, well, of course, we're going to have to outsource that.

You're going to outsource it to the very people that caused the problem. We're going to give them billions for assets they have mismanaged. And then we're going to hire them to manage those assets.

Please, please don't betray this Nation's great history. The committees used to do good work and ferret this stuff out.

□ 1145

They haven't been allowed to do their work, or they would have done a better job. Let the committees do the work. Let's get a better bill, and save America from Congress hurting it by jumping off this precipice.

Mr. FRANK of Massachusetts. I yield 2 minutes to the gentlewoman from Michigan (Ms. KILPATRICK).

(Ms. KILPATRICK asked and was given permission to revise and extend her remarks.)

Ms. KILPATRICK. Madam Speaker, I have the highest respect for my chairman, BARNEY FRANK, and your genius, thank you very much, as well as Speaker PELOSI for her leadership.

A week ago today we were sent a three-page bill, $700 billion, send it back to us and never ask us any questions. I am proud that the chairman and Speaker and leadership on both sides of the aisle have come to some agreement.

Contrary to popular belief, our financial crisis was not due to just people who couldn't afford the loans. It was Wall Street's problem, the people who managed this process over the years, with a lack of regulation from this administration. It was also predatory lending, lending from predators, banks in many instances, the very people we are going to give the money to, who took the loans, who made the loans, and didn't require the proper oversight. It is not the little people.

It is the loss of jobs. In America we have lost over 600,000 jobs over the last 8 years, good jobs, manufacturing jobs. The American Dream has slipped away, speculation from Wall Street, from developers. All of us have been affected by this crisis, and all of us believe there ought to be some end to this.

We must work as elected representatives of the people. Over 400 economists, as has been said earlier and we have the documentation, are opposed to the process and the way we are going about it. Three of them are Nobel Laureates who have come to this conclusion, and economists, professionals extraordinaire.

Unfortunately, there is no judicial review in this to protect the average citizen. We talk about the mortgages, but this helps the banks in their book of mortgages. It does not help the little person who needs it. There is no judicial review to come to her aid or his aid.

It is unfortunate that we are here today talking about $700 billion, and, as an appropriator, $1 trillion is probably what it will be and more. We do not yet know how much it will be.

We need to take our time on this. We have been talking about it now 7 days nonstop. We can do better. There is a better process. I hope that we can slow down this train.

We will probably vote in a few hours, less than an hour now. The Senate is not going to vote until later this week. We can do better, the American people deserve more, and I urge a ''no'' vote on this legislation.

Mr. BACHUS. Madam Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr RYAN of Wisconsin. I thank the gentleman for yielding. I want to thank our distinguished ranking member of the Financial Services Committee for all the work he has done this week. A lot of us have lost a lot of sleep, a lot of us who have looked at this situation.

When Secretary Paulson came to us about a week ago, he gave us a three-page bill that said give me a blank checkbook and put $700 billion in it. I was offended at that time.

So what happened since then? We added 107 pages of taxpayer protection to that bill. We understand the gravity of this situation, and we worked with our colleagues on the other side to make this bill a better bill.

We made sure that there is an upside for the taxpayer so that when this happens, when profits come to these companies, we get their stock warrants, so the first person in line to get those profits is the American taxpayers so they can get their money back. We made sure that there is an insurance program that makes sure that Wall Street shares in the cost of this recovery plan. And we also made sure that the executives of these companies that made these bad bets don't profit from this rescue recovery plan. We cut the initial cost in half of this bill. Congress will have to approve the second half of this next year.

Why did we do all of this? Because this Wall Street crisis is quickly becoming a Main Street crisis. It is quickly becoming a banking crisis.

What does that mean? Why does that matter to us? Why does that matter to Janesville, Wisconsin? If it goes the way it could go, that means credit shuts down; businesses can't get money to pay their payroll, to pay their employees; students can't get student loans for next semester; people can't get car loans; seniors may not have access to their savings. Are we standing at the edge of this abyss? Nobody knows. But maybe. It is very probable.

Madam Speaker, this bill offends my principles. But I am going to vote for this bill in order to preserve my principles, in order to preserve this free enterprise system.

This is a Herbert Hoover moment. He made some big mistakes after the Great Depression, and we lived those consequences for decades. Let's not make that mistake. There is a lot of fear and a lot of panic out there. A lot of what this is about is getting that fear and panic out of the market.

I think the White House bumbled this thing. They have brought this issue up to a crescendo, to a crisis, so that all eyes of the world markets are here on Congress. It is a heavy load to bear. We have to deal with this panic. We have to deal with this fear.

Colleagues, we are in the moment. This bill doesn't have everything I want in it. It has a lot of good things it. But we are here. We are in this moment. And if we fail to do the right thing, heaven help us. If we fail to pass this, I fear the worst is yet to come.

The problem we have here is we are one month away from an election. We are all worried about losing our jobs, and all of us, most of us, say this thing needs to pass, but I want you to vote for it, not me.

Unfortunately, a majority of us are going to have to vote for this, and we are going to have to do that because we have a chance of arresting that crash. Just maybe this will work.

And so for me and for my own conscience, so I can look at myself in the mirror tonight, so I can go to sleep with a clear conscience, I want to know that I did everything I could to stop it from getting worse, to stop this Wall Street problem from infecting Main Street.

I want to get on my airplane and go home and see my three kids and my wife that I haven't seen in a week, and look them in the eye and know that I did what I thought was right for them and their future. And I believe with all my heart, as bad as this is, it could get a whole lot worse, and that is why I think we have to pass this bill.

Ms. BEAN. I yield 2 minutes to the Congresswoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, the Constitution of the United States is present to protect Main Street. The full faith and credit of this constitutional document will protect the men and women of America.

I will not stand here today and suggest that we do not have some challenges. I frankly believe that the bill we have before us is a miracle, and I thank the leadership for their strength in recharacterizing the two-page bill that anointed the Secretary of the Treasury that came from the White House.

But my question is, where was the Securities and Exchange Commission? Where was the FDIC, the Federal Reserve? Under the control and domination of this administration. So when we ask the question why, we need to look back at those who controlled the policies of America for the last 8 years. Where was the Secretary of the Treasury?

But I don't stand here to cast aspersions. I will say to you that this has been diagnosed, but America needs a second opinion. There is no enforcement in this legislation. The Financial Stability Oversight Board, no enforcement provisions; the Congressional Board, no enforcement provisions; the Inspector General, no enforcement provision. There are no criminal penalties for those who have been charged with malfeasance and criminal activities, no barring of individuals who are convicted of malfeasance and criminal activities from doing business with the United States.

So, in essence we give this money, and who does it go to? No listing by the Secretary of the Treasury where the first dollar will go. No separating a certain amount to help those in foreclosure in America in the small towns, hamlets and villages, when in fact we know that we could establish a Homeowners Loan Corporation and help those on Main Street.

Yes, I do believe we are challenged. But I believe we can come back, watch the markets, and work forward. This is a bill that hands out; it doesn't hand up. I ask my colleagues to consider the fact that we are protecting Main Street, not Wall Street.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise with great concern regarding H.R. 3997, the Emergency Economic Stabilization Act of 2008. I would like to thank Chairman of Financial Services BARNEY FRANK for bringing this important piece of legislation to the floor. I also rise with a sense of the solemness of this moment. However, I rise today with the confidence that our system of Government is strong and the constitutional protections of the full faith and and credit of our Government will protect Main Street America while we reform America's Wall Street.

Leadership has worked without tiring to alter the language provided by the administration for the betterment of the American people. Our leadership has created a miracle by modifying the 2 page document sent by the Treasury Department last week into a 109 page document. I thank leadership for that. We toiled long into the night to incorporate Democratic principles—many of which have still not been included.

Where was the FDIC? Where was the SEC? Where was the Federal Reserve?

I have worked with leadership to offer consistent amendments that would have strengthened the punitive measures over the past week to change the administration's proposal to make it more encompassing, effective, and better for the American people. While the present legislation is impressive, it is also impressive regarding what is absent from this legislation. For example, the legislation is devoid of bankruptcy restructuring, devoid of real enforcement, and devoid of any meaningful judicial review. These are all issues that I have been very concerned about.

In fact, it is because I am concerned and desire that the maximum number of Americans get relief from this bill, that I offered amendments yesterday. To ensure that this bill provides relief for Americans, I offered the following amendments:

Set aside $125 million (in fact the amount could been more) as a firm allotment to address the question of individual American homeowners facing foreclosure in light of the absence of a bankruptcy provision;

Add Sense of the Congress language that Bankruptcy Code should be reviewed and amended in the future to permit bankruptcy judges to address the question of individual home mortgage restructuring;

Allow the courts to exercise rigorous judicial review and provide those courts with the discretion to grant injunctive and/or equitable relief if the courts determine that such relief would not destabilize financial markets;

Create a new, independent commission to exercise oversight over the current financial situation with enforcement powers;

Allow criminal liability for persons or corporate entities that have engaged in criminal malfeasance;

Bar persons/corporate entities found to have engaged in criminal malfeasance with malicious intent in financial markets from doing business with the Federal Government in the future.

THE BILL IN CONTEXT

Segments of the economy have the ability to be strong. America needs to employ its full faith and credit to back its commitments. I feel strongly that this bill should have set aside $125 million to help homeowners who are facing mortgage foreclosure. This is important because it is money that would have been used to help the aggrieved: Main Street.

It is important to note that all five big investment firms—Bear Sterns, Merrill Lynch, Lehman Brothers, Goldman Sachs, and Morgan Stanley have altogether disappeared or morphed into regular banks. Given this phenomenon, the question arises and no one has or can seem to explain: Is this bailout still necessary?

Dr. James K. Gailbraith, of the University of Texas, wrote in the Washington Post on September 25, 2008, that the bailout is not necessary because the point of the bailout has been articulated as buying assets that are illiquid ''but not worthless. But regular banks hold assets like that all the time. They are called 'loans.'

With banks, runs occur only when depositors panic, because they fear the loan book is bad. Deposit insurance takes care of that.''

Deposit insurance presently is capped at $100,000. We should have considered raising the FDIC insurance cap, increased the amount of capitalization in the FDIC corporation, increased the amount of reserves in the Treasury Department.

Dr. Galbraith wrote, ''In Texas, recovery from the 1980s oil bust took 7 years and the pull of strong national economic growth. The present slump is national, and it can't be cured by legislation alone. But it could be resolved in 3 years, by a new Home Owners Loan Corp., which would rewrite mortgages, manage rental conversions, and decide when vacant, degraded properties should be demolished.''

As I consider this piece of legislation, three of the themes are consistent throughout it are (1) where is the enforcement; (2) who receives the first dollar; and (3) what is the disastrous and catastrophic event that will occur if this bill is not passed today? Because of the complexity of the nature and extent of the problems within the financial markets, I would rather that Congress carefully review and consider the right solution.

Congress should order the SEC, FDIC, the Federal Revenue Service to use their current powers and prevent the consequences with some extraordinary powers such as cited above regulating lifting the caps at the FDIC and allowing the SEC to suspend certain accounting practices; all this can be done without the massive bailout all at once.

This legislation was considered at 10 p.m. in a closed rule last night; debate on the rule immediately transpired with fewer than 10 members participating at approximately midnight. In less than 10 hours, members are expected to have read, understand, and speak intelligently upon this complex piece of legislation.

When we consider the magnitude and extent of the financial problem, we must consider how America has gotten here in the first place. During the past administration, America underwent a housing boom. Depressed housing markets around the country experienced unparalleled increases in price. Middle-class, working Americans sought to achieve the American dream by purchasing a home.

At the same time, banks and financial institutions were selling unsophisticated consumers unconventional and creative mortgage financing alternatives. Financial institutions were apt to qualify borrowers for more house than they could afford. Financial institutions were lending subprime mortgages and engaged in predatory lending. Adjustable rate mortgages, which had an interest rate that would adjust within 1, 3, or more years, became more common within the last 7 years. Interest-only names became common names within the first home purchaser's market. Borrowers who were considered a credit risk were allowed to purchase home. The banks and financial institutions were not paying attention to a borrower's credit rating, their ability to pay, or a borrower's potential to default.

PRESENT FINANCIAL SITUATION

According to Bloomberg, this morning stocks around the world tumbled, the euro and

the pound plunged and bonds rose as governments raced to prop up banks. Hong Kong's Hang Seng Index plunged 4.31 percent to 17,876.41, and Tokyo's benchmark Nikkei lost 1.3 percent to close at 11,743.61.

Europe's Dow Jones Stoxx 100 Index declined 3.2 percent. MSCI Asia Pacific Index lost 2.7 percent after Dexia SA sank the most since it began trading 12 years ago, and ICICI Bank Ltd. retreated to a 2-year low. Futures on the S&P's 500 Index fell 1.7 percent as Wachovia Corp. tumbled 91 percent. Citigroup Inc. agreed to buy the company's banking operations in a transaction the Federal Deposit Insurance Corp. helped arrange.

The British pound dropped the most against the dollar in 15 years, and the euro weakened after European governments stepped in to rescue Bradford & Bingley Plc, Fortis, and Hypo Real Estate Holding AG.

So far, the $700 billion package to shore up banks hammered out by Treasury Secretary Henry Paulson and congressional leaders over the weekend failed to convince investors it will shore up banks saddled with growing mortgages losses. The crisis that began with bad home loans to subprime borrowers in the U.S. is threatening to push the global economy into a recession as consumers lose confidence as banks cut back on lending.

It is difficult to have a $700 billion dollar rescue bill when the President failed to sign for $60 billion dollars to provide economic stimulus to working-class Americans.

In September, Fannie Mae, Freddie Mac, and Lehman Brothers all filed for bankruptcy. Merrill Lynch agreed to sell itself to Bank of America, MG was taken over by the Treasury, and Washington Mutual was seized by regulators in the biggest U.S. bank failure in history. Financial institutions worldwide have reported more than $550 billion of credit losses and asset writedowns since the beginning of 2007, according to data compiled by Bloomberg.

Even after the announcement of the rescue package, the worldwide markets are still declining. I fail to see the specific catastrophic events/consequences that the U.S. public will experience if this bailout does not occur.

I am cautious because I believe that we as members of Congress need to take the time to craft a real recovery plan for our economy, a plan that puts people first and addresses our multiple economic crises, including good jobs, affordable housing, health care, retirement security, infrastructure, and disaster relief (Katrina, Ike, etc.).

Last week, New York Mayor Michael Bloomberg announced $1.5 billion in public spending cuts. I do not believe that this was prudent. Schools, fire departments, police stations, parks, libraries, and water projects are getting cut. The persons who are feeling the effects of this economic decision are the more vulnerable populations, the elderly, the children, and the working- class. Mayor Bloomberg's reaction is not the solution either.

It is clear that something must be done, but this bill does not provide the answer that America seeks.

Recently, Congress sent an economic stimulus package to the President that would have provided $60 billion dollars in relief to middle-class working Americans. The President vetoed this bill. However, the Administration sends to us today this bill requesting $700 billion dollars to bail out Wall Street.

I would offer that we need to restructure our present financial system. However, the kinds of reform that I believe are necessary are not included in this bill. For example, the Federal Reserve itself needs to be reformed. As members of Congress we should be looking at establishing greater oversight, preventing predatory practices, and establishing public alternatives to the reckless privatized system that brought us the crisis in the first place. We need to prevent the victims of predatory lending from losing their homes and restrict lobbying by the financial sector.

I have heard from my constituents that they are not supportive of this bill. Many themselves were community bankers. One community banker, for example, wrote:

''I am a community banker who is deeply concerned about the recent developments on Wall Street and the bailouts that our government has undertaken. The great, great majority of banks in this country never made one subprime loan, and 98 percent are well-captialized . . . we don't ask for or need a bailout.''

LITTLE RELIEF FOR THE NATION'S HOMEOWNERS

Because of the way that the bill is written, few if any homeowners will get mortgage relief, which is why I offered an amendment that would give $125 million directly to the homeowners facing mortgage foreclosure. The bill does not contain any provision allowing the terms of a mortgage to be changed without the consent of all the investors who own the mortgage. Few homeowners will benefit. For example, the bill would not provide relief to the majority of homeowners. The bill is little more than a Wall Street earmark and is not really a bill for homeowners. Although the bill does not provide for parachutes for executives, the executives' compensation remains the same.

This is because the Treasury will chiefly purchase mortgage-backed securities which will make the Federal Government one of several co-owners of millions of mortgages. Whether or not any mortgages modified will be determined by the loan servicer acting on behalf of all the various investors who own a piece of the mortgage. That is why Section 108(d) states in part ''The Secretary shall request loan services servicing the mortgage loans to avoid preventable foreclosures.'' Congress has already requested all loan servicers nationwide to avoid preventable foreclosures, so an additional request from the Treasury is unlikely to change current behavior.

REPUBLICAN COMMENTARY

Republican critics of the bill argue that the bill rescues persons that lack financial responsibility because they were living beyond their means or that the bill helps minorities who did not exercise fiscal responsibility. There is simply no credibility to these arguments. As I have attempted to stress today, the mortgage foreclosure crisis affects all Americans. Financial institutions engaged in speculation on Wall Street that we now see has had a deleterious effect on Main Street.

Speculation, in a financial context, is the assumption of the risk of loss, in return for the uncertain possibility of a reward. Speculation is one of the main causes of various economic crises around the world. In fact, speculators have played a major role in the present crisis. The speculators were greedy.

Nonprofits such as ACORN, NACA, and Homefree USA, among many others, have long been waging consumer campaigns to educate borrowers about the various financial instruments. And I am resoundingly grateful to them for their hard work. We cannot make them the scapegoats. These organizations have allowed persons who might not otherwise have the knowledge or the opportunity to purchase a home, the opportunity to do so in the right way. These nonprofits should be applauded.

Everyone deserves the economic dream of owning their own home. But the financial institutions were dilatory in their responsibility to assess the borrower's ability to pay for loans and purchase a home. It was the squandering of this responsibility and preoccupation with greed and avarice that has led us to where we are today.

There are substantial improvements in the present version of the bill compared to the Bush administration proposal. However, the bill as it is presently written does not provide the necessary relief to middle-class America. Frankly, the bill provides no panacea to our present economic woes. Our markets will have the full faith and credit of the United States. This bill has not sent a sufficiently clear message because it lacks enforcement.

There are provisions now that address accountability measures by requiring a plan to ensure the taxpayer is repaid in full, and requiring congressional review after the first $350 billion for future payments.

Principally, there are three phases of a financial rescue with strong taxpayer protections: reinvest, reimburse, and reform. One of the phases is to reinvest in the troubled financial markets to stabilize the markets. Another reimburses the taxpayer and requires a plan to guarantee that they will be repaid in full. The last is to reform how business is done on Wall Street. The current legislation provides for fewer golden parachutes and, to its credit, provides sweeping congressional oversight.

There are critical improvements to the rescue plan that yield greater protection to the American taxpayers and even to Main Street. The protection for taxpayers include the following:

Gives taxpayers a share of the profits of participating companies, or puts taxpayers first in line to recover assets if a company fails; and

Allows the Government to also purchase troubled assets from pension plans, local governments, and small banks that serve low- and middle-income families.

For companies publicly auctioning over $300 million: There will be no multi-million dollar golden parachutes for top five executives after auction, although nothing prevents these executives from still reaping enormous salaries. There will be no tax deduction for executive compensation over $500,000.

However, with a ''pause'' we can help the financial markets and make America secured.

MY AMENDMENT LANGUAGE

While the bill has some improvements, what is missing from the bill are serious enforcement mechanisms. The language of the bill was good and was marked improvement over what the administration sent to us last week, but more work needs to be done on the bill. There are still elements that need to be added to the bill.

The bill provides for the creation of a Financial Stability Oversight Board in Section 104. The bill also establishes a special inspector general for the troubled asset relief program in

Section 121. Last, section 125 establishes the Congressional Oversight Panel. Importantly, these sections lack any real enforcement. These sections require reports and investigation; however, there is no criminal sanction for any malfeasance perpetrated by employers.

One of my amendments would have established an Oversight Board that would have had the authority to issue criminal penalties and civil sanctions. My amendment would have provided a strong enforcement mechanism and would have been effective in ensuring that this crisis does not occur again. It would send a clear message to Wall Street.

Another of one of my amendments would have added serious judicial review to Section 119. Section 119 presently provides that no injunction or other form of equitable relief shall be issued against the Secretary other than to remedy a violation of the Constitution. My amendment would have allowed meaningful judicial review because it would have allowed injunctive and other forms of equitable relief insofar as the grant of such relief did not disrupt financial markets. These are remedies available at law and in equity. I see no compelling reason why such relief should not be granted in the financial context.

The bill has no bankruptcy provisions. The bill does not permit homeowners who are presently in mortgage foreclosure from declaring Chapter 11 and 13 bankruptcy. Importantly, my amendment would allow homeowners in default of their mortgages to restructure their loan, thus providing immediate relief to the homeowner.

Because the bill is devoid of bankruptcy relief, I offered another amendment to set aside $125 million as a firm allotment to address the question of individual American homeowners facing foreclosure. I believe that this would have provided relief in the absence of any extension of the bankruptcy code to address current homeowners in mortgage foreclosure.

I believe that Wall Street is an important and vital part of the Nation's economy. I believe that the people who work there are good. It is a well known fact that financial markets do not always serve small businesses and minorities. I have personally had experiences where good, hardworking people and small business owners were denied access to financial markets.

I believe in America, and I believe in its Constitution. I believe that we can create a bill that would allow constant monitoring and vigilance and would help the American people.

I am reminded of the Preamble to our Constitution, which reads:

''We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States America.''

I would like to end with a quote from Alexander Hamilton: ''The sacred rights of mankind are not to be rummaged for, among old parchments, or musty records. They are written, as with a sun beam in the whole volume of human nature, by the hand of the divinity itself and can never be erased or obscured by mortal power.''

Let us work to provide the American people with the sun beam. Let us work to provide legislation that works and that serves the American people.

Mr. BACHUS. Madam Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. FORTENBERRY).

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

Mr. FORTENBERRY. Madam Speaker, undoubtedly America is facing a very serious financial challenge. There is a threat of systemic failure. Yet the central issue before us is twofold: First, is this situation as dire as predicted? And, second, is this construct, this bill, this type of government intervention, with its huge expenditure and taxpayer exposure, the correct approach?

While I recognize the economic dangers this Nation faces, I deeply regret that we have accepted artificial deadlines in a rush to do something.

The bill before us today, while much improved from the original administration proposal, relieves bad assets from the market which have no defined market value. But it overlooks more fundamental issues, such as accounting rules called mark to market, that are forcing banks to artificially write down assets, many of which have real economic value but technically no or little book value. This in turn erodes the ability to leverage these assets to meet capital requirements, resulting in shrinking credit and an inability to make loans.

Simple measures to change this problem are not even being considered. Should we also increase the Federal Deposit Insurance Corporation guarantees to restore depositor confidence? Could we give banks some breathing room to work out these problems, rather than a taxpayer assumption of these underlying assets?

The taxpayer exposure of this bill started at $700 billion. It remains $700 billion. Nebraskans and most other Americans have made responsible financial decisions. Now we are forcing them to foot the bill for the financial industrialists of Wall Street who created this mess for Main Street, and perhaps we have not addressed the underlying fundamental problems.

We are falling into a trap of sequential decisionmaking. Once we adopt this construct, we shut the door on alternatives that may be less costly, easier to implement, and may provide a way through this crisis.

The choice between action or inaction today is a false one. In good conscience, I cannot support this legislation.

Mr. FRANK of Massachusetts. Madam Speaker, our committee was joined this year by an extremely thoughtful Member who brings a wide range of relevant experience, the gentleman from Illinois (Mr. FOSTER). I yield him 2 minutes.

Mr. FOSTER. Thank you, Chairman FRANK. I rise this morning in support of this legislation.

As a scientist and a businessman, I accept the need for speed and overpowering force in this situation. With the credit system locked, small and large businesses are being told to prepare contingency plans for what to do if their operating lines of credit are not extended. Banks are refusing to lend to each other at normal rates or not at all. Banks are failing every day. If nothing is done and the situation persists for even a few weeks, both experts and common sense say that we are facing the real prospect of entering a depression.

This morning's Wall Street Journal describes how the credit crisis is now extending on to franchises, the McDonald's, the Paneras, the Dunkin' Donuts, and threatening the jobs of thousands of their employees. So my vote in favor of this legislation will in fact be a vote to protect the interests of hardworking Americans, and don't let anyone ever tell you otherwise.

I am going to support this bill because it is not a three-page blank check to dispense 700 billion taxpayer dollars. It contains many important protections for taxpayers. It limits CEO compensation, no golden parachutes, and restructures that compensation to discourage the risk-taking behavior that got us into this mess in the first place.

It provides three useful paths out of this crisis: an auction mechanism favored by the administration to buy up troubled assets at market prices; an insurance program with support on both sides of the aisle that could well be the most useful method for reestablishing markets in the least risky of the bad securities out there; and my favorite, the possibility of an AIG-style rescue, where we can go back to the taxpayers and say, yeah, we saved their butts, but guess what? We own 80 percent of the profits when they recover, as was the case for AIG. This is exactly why Warren Buffett supports this plan.

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

Mr. FRANK of Massachusetts. I yield the gentleman an additional 30 seconds.

□ 1200

I ran for Congress because of the widespread feeling that Washington was broken. I believe that what is needed to fix it is a little less pandering to the ideological extremes, and a lot more compromise by reasonable people in both parties—particularly in this time of national crisis.

So, will the spirit of bipartisan compromise carry the day? In less than an hour, I guess we will find out.

Mr. BACHUS. Madam Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. AKIN).

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

Mr. AKIN. My colleagues, a week ago we were approached by Secretary Paulson, and he told us that there was a crisis and that he had a solution. He gave us the horns of a dilemma, two sharp, shiny points that we could impale ourselves on. One, that the financial system was going to collapse and

implode, and the sky was going to fall. Certainly we wouldn't want to choose that. The other, we could write a $700 billion blank check. Those were our two choices.

Reasonable people started to ask there has got to be a better alternative than this, and at every turn, we saw a resistance to a clear definition of the problem and an ability to talk about the different alternatives or possibilities.

Now, one of the things that is very dangerous in problem solving is not being careful in defining what the real problem is. What we find when we look back and start to talk to other authorities is that this is not the first time this kind of thing has happened, and that it did not need $700 billion. It needed very little public money to solve the problem back in the Reagan days in the savings and loan crisis.

So what we have before us, and our leadership has led us into, first into the Pelosi Congress not allowing the committee process to operate properly; and, second, by some Republican leadership also trying to force us onto one of these two alternatives, is a solution that doesn't fix the problem. Mark my words, that if we pass this bill, in another couple of months we will be back here with a lot of failed banks and say, oh, my goodness, something is wrong. The banks are failing.

The problem is, this doesn't solve the problem. It's nice to take a bullet for the team if it's going to do some good, but this isn't going to solve the problem. All the people I hear in favor of this say we have got to give up some principal in order to save principal. You never save principal by giving it up.

Mr. FRANK of Massachusetts. Madam Speaker, I yield for a unanimous consent request to the gentleman from New York (Mr. ENGEL).

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

Mr. ENGEL. Madam Speaker, I rise in support of the bill.

I will vote for this bill because it is important financially to my home State and City of New York, and frankly to the country. To those who say let the greedy Wall Street pigs go down without money from the taxpayers, I say, if they go down, we all go down. This won't only affect them, it will affect all of us. Jobs will be lost, people will not be able to get loans, IRA's, 401K's, pension plans, and retirement savings would be jeopardized, banks will fall, our economy would slip into deep recession or even depression.

Madam Speaker, the American people have told us to stop the partisan bickering in Washington. The American people want us to come together to solve problems. And that is what we, Democrats and Republicans have done in this bill.

Is this a perfect bill? Of course not. I would have liked to have seen a bill structured differently. I would have liked to see more emphasis in helping the average person who may be facing bankruptcy or foreclosure. I would have liked to see an economic stimulus package designed to help middle class people in the bill. But this bill has to pass both Houses and get signed by the President, so compromises had to be made.

Our democratic negotiators have done a good job in modifying the original bill put forth by the Secretary of the Treasury. This bill now enables the taxpayers to recoup the money from Wall Street in 5 years, if the taxpayers are not fully paid back. There is now much more oversight at our insistence. Excessive compensation is curtailed for CEO's, and the money is not being dispersed all at once. We are also able to help some people being foreclosed upon.

Madam Speaker, I am not thrilled with this bill, but passing it is the right thing to do for my city, my State, and my country. Wall Street drives so much of the New York economy and the economy of the United States as well. Today Madam Speaker, we have only 2 choices: vote for this bailout bill or do nothing. We cannot wait another few months, weeks, or even days to try to craft something else at this late date. If we wait, I fear that the very underpinning of our Nation's finances would very well be in great jeopardy. In that light, Madam Speaker, I will hold my nose and vote for this bill.

Mr. FRANK of Massachusetts. Madam Speaker, there has been a great deal of discussion about the budgetary implications. No one in my experience here has had a better mastery of that process and had a more responsible approach to it than the current chairman of the Budget Committee, and I recognize for 4 minutes the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Madam Speaker, no one comes to the well of this House today with any relish or enthusiasm. This bill is as unappealing to those of us who will vote for it as it is to those of us who will vote against it. The President has sent us an unprecedented request for $700 billion and asked for its immediate consideration.

The request came to us—all three pages—much like two bookends with contents to follow. When we read it, we found that the President sought a massive grant of money accompanied by a sweeping grant of authority. The President asked for speedy action. The people asked for diligence and deliberation, and that's what we have given them over the past 8 days. The result is a vastly improved bill.

If you think that $700 billion in one fell swoop is too much, as I do, the bill before you addresses that concern. It splits the funds into three stages and makes the third tranche of $350 billion subject to a vote of disapproval by Congress. In any event, everyone should understand that the cost of this bill is not $700 billion, as CBO has told us in testimony. The bill's cost would be substantially smaller than $700 billion. The cost would be the difference between the amount spent by the government and the amount received in earnings and proceeds when all the assets are finally sold. The CBO expects that ''since the acquired assets will have value, the net impact will be substantially less than $700 billion.''

If you think, nevertheless, that the financial industry that benefits from this bill should ultimately pay for the losses it causes, as I do, then this bill offers a mechanism to accomplish that. And though the recoupment is not as ironclad as I would like, the principle is there embodied in the bill.

If you think that a grant of this amount calls for extraordinary oversight internally and externally, this bill is replete with oversight. If you think that the whole regulatory system needs to be overhauled, this bill initiates the process.

If you think that executive compensation should be capped, as I did, then this bill has limits and controls, and though they are not nearly as strict as I would like, they are present, they will be enacted and they can be built upon. If you want equity sweeteners for risks the government is taking, to cushion the downside losses and to give us a piece of the upside gains, this bill provides for warrants to go along with the notes, bonds and mortgages that we will be taking.

There is a lot that's better about this bill after almost 100 pages of substantive changes. But the question remains, is this bill necessary? Is this the best way to inject credit liquidity into our markets? Should we even shore up insolvent firms?

I can't answer that question definitively, but I have to listen when Ben Bernanke, the chairman of the Fed, answers it by saying: ''This is the most significant financial crisis of the postwar period. I see the financial markets as quite fragile . . . Credit will be restricted further. It will affect spending; it will affect economic activity; it will affect the unemployment rate; it will affect real income; it will affect everybody's standard of living . . . Despite the efforts of the Federal Reserve, the Treasury, and other agencies, global financial markets remain under extraordinary stress. Action by Congress is urgently required to avert what could otherwise be grave consequences for financial markets and for our economy.''

Ben Bernanke is an accomplished economist who has made a life-long study of economic crises. He has no axes to grind, and he is not given to exaggeration. When he warns that the situation is dire and that the cost of doing nothing could be catastrophic, we have to listen. Indeed, we ignore his advice at our peril—the peril that this crisis will become a wider economic debacle.

Many Members like me come from districts that are rural and made up of small towns. We tend to think that we are far removed from the ripple effects of a crisis like this. But when we get up on a Monday morning and find right in our yard that Wachovia has been acquired at the instigation of the FDIC, we know that the crisis can reach us all sooner or later unless we act now and act decisively.

I urge support for the bill.

Mr. BACHUS. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. Madam Speaker, I have heard it said that this bill is a $700 billion bailout for Wall Street. It is none of those things.

The $700 billion is not being spent. It will be used to buy assets. Those assets will have value. And there are three mechanisms built into the bill that are very likely to recover all of that $700 billion for the taxpayer and, perhaps, even earn a profit over time. It's said to be a bailout, but the people whose assets will be bought will probably get 30 cents or 20 cents or 40 or 50 cents on the dollar that they paid maybe just a year or so ago.

I don't think anybody here would consider getting 30 cents on the dollar for something you invested in a year ago or 2 years ago as a bailout. I think that's taking a bath, as well they should.

They made an investment. They took a risk. It didn't turn out well.

They say it's for Wall Street. Let there be no denying this. The impact of this financial crisis will extend to every American with a job, with a bank account and with a pension plan. We cannot allow that to happen.

I have come down to this floor many times talking about the benefits of Republican ideas and the problems with Democratic ideas. This is not a time for that. We cannot and should not be Republicans or Democrats or liberals or conservatives today. This issue is too grave. The consequences are too dire.

We have two choices in front of us. One is to do nothing. If there is consensus amongst everyone who has spoken today, it is that to do nothing will result in unconscionable consequences to this economy that will cause people to lose their jobs, lose their retirement, lose their savings. We do not want that to happen.

The other option is to take the bill that is before us, which has been working for 9 days, which has things in it which, it's not everything any of us want, but it is the product of extensive negotiations from all concerned parties. We can take that bill today, and we can give it a chance to work and save this economy.

I desperately hope and pray that we as a body, Republicans and Democrats alike, have the courage today to do the right thing and pass this bill.

Mr. FRANK of Massachusetts. Madam Speaker, the gentlewoman from Illinois (Ms. BEAN) is a member of this committee who brings great business experience. I am delighted to yield her 2 minutes at this point.

Ms. BEAN. I thank Chairman FRANK for yielding and for his hard work and extraordinary bipartisan leadership this week.

Madam Speaker, I rise in support of the Emergency Economic Stabilization Act of 2008, recognizing how unhappy we all are as Americans to be in this situation.

As co-chair of the New Dems Working Group on Regulatory Modernization, I am committed to ensuring that this body fast-tracks regulatory reform of our markets, particularly oversight for the innovative, complex new instruments that have enabled so much high-risk leverage of so many of our financial institutions so this never happens again.

Tomorrow we can discuss the state of our broader economy, our struggling middle class, and the consequences of an anti-regulation ideology taken to such an extreme that it threatens the very fabric of our Nation's economic security. But today the question before the House is the cost of action versus inaction. This is a time that our Nation's economy is at a precipice of potential collapse, the likes of which we have not seen in our lifetime.

Chairman Bernanke has likened the consequences of inaction to those of the Great Depression. Will we lead our country out of this crisis and avert such consequences, or stand aside and let the chips fall? Americans in the world markets are watching. Our decisions today speak to them.

This bill is an imperfect solution, but in times of crisis, our Members have put politics aside and pulled together to mandate vast improvements from what was originally proposed by the administration. It now includes oversight and accountability on a bipartisan basis with a judicial review of this unprecedented level of authority; it limits compensation for failed executives who contributed to this crisis; and it protects taxpayers by providing profits, both on the assets that we buy and sell, but also by sharing in the profits from those institutions that we help; and a recruitment plan to ensure that, over 5 years, the financial industry, not taxpayers, picks up the tab.

The cost of inaction is real for American families and businesses, business closings, and jobs loss, and the wiping out of savings and pensions.

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

Mr. FRANK of Massachusetts. Madam Speaker, I yield the gentlewoman an additional 15 seconds.

Ms. BEAN. I urge my colleagues to stand up, not aside, and support this bill to stabilize the economy of our great Nation.

Mr. BACHUS. Madam Speaker, I yield 2 minutes to the gentlelady from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today because of my grave concern over what is surely one of the biggest bailouts in American history. Make no mistake: A vote for this bailout is a vote to ratify business as usual in Washington. The compromise was crafted with some of the same people who brought us this mess, except this time we have a gun to our head. This isn't legislation; this is extortion. We could actually call it the in-out plan. As the FBI is going in, we are bailing out. That's not what the taxpayers want.

Do you like $10 trillion in debt? In one stroke of the pen, Congress will have expanded this debt by another trillion to $11.3 trillion.

What happens if this money is repaid, as some are claiming? Certainly there will be all sorts of expenditures, and we will continue to grow that debt. This brings me to another financial mess buried in the pages of this bill. Any premium paid by companies will be put into a fund, kind of like that of the Social Security trust fund, and Americans know that was never, ever, a good idea.

If you aren't angry enough about this bailout, foreign banks get special treatment right there in section 112. The Treasury Secretary has the discretion to bail out foreign banks at the expense of the American taxpayer, no restrictions and no guarantees.

□ 1215

Certainly another point is that it makes two categories of homeowners, those who make every mortgage payment and pay every bill and struggle to meet their commitments, and those homeowners who didn't meet their obligation, skipped out on the bill and now want taxpayers to bail them out.

This is so embarrassing, it turns the stomach of most Americans. Make no mistake, a vote for this bailout is a vote to ratify business as usual in Washington.

Mr. FRANK of Massachusetts. I yield for a unanimous consent request to the gentlewoman from California (Ms. LORETTA SANCHEZ).

(Ms. LORETTA SANCHEZ of California asked and was given permission to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. I thank the gentleman for yielding.

I reluctantly rise today to express concerns about the current economic crisis and the proposed financial recovery package.

For several years I ave been concerned about the road our economy was heading down.

In June 2005 at a Joint Economic Committee hearing I asked then Federal Reserve Chairman Allen Greenspan about the dangers of the housing bubble.

And he responded that there was no ''substantial'' threat of a housing bubble and that even if home prices were to decline they were ''not likely to have substantial macroeconomic implications.''

Unfortunately, he was wrong.

If the severity of the financial situation had been acted on back in 2005, or even 1 year ago, I think we would be in a better situation today.

However, instead of pro actively addressing this brewing financial crisis, as recently as April 2008 the goal of this Administration was to reduce regulation with the expectation that ''market-discipline'' will be the ultimate regulator.

Well, we have learned that there is no ''market-discipline'' without regulation and without

the threat that people and I companies will have to pay for the mistakes they made.

And so today we are considering a financial recovery package to save the financial industry from its mistakes, a package that is paid for with tax dollars earned by hardworking Americans.

My constituents in Orange County, CA, are asking me: Where was the Government to save my house from foreclosure last year? Where was the Government to save my neighborhood when half the houses on my block were foreclosed on?

Unfortunately the Government was not there to help my constituents and the millions of Americans that have lost their homes.

Since the Bush administration requested a $700 billion blank check from Congress and the American people, our leadership in Congress has worked very hard to negotiate a more responsible package.

The recovery package on the floor reflects a big improvement over the original Bush-Paulson plan.

I am pleased that this package includes safeguards to protect any taxpayer investment in saving the financial industry.

These safeguards include: Warrants from financial institutions that receive assistance so the Government can recover the taxpayers' money once the financial industry recovers; an insurance program funded by the financial industry to guarantee troubled assets and protect taxpayers; and a plan to charge the financial industry fees to recoup the taxpayers' investment if there are still losses after 5 years.

However, this package does not do enough to help the average American keep their home, and to ensure that the Wall Street executives that got us into this mess don't walk away with millions of dollars.

PREVENTING FORECLOSURES

This bill does not guarantee that the Government will be able to make the reasonable modifications to mortgages that many homeowners desperately need to avoid foreclosure.

In purchasing mortgage backed securities the Government will just be one of many coowners of millions of mortgages. It will require the consent of all owners for the terms of the loans to be changed.

Congress has already requested that all loan servicers nationwide act to avoid preventable foreclosures, so it is unclear that additional requests from the Treasury will have any additional impact.

EXECUTIVE PAY

This legislation makes some commonsense reforms of executive compensation, but I do not think it does enough.

I am very concerned that this bill will still allow executives to receive million dollar a month salaries, and that there are multiple loopholes for corporations to escape the limitations on golden parachutes, incentives, bonuses, and corporate deductions for executive salaries.

Despite the improvements that have been made since the original Treasury proposal, I cannot in good conscience support a package that does not do enough to help endangered homeowners, and that does not tightly limit unreasonable compensation for executives.

Mr. FRANK of Massachusetts. Madam Speaker, I yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank the able Chairman BARNEY FRANK for yielding me this time, and say America needs the right deal, not a fast deal.

This Congress must step up to its constitutional responsibilities as a deliberative body to craft that right deal, not an insider trade. Actually, this bill is the wrong medicine. It concentrates financial power even more in the hands of Wall Street's mega banks and its buddies at the U.S. Treasury.

It bails out their bad behavior with no reform to prevent further abuse, and it ignores Main Street's real housing challenges. There is a much better way. The Bush administration says we are facing the worst financial crisis in modern history. That is not true.

The market problems of the 1980s were much worse than today. Then, over 3,000 banks failed, interest rates were 21 percent, and all the banks in Texas went down. The economic instability was resolved by the financial system in a much more disciplined and rigorous way than taxpayers printing money for Wall Street.

In those days the FDIC, not through a taxpayer bailout, but through careful use of FDIC's considerable power, resolved thousands of problem situations. No cash changed hands. The FDIC used its powers, its regular powers to regulate transactions with banks through a system of subordinated debentures and promissory notes. Even curbs on executive salaries and controlled dividends were exacted through that process. The cost of the entire enterprise was $1.8 billion, resolving over $100 billion in problem institutions from the FDIC insurance fund, paid for by the banks, not the taxpayers.

Today's economic challenge is a credit and housing crisis, not a liquidity crisis, precipitated by SEC accounting rules that are rewarding high-risk speculators and penalizing sound banks.

Mr. Chairman, I say we go back to the drawing board. This bill does not do it for the American people. Draft the right deal, not the fast deal. Draft the best deal.

[From moneynews.newsmax.com, June 3, 2008]

ISAAC: BANKING CRISIS? WHAT BANKING CRISIS?

The former chairman of the Federal Deposit Insurance Corp., William M. Isaac, says the current turmoil in financial markets is not remotely comparable to the Great Depression.

He disputes even the notion of a crisis.

''If there is a banking crisis, I have seen no evidence of it. I can count on my fingers and toes every sizeable bank about which I have had any concern during the past year,'' Isaac wrote recently in The Wall Street Journal.

By comparison, Isaac says, during the 1980s and early 1990s, the U.S. suffered from 4,000 bank and savings and loan failures. There were still more than 1,430 banks on the FDIC's ''problem list'' by the end of 1991.

''I'm sure the problem banks list will grow during the next year, but it totaled only 76 at last count,'' Isaac says.

''Banks continue to have incredible access to the capital markets and over 99 percent of banks are considered well-capitalized by regulators.''

Additionally, Isaac says, a 20 percent decline in housing prices was not really all that big of a deal economically for the U.S.

The widely cited S&P/Case-Shiller home-price index declined 14.4 percent in March from a year earlier. The gauge has fallen every month since January 2007.

Isaac notes that in Sarasota, Fla., where he resides, housing prices increased by 35 percent in one year alone, in 2005.

Isaac argues that such a rate of increase is ''unsustainable'' and was ''pushing housing prices beyond the reach of most people.''

Why is all this happening now? Politics, says Isaac.

Americans have been ''spoiled'' by 25 consecutive years of prosperity and, during this year's election cycle, one in which a Democrat has a chance to take over the White House, ''roughly half of the population wants us to feel angst,'' he writes.

Some economic experts agree with Isaac's assessment of the banking industry.

''Asset bubbles result in the misallocation of capital, which adversely affects economic growth,'' Donald P. Gould, president of Gould Asset Management, tells Moneynews.

''Probably it is safer to let the market undo its own bubble.''

Federal intervention in the market could result in a deflationary period just like that seen in Japan during the 1990s.

''Witness what happened when the Bank of Japan pierced the Japanese real estate bubble,'' says Gould. ''A decade-plus of recession.''

Ken Kamen, president of Mercadien Asset Management, tells Moneynews that an overreaction is not needed, as, ultimately, ''market forces will decide where money needs to be.''

___

BAILOUT FEVER: RUSH TO JUDGMENT

(By William M. Isaac)

It is disheartening that Congressional leaders are on the verge of enacting the largest bailout program in history—a $700 billion real estate loan purchase from Wall Street proposed by Treasury.

The current crisis in our financial system can be handled effectively without any expenditure of any taxpayer funds. A time tested model is already in place.

We handled far more credit problems in a far harsher economic environment in the 1980s than we are facing today. Three thousand bank and thrift failures were handled without producing depositor panics and massive instability in the financial system.

One explanation proffered for the urgency of this program is that money market funds were under a great deal of pressure last week as investors were losing confidence and withdrawing their money. If this is Treasury's primary concern, putting the government's guarantee behind money market funds—as Treasury did last week—should have taken care of the problem.

The other rationale I have heard for acting immediately on the $700 billion bailout is that bank depositors are getting panicky—mostly in reaction to the failure of IndyMac in which uninsured depositors were exposed to loss.

Does this fear mean that we need to enact an emergency program to purchase $700 billion of real estate loans? If the problem is depositor confidence, perhaps we need to be clearer about the fact that the FDIC fund is backed by the full faith and credit of the government.

If we want to take stronger action, the FDIC should announce that it will handle all bank failures, except those involving significant fraudulent activities, as assisted mergers that will protect all depositors and other general creditors. The FDIC should do this in

the current climate anyway, so why not announce it as a temporary program and calm depositors?

An additional benefit of this approach is that community banks would be put on a par with the largest banks because depositors are less convinced that the government will protect uninsured depositors in a small bank than a large bank.

The potential instability of funding for money market funds (and perhaps banks) is the primary justification I have heard for acting urgently on the bailout program. There are clearly more efficient and less expensive ways to handle this problem.

If we enact the $700 billion bailout, will it work—will banks be willing to part with the loans and will the government be able to sell them in the marketplace on terms the taxpayers would find acceptable? I have my doubts.

To get the banks to sell the loans, the government will need to buy them at an inflated price compared to what the private sector would pay for the loans today. There are lots of investors who would only be too happy to purchase the loans today, but the financial institutions and investors cannot agree on a price. The money is sitting on the sidelines until there is clear evidence we are at the bottom in real estate.

Having financial institutions sell the loans to the government at inflated prices so the government can turn around and sell the loans to well-heeled investors at lower prices strikes me as a very good deal for everyone but U.S. taxpayers.

Surely we can do better. One alternative is a ''net worth certificate'' program along the lines of the program Congress enacted in the 1980s for the deeply troubled savings bank industry. It was a big success and could work in the current climate. The FDIC resolved a $100 billion insolvency in the savings banks (had they been marked to market) for a total cost of $1.8 billion.

The net worth certificate program was designed to shore up the capital of weak banks to give them more time to resolve their problems. The program involved no subsidy and no cash outlay.

The FDIC purchased net worth certificates (subordinated debentures) in troubled savings banks that the FDIC determined could be viable if they were given more time. Banks entering the program had to agree to strict oversight from the FDIC, including oversight of compensation of top executives and removal of poor management.

The FDIC paid for the net worth certificates by issuing FDIC senior notes to the banks so there was no cash outlay. The interest rate on the net worth certificates and the FDIC notes was identical so there was no subsidy.

If we were to enact this program today, the capital position of banks with real estate holdings would be bolstered, which would give those banks the ability to sell and restructure assets and get on with their rehabilitation. No taxpayer money would be spent, and the asset sale transactions would remain in the private sector where they belong.

If we were to (i) implement a program to ease the fears of depositors and other general creditors of banks, (ii) keep tight restrictions on short sellers of financial stocks, (iii) suspend fair value accounting (which has contributed mightily to our current problems by marking assets to unrealistic fire-sale prices), and (iv) authorize a net worth certificate program, I believe we would settle the financial markets without significant expense to taxpayers.

If Congress spends $700 billion of taxpayer money on the loan purchase proposal, what do we do next? If we implement the program suggested above, we will have $700 billion of dry powder we can put to work in targeted tax incentives to get the economy moving again.

The banks do not need taxpayers to carry their loans, they need proper accounting and regulatory policies that will allow them time to work through their problems.

BRANCH BANKING & TRUST CO.,
Winston-Salem, NC, September 23, 2008.

Hon. (NAME),
Senate Building,
Washington, DC.

Or

Hon. (NAME),
House of Representatives,
Washington, DC.

DEAR SENATOR/CONGRESSMAN/REPRESENTATIVE: BB&T is a $136 billion multi-state banking company. We have 1,500 branches throughout the mid-Atlantic and southeast states. While we have been impacted by the real estate markets, we continue to have healthy profitability and a strong capital position.

We think it is important that Congress hear from the well run financial institutions as most of the concerns have been focused on the problem companies. It is inappropriate that the debate is largely being shaped by the financial institutions who made very poor decisions.

Attached are the issues that we believe are relevant from the perspective of healthy banks. Your consideration of these issues is greatly appreciated.

Sincerely,

JOHN ALLISON,
Chairman and Chief Executive Officer.

KEY POINTS ON ''RESCUE'' PLAN FROM A HEALTHY BANK'S PERSPECTIVE

1. Freddie Mac and Fannie Mae are the primary cause of the mortgage crisis. These government supported enterprises distorted normal market risk mechanisms. While individual private financial institutions have made serious mistakes, the problems in the financial system have been caused by government policies including, affordable housing (now sub-prime), combined with the market disruptions caused by the Federal Reserve holding interest rates too low and then raising interest rates too high.

2. There is no panic on Main Street and in sound financial institutions. The problems are in high-risk financial institutions and on Wall Street.

3. While all financial intermediaries are being impacted by liquidity issues, this is primarily a bailout of poorly run financial institutions. It is extremely important that the bailout not damage well run companies.

4. Corrections are not all bad. The market correction process eliminates irrational competitors. There were a number of poorly managed institutions and poorly made financial decisions during the real estate boom. It is important that any rules post ''rescue'' punish the poorly run institutions and not punish the well run companies.

5. A significant and immediate tax credit for purchasing homes would be a far less expensive and more effective cure for the mortgage market and financial system than the proposed ''rescue'' plan.

6. This is a housing value crisis. It does not make economic sense to purchase credit card loans, automobile loans, etc. The government should directly purchase housing assets, not real estate bonds. This would include lots and houses under construction.

7. The guaranty of money funds by the U.S. Treasury creates enormous risk for the banking industry. Banks have been paying into the FDIC insurance fund since 1933. The fund has a limit of $100,000 per client. An arbitrary, ''out of the blue'' guarantee of money funds creates risk for the taxpayers and significantly distorts financial markets.

8. Protecting the banking system, which is fundamentally controlled by the Federal Reserve, is an established government function. It is completely unclear why the government needs to or should bail out insurance companies, investment banks, hedge funds and foreign companies.

9. It is extremely unclear how the government will price the problem real estate assets. Priced too low, the real estate markets will be worse off than if the bail out did not exist. Priced too high, the taxpayers will take huge losses. Without a market price, how can you rationally determine value?

10, The proposed bankruptcy ''cram down'' will severely negatively impact mortgage markets and will damage well run institutions. This will provide an incentive for homeowners who are able to pay their mortgages, but have a loss in their house, to take bankruptcy and force losses on banks. (Banks would not have received the gains had the houses appreciated.) This will substantially increase the risk in mortgage lending and make mortgage pricing much higher in the future.

11. Fair Value accounting should be changed immediately. It does not work when there are no market prices. If we had Fair Value accounting, as interpreted today, in the early 1990's the United States financial system would have crashed. Accounting should not drive economic activity, it should reflect it.

12. The proposed new merger accounting rules should be deferred for at least five years. The new merger accounting rules are creating uncertainty for high quality companies who might potentially purchase weaker companies.

13. The primary beneficiaries of the proposed rescue are Goldman Sachs and Morgan Stanley. The Treasury has a number of smart individuals, including Hank Paulson. However, Treasury is totally dominated by Wall Street investment bankers. They do not have knowledge of the commercial banking industry. Therefore, they can not be relied on to objectively assess all the implications of government policy on all financial intermediaries. The decision to protect the money funds is a clear example of a material lack of insight into the risk to the total financial system.

14. Arbitrary limits on executive compensation will be self defeating. With these limits, only the failing financial institutions will participate in the ''rescue,'' effectively making this plan a massive subsidy for incompetence. Also, how will companies attract the leadership talent to manage their business effectively with irrational compensation limits?

Mr. BACHUS. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. LATOURETTE).

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

Mr. LATOURETTE. Madam Speaker, I want to congratulate the chairman of the Financial Services Committee, Chairman FRANK, for noble work in being handed really a pile of garbage and trying to make it better. Sadly, I cannot endorse the legislation he has worked so hard to bring today; and say this mess is not of his making.

Our leader, Mr. BOEHNER, appointed about 14 of us to do a working group to find an alternative to $700 billion, thinking that $700 billion is a lot of money.

And our recommendations had a number of principles. One is that the people that made the mess should clean up the mess. Thankfully, that was the insurance program which Chairman FRANK and the Democrats have acceded to. And it also dealt with CEO compensation in the bill, which I am happy to see.

But there were three market reforms that could have taken this bill from $700 billion to maybe $100 billion, and it is what the folks that have been calling me asked for. Some have already been talked about on the floor, and that is the mark to market. And basically, to give an example, if you are a bank and you have a million dollar building in your portfolio but because the real estate market isn't doing so well, the bank examiners have come in and they have said your building is only worth $400,000 today. You haven't sold it. Nothing has happened to it. You are still collecting rent on it, but you have taken a $600,000 hit on your balance sheet. That has a doubled-edged effect in that now that you have a reduced balance sheet, you have to squirrel more cash so you can't make loans to people wanting to engage in business, people wanting to buy homes. It is fake.

The latest figures that I have seen indicate that this mark down by the bank examiners has taken $500 billion of assets down, with the multiplier effect of about $5 trillion that is not available.

We could double the FDIC reform and do the FDIC reform which I believe the chairman supports. And not one American has lost one penny in an FDIC-insured account of $100,000 or less. We could make it $200,000.

Lastly, the principle was that the taxpayer shouldn't pay for this. Private money should pay for this. Repatriate offshore funds from American corporations, and we could fix this problem.

Mr. FRANK of Massachusetts. Madam Acting Speaker, the leadership that we have been given throughout this crisis by the permanent Speaker of this House has been extraordinary, and I am honored to yield her 1 minute.

The SPEAKER pro tempore. The gentlewoman from California is recognized for 1 minute.

Ms. PELOSI. Thank you very much, Madam Speaker, for recognizing me, and also to the distinguished chairman for his extraordinary leadership which I will address in a moment.

Madam Speaker, when was the last time anyone ever asked you for $700 billion? It is a staggering figure. And many questions have arisen from that request, and we have been hearing I think a very informed debate on all sides of this issue today. I am very proud of the debate. Seven hundred billion dollars, a staggering number, but only a part of the cost of the failed Bush economic policies to our country, policies that were built on budget recklessness.

When President Bush took office, he inherited President Clinton's surpluses; 4 years in a row budget surpluses on a trajectory of $5.6 trillion in surplus. And with his reckless economic policies, within 2 years he had turned that around. And now 8 years later, the foundation of that fiscal irresponsibility, combined with an anything-goes economic policy, has taken us to where we are today.

They claim to be free market advocates when it is really an anything-goes mentality. No regulation, no supervision, no discipline. And if you fail, you will have a golden parachute and the taxpayer will bail you out. Those days are over. The party is over in that respect.

Democrats believe in a free market. We know that it can create jobs, it can create wealth and many things in our economy. But in this case, in its unbridled form, as encouraged, supported by the Republicans, some in the Republican Party, not all, it has created not jobs, not capital, it has created chaos. And it is about that chaos that the Secretary of the Treasury and the chairman of the Fed came to see us just about a week and a half ago. It seems like an eternity, doesn't it. So much has happened, the news was so bad.

They described a very, very dismal situation, a dismal situation describing the state of our economy, the fragility of our financial institutions, and the instability of our markets—our equity markets, our credit markets, our bond markets. And here we were, listening to people who know of what they spoke. The Secretary of the Treasury brings long credentials and knowledge of the markets. More fearful, though, to me, more scary, were the statements of Chairman Bernanke because Chairman Bernanke is probably one of the foremost authorities in America on the subject of the Great Depression. I don't know what was so great about the depression, but that's the name they give it.

And we heard the Secretary and the Chairman tell us that this was a once in a hundred-year phenomenon, this fiscal crisis was so drastic. Certainly once in 50 years, probably once in 100 years. And how did it sneak up on us so silently, almost on little cat's feet, that they would come in on that day. And they didn't actually ask for that much money that night. It took 2 days until we saw the legislation that they were proposing to help calm the markets. It was on that day that we learned of a $700 billion request.

But it wasn't just the money that was alarming, it was the nature of the legislation. It gave the Secretary of the Treasury czar-like powers, unlimited powers, latitude to do all kinds of things; and specifically prohibited judicial review or review of any other Federal administrative agency to review their actions.

Another aspect that was alarming, it gave the Secretary the power to use any money that came back from these infusions of cash to be used at the discretion of the Secretary, not to reduce the deficit, not to go into the general fund so we could afford other priorities, to be used at the discretion of the Secretary. It was shocking.

Working together in a bipartisan way, we were able to make major improvements on that proposal even though its fundamental basis was almost arrogant and insulting.

The American people responded almost immediately. Overwhelmingly they said that they know something needs to be done. Seventy-eight percent of the American people said: Congress must act. Fifty-eight percent said: but not to accept the Bush proposal.

And so here we are today, a week and a couple of days later, coming to the floor with a product, not a bill that I would have written, one that has major disappointments for me beginning with the fact that it does not have bankruptcy in this bill, and we will continue to persist and work to achieve that.

It is interesting to me, though, when they described the magnitude of the challenge and the precipice that we were on and how we had to act quickly and we had to act boldly and we had to act now, that it never occurred to them that the consequences of this market were being felt well in advance by the American people. That unemployment is up; and, therefore, we need unemployment insurance. That jobs are lacking; and, therefore, we need a stimulus package.

So how on the one hand could this be so urgent at the moment, and yet so unnecessary for us to address the effects of this poor economy in the households of America across our country? We will come back to that in a moment.

Working together, we put together some standards. I am really proud of what BARNEY FRANK did in this regard.

That first night, Thursday night when we got the very, very dismal news he immediately said: If we are going to do this—and SPENCER BACHUS was part of this as well—if we are going to do this, we must have equity for the American people. We are putting $700 billion; we want the American people to get some of the upside. So fairness for the American people.

Secondly, as they described the root of the problem as the mortgage-backed securities, BARNEY insisted that we would have forbearance on foreclosure. If we are now going to own that paper, that we would have forbearance to help responsible homeowners stay in their homes.

In addition to that, we had to have strong, strong oversight. We didn't even have to see the $700 billion or the full extent of their bill to know that we needed equity and upside for the taxpayer, forbearance for the homeowner, oversight by the government on what they were doing, and something that

the American people understand full well, an end to the golden parachutes and a review and reform of the compensation for CEOs.

Let's get this straight. We have a situation where on Wall Street, people are flying high. They are making unconscionable amounts of money. They make a lot of money. They privatize the gain. The minute things go tough, they nationalize the risk. They get a golden parachute as they drive their firm into the ground, and the American people have to pick up the tab.

□ 1230

Something is very, very wrong with this picture.

So just on first blush that Thursday night, we made it clear—meeting much resistance on the part of the administration—those four things, equity, forbearance, oversight, and reform of compensation.

Overriding all of this is the protection of the taxpayer. We need to stabilize the markets, and in doing so, we need to protect the taxpayers. And that's why I'm so glad that this bill contains suggestions made by Mr. TANNER that if at the end of the day, say, in 5 years when we can take a review of the success or whatever of this initiative, that if there is a shortfall and we don't get our whole $700 billion back that we have invested, that there will be an initiative to have the financial institutions that benefited from this program to make up that shortfall. But not one penny of this should be carried by the American people.

People ask—and Mr. SPRATT spoke with great knowledge and eloquence on the budget and aspects of the budget—$700 billion; what is the impact, what is the opportunity cost for our country of the investments that we would want to make?

Okay. Now we have it at a place where the taxpayer is going to be made whole, and that was very important for us. But why on the drop of a hat can they ask us for $700 billion and we couldn't get any support from the administration on a stimulus package that would also help grow the economy?

People tell me all over the world that the biggest emerging economic market in the world is rebuilding the infrastructure of America: roads, bridges, waterways, water systems in addition to waterways, the grid, broadband, schools, housing. We're trillions of dollars in deficit there. We know what we need to do to do it in a fiscally sound way, in a fiscally sound way that creates good paying jobs in America immediately, brings money into the Treasury by doing so and, again, does all of this in an all-American way: good paying jobs here in America. We can't get the time of day for $25, $35 billion for that which we know guarantees jobs, et cetera, but $700 billion.

So make no mistake: When this Congress adjourns today to observe Rosh Hashanah and have Members go home for a bit, we are doing so at the call of the Chair because this subject is not over, this discussion about how we save our economy. And we must insulate Main Street from Wall Street.

As Congresswoman WATERS said, Martin Luther King Drive, and in my district Martin Luther King Drive and Cesar Chavez Road, and all of the manifestations of community and small businesses in our community, we must insulate them from that.

So we have difficult choices, and so many of the things that were said on both sides of this issue in terms of its criticisms of the bill we have and the bill that we had at first and the very size of this, I share. You want to go home, so I'm not going to list all of my concerns that I have with it.

But it just comes down to one simple thing. They have described a precipice. We are on the brink of doing something that might pull us back from that precipice. I think we have a responsibility. We have worked in a bipartisan way. I want to acknowledge Mr. BLUNT and Mr. BOEHNER of the work that we've done together in trying to find as much common ground as possible on this.

But we insisted the taxpayer be covered. We all insisted that we have a party-is-over message to Wall Street, and we insisted that the taxpayers at risk must recover; any risks must be recovered. I have told you that already.

So, my colleagues, let's recognize that this legislation is not the end of the line. Mr. WAXMAN will be having vigorous oversight this week, hearings this week, on regulatory reform and other aspects of it. I hope you will pursue fraud and mismanagement and the rest.

Mr. FRANK and his committee will continue to pursue other avenues that we can stabilize the markets and protect the taxpayer.

For too long this government in 8 years has followed a right-wing ideology of anything goes: no supervision, no discipline, no regulation. Again, all of us are believers in free markets, but we have to do it right.

Now let me again acknowledge the extraordinary leadership of Mr. FRANK. He's been an exceptional leader in the Congress, but never has his knowledge and his experience and his judgment been more needed than now. And I thank you, Mr. FRANK, for your exceptional leadership, Mr. Chairman.

So many people worked on this, but I also want to acknowledge the distinguished Chair of our caucus, Mr. EMANUEL. His knowledge of the markets, the respect he commands on those subjects, and his boundless energy on the subject served us well in these negotiations.

But this is a bipartisan initiative that we are bringing to the floor. We have to have a bipartisan vote on this. That is the only message that will send a message of confidence to the markets.

I know that we will be able to live up to our side of the bargain. I hope the Republicans will, too.

But my colleagues, as you go home and see your families and observe the holiday and the rest, don't get settled in too far because as long as this challenge is there for the American people—the threat of losing their jobs, their credit, their savings, their retirement, the opportunity for them to send their children to college—as long as in the households of America this crisis is being felt very immediately and being addressed at a different level, we must come back. And we will come back as soon and as often as necessary to make the change that is necessary.

And before long, we will have a new Congress, a new President of the United States, and we will be able to take our country in a new direction.

Thank you.

Mr. BACHUS. Madam Speaker, I yield 2 minutes to the gentlelady from Minnesota (Mrs. BACHMANN).

Mrs. BACHMANN. I thank the gentleman for yielding.

I also want to thank the Speaker of the House for making the case why so many Republicans are unwilling at this point to sign on to this legislation that's before us. However, I do believe also, Madam Speaker, that Democrats and Republicans are both committed to finding a way out of this financial challenge, and we think we have one. But the answer we believe needn't cost taxpayers $700 billion.

The problem is a lack of credit for creditworthy people, people who are fully capable of paying that credit back. Why is there a lack of credit? It's because the SEC has mandated accounting rules that have forced banks to value assets well below their actual economic value.

So what does this mean? It means that if a bank has $1 worth of deposits, they can make $10 in loans. But if accounting rules are forcing banks to devalue assets, $500 billion, then that means that banks are prohibited from making $5 trillion worth of loans. And that's why we have a credit crunch.

Unfortunately, the bill that we have before us today doesn't even address this credit crisis.

Let's first direct the SEC to suspend mark-to-market accounting rules for assets for which there is no market. That only makes sense. Second, stop naked short selling. Then the FDIC can issue net asset certificates that saved banks during the S&L crisis and the FDIC can write a letter to United States banks telling them in the absence of fraud that the FDIC will fully back all deposits for first-tier creditors.

Let's try these practical solutions before we pull the trigger on a $700 billion bailout that doesn't even address the underlying program.

Today, Madam Speaker, Republicans and Democrats agree. It's time for a rest. It's time for a break. Let's embrace a practical solution before we tie a $700 billion bailout around the neck of the American people.

Mr. FRANK of Massachusetts. Madam Speaker, I yield 2 minutes to a

Member who has played a leading role in bringing us together, the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. There have been a number of important lessons learned in this last year. One, you cannot have a strong economy on a foundation of a weakened middle class. For the last 7 years, the middle class has seen median household incomes decline by $1,200 and costs go up by $4,800. They are working harder, making less, and paying more to maintain their standard of living.

And, second, that this problem is not an earthquake, it's not a natural disaster. It's a manmade disaster, and one in which a philosophy of unregulation created that type of damage. You can come to the conclusion that capitalism is too important to be left to capitalists alone, that the banks that are surviving are the ones that are regulated. The unregulated are the ones that are going under.

People have figured out this problem. The financial industry created things that they don't, themselves, know what the value are. People were buying homes that were being flipped as if they were pancakes. And the regulators that were supposed to be policing this were asleep at the switch; and they're angry at all three, and they have every right to be.

The substance of this legislation has been improved because last Saturday the Treasury Department sent a bill to calm the markets down. And what Congress did in the remaining 7 days is put in there protections for the taxpayers. It had nothing to start with as it related to the taxpayers. The last 7 days was to make sure that the public markets were as protected as the financial markets were calmed. And we have made dramatic improvements in this legislation.

But make no doubts about it: While this may try to avert the recession in the financial sector, our job is not done until we avert the recession on Main Street, that we once again get a growth in jobs, we once again get a growth in median household incomes.

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

Mr. FRANK of Massachusetts. Madam Speaker, I yield an additional 20 seconds.

Mr. EMANUEL. Until we deal with the standard of living of the middle class and return the foundations of this economy to a middle class that is strong, we will never have a healthy economy.

We are doing what is responsible putting out this fire. But make no doubts about it: The remaining days are to also figure out who created the fire and make sure that that arsonist is put in jail.

Mr. BACHUS. Madam Speaker, I yield 1 minute to Mr. INGLIS, the gentleman from South Carolina.

Mr. INGLIS of South Carolina. I thank the gentleman for yielding.

The question before us, I think, is this: Is the risk of doing nothing greater than the risk of buying $700 billion of illiquid securities? The argument for it, of course, is that illiquid securities may turn out to be an okay investment. The best argument against it is it's basically socializing losses after Wall Street-types have pocketed profits. But, you know, when knowledgeable people tell us that there is a substantial chance of a depression, it's time to act.

Our financial markets have overdosed on credit. Truth be known, we have all overdosed on credit. The Federal Government, businesses large and small, families wealthy and poor. Working that overdose out of our system is going to take some time. But by buying up some of the securities that have fallen to a price below their value, the government might be able to stabilize the market and later sell off some of those securities at a profit. Some will be found to be worthless because they are so far removed from the original collateral, but some will have value, and we may just come out of this okay.

Mr. FRANK of Massachusetts. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I thank the gentleman.

Today we're being told that what is good for Wall Street is good for Main Street, yet this bailout plan will fail to keep families in their homes. Treasury will own troubled assets without any control. Terms of bad mortgages cannot be changed absent controlling share of underlying securities.

If you support this legislation because you think it will keep people in their homes, think again. In fact, Treasury will not be able to change the terms of bad mortgages because the act does not require Treasury to purchase a controlling share in the underlying mortgage-backed securities and collateralized debt obligations.

□ 1245

The Secretary will be powerless to make any real and substantive change in the terms of mortgages. The Secretary will have no power to avoid foreclosures and keep families in their homes.

Last night, I received a letter from Frank Alexander, a professor of law at Emory University. He has testified before my subcommittee on domestic policy, on targeting Federal assistance to help neighborhoods affected by the foreclosure crisis. He is an expert on housing law.

I would like to put his letter in the RECORD.

Professor Alexander clearly demonstrates that the Emergency Economic Stabilization Act will not fulfill its stated goal of preserving homeownership. Unless the Secretary of the Treasury is required to prioritize assets that will give the Treasury a controlling share in the underlying home mortgage, the Secretary will hold bad assets with no power to make them solid again. So much for the homeowners.

If we had a plan which focused on saving families' homes, it would actually do more for the economy than this bill. Economist Nouriel Roubini has written that the lack of debt relief to distressed households is behind the financial crisis and the deepening recession. With $700 billion directed towards helping or towards trying to save homes, we could really stimulate the economy and could give real economic security to millions on Main Street, but that's not what this bill is about. It's about Wall Street. What is good for Wall Street is good for Main Street? Not today.

EMORY SCHOOL OF LAW,
Atlanta, Georgia, September 28, 2008.

Re Emergency Economic Stabilization Act of 2008.

Hon. DENNIS J. KUCINICH,
Chairman, Domestic Policy Subcommittee, Committee on Governmental Oversight and Reform, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE KUCINICH: As the text of the Emergency Economic Stabilization Act of 2008 approaches final negotiations and a possible vote in Congress, I want to share my concern over the lack of any clear connection between the Troubled Asset Relief Program, and the provisions of this legislation that appear to relate to Homeownership Preservation.

This legislation, in its most recent form as of Sunday evening, September 28, has many provisions that make it far superior to the bill that was submitted on behalf of Secretary Paulson eight days ago. The two dominant purposes of the current draft of this legislation appear to be first the desire to enhance financial market liquidity through the acquisition (or insurance) of Troubled Assets, and second the desire to facilitate home preservation through loan modifications. The problem is that there is, quite simply, no clear or necessary connection between the Troubled Assets that may be purchased by the Secretary, and the capacity of the Secretary to engage in or facilitate loan modification or foreclosure avoidance strategies.

As presently drafted, the Secretary will engage in a program of acquisition (or insurance) of Troubled Assets, the purchase of which ''promotes financial market stability''. The liquidity crisis primarily stems from mortgage backed securities, or derivatives of mortgage backed securities, which contain or are perceived to contain mortgages with high rates of delinquencies or defaults. Mortgage related securities that are composed of a single class of prime mortgages are not illiquid, and are not likely to be the target of acquisition by the Secretary. Instead, the illiquid securities are most frequently those that are highly subdivided and fractured into separate classes or tranches, and often further securitized by derivatives.

The problem is that when and if the Secretary elects to acquire the mortgage related asset of any single financial institution, the Secretary will not be acquiring a portfolio of whole loans, or even a controlling interest in a securitization of loans.

If the Secretary acquires a partial interest or whole interest in a given tranche of mortgage backed securities, or in a derivative of a mortgage back security, the Secretary will lack the authority to authorize, require or even permit a program designed to encourage or facilitate homeownership preservation or foreclosure avoidance actions. As an

owner of a minority interest in a securitization or security derivative, there is little if anything that the Secretary will be able to do to accomplish the professed goals of Homeownership Preservation in this legislation.

If in fact this legislation is to have as one of its goals that of homeownership preservation, then the Troubled Asset Relief Program should have, at a minimum, as one of its goals the acquisition by the Secretary of Troubled Assets which will provide the Secretary will a controlling or majority interest in the underlying pool of whole mortgage loans. In such a context the Secretary will be in a position to implement the Homeownership Preservation goals of this legislation.

The most direct way to modify the current text of the Emergency Economic Recovery Act of 2008 to create the necessary tie between market liquidity and homeownership preservation is to modify Section 101(d)(5) to add the following:

''(5) Priority acquisition of troubled assets when such acquisition provides the Secretary with a controlling or majority interest in the underlying pool of whole mortgage loans.''

In the absence of any functional tie between Troubled Asset acquisition and control with respect to modifications of the underlying residential mortgages, there is likely to be very little significance to the homeownership preservations provisions of this legislation.

Sincerely,

FRANK S. ALEXANDER,
Professor of Law, Director, Project on Affordable Housing and Community Development.

Ms. GINNY BROWN-WAITE of Florida. I recognize Mr. TIAHRT of Kansas for 1 minute.

Mr. TIAHRT. Madam Speaker, fundamentally, there is something wrong with the way we are proceeding. The arguments use fear to build confidence. We are on an artificial deadline, rushing to judgment, fearful we can't get there in time. No one has addressed the fundamental reason that has brought us to this state of fear. No one has talked about it because this bill does not fix the underlying problems. Your fear drives you away from reasoning.

So now the worm turns. Those of you who complained the rich are getting richer want to take money away from those who can't afford it and give it to those who live the life style of the rich and famous. Those of you who curse corporate welfare pursue the biggest corporate welfare bill in history. Why? Because of fear. Taxpayers don't want to throw good money—their money—after bad behavior.

Vote against this. Fix the underlying problem. Don't let fear drive you to a bad decision. Vote ''no.''

Mr. FRANK of Massachusetts. I yield 1 minute to a very committed member of our committee, the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Thank you, Mr. Chairman. I thank you for your hard work.

Madam Speaker, I think what we are subjected to here today is similar to what the drunk driver syndrome is. We have a situation where none of us likes it, where none of us cares what's taking place here—the drunk driver, the one who is intoxicated. Well, the drunk drivers here are these markets that now have had a crash on a thoroughfare, the same thoroughfare that many individuals drive on, and that thoroughfare is blocked. Unfortunately, with the drunk driver, we have to come in and rescue that drunk driver and open up that thoroughfare so that traffic can flow through it. Well, that is what we have right here.

We have individuals who were drunk. The regulators are the bartenders who continued to pour the drinks and who didn't stop them from drinking. Now they're drunk. They've gotten on the main thoroughfare and have had an accident. The accident has closed the highway. Unfortunately, this highway is also the highway where we have our IRAs. It's the highway where we have our 401(k)s. It's the highway where we have our pension funds. It's the highway where we have our car loans and our mortgages. We have to clear the highway so that Main Street can go through it and can continue to survive.

I support this.

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I yield 1 minute to Mr. MURPHY of the great State of Pennsylvania.

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, as we pursue this, there are several things that still are of concern to me. We need to make sure we enact real consequences for those who are accountable for this mess and make sure that we enact real change to the system. We need to make sure that we say loud and clear to those who gamble with public funds that they have an obligation to the taxpayer. We need to also make sure that those who are offered loans with a wink and a nod who have no ability to pay, no identification, no credit, and no money down can't get these loans anymore until we get this system fixed.

We also need to understand that what we're talking about is a $700 billion bailout. It happens to be the same amount of money, $700 billion, that we send every year to foreign oil. If this Congress had taken care of our energy problems and had allowed drilling in the Outer Continental Shelf and of the Colorado shale oil, we would have had a real commodity to sell. We would have had real investments in the market and not just paper that we would have been shuffling around and would have been hoping that someone would have bought at auction.

Trillions of dollars in our economy and hundreds of thousands of jobs, that's what we should be doing to fix our economy, not just selling more paper.

Mr. FRANK of Massachusetts. I yield 1 minute to the chairman of the Oversight and Government Reform Committee who has been playing an important role here, the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Madam Speaker, this is an easy bill to vote against. It was presented to us by a Republican President and by a Republican administration so blinded by their ideology of deregulation that it kept them from preventing this crisis.

Because of the masterful work of Chairman BARNEY FRANK and of others, it is incredibly improved. We hope it will work to stabilize the economy. Nobel Prize economists have recommended alternative approaches, but almost all of them have said, ''Don't leave without passing something.'' This is a Republican bill which must pass with bipartisan votes. Many Democrats don't like it. Many Republicans are choking on it. We aren't going to get another bill or a better bill this year, but we will be back to make real reforms, more reforms next year. For now, it would be irresponsible to do nothing.

I will vote for this bill.

Mr. BACHUS. Madam Speaker, I yield 1 minute to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Madam Speaker, I rise to say that this bill is tragically flawed. It contains no increase in FDIC insurance, which would make people comfortable and safe when they're rushing to their banks right now. It contains no capital gains tax, no tax changes, no attempt to deal systematically with the problem. Most importantly, it contains no change in the mark-to-market rules.

This morning, a banker of mine called me from Arizona. He said, ''Mark to market is destroying the capital in the market, and is dragging down the value of these markets.'' He explained that bank examiners are not even enforcing their own rule. Their own rule says an asset shouldn't be marked down until, one, its value drops and, two, until the people stop making payments, but bank examiners are now saying that they must call it mark to market and destroy its value even if the owner of the property is still making those payments.

We have asked over and over again for FDIC insurance to be increased and for a change in the mark-to-market rules. Again and again and again and again, those requests have been rejected.

Mr. FRANK of Massachusetts. I yield to the gentleman from New York (Mr. CROWLEY) 1 minute.

Mr. CROWLEY. I thank the chairman for all of his work on this bipartisan piece of this legislation.

Madam Speaker, I rise not as a representative of Wall Street in New York but of 65th Street in Woodside, Queens, New York.

First, let me state that everyone is angry that we're here this afternoon enacting this piece of legislation, but immediate action must be taken or our Nation's credit system and banking system will dry up. What that means is pension plans and retirement savings will be threatened by the wild fluctuations of the stock market. It will mean

the tightening of credit, which means even the most creditworthy Americans won't be able to afford homes or be able to refinance their homes. Student loans will evaporate, making college more expensive. Auto loans will dry up and, finally, salaries. If employers cannot access banks and credit, they will not be able to meet their payroll, and layoffs will begin.

This was a 3-page bill when we first got it, ladies and gentlemen, but we, the Democrats, made this a better bill. We added both the civil and criminal accountability of Wall Street executives. Government should be giving out metal bracelets, ankle bracelets, and not golden parachutes.

Madam Speaker, this is not a perfect bill, but it is a much better bill than we got initially. I will be supporting this legislation.

Mr. BACHUS. Madam Speaker, I yield 1 minute to the gentlewoman from Colorado (Mrs. MUSGRAVE).

Mrs. MUSGRAVE. Madam Speaker, I am pleased that the strong opposition to the initial administration proposal has helped to force some very important changes such as the bipartisan oversight board, which is an online database that will allow greater oversight of the Secretary's actions, but this is still a bailout for Wall Street that will cost the average Colorado household thousands.

I simply cannot stomach transferring that kind of money from the middle class families to a bunch of Wall Street bankers whose avarice and greed put us in this situation in the first place. It's interesting that, when working families were being crushed by soaring energy prices this summer, Congress went on vacation. Yet, when Wall Street faced the consequences of its actions, we worked around the clock to help them. We should place the same priority on helping Main Street that we place on helping Wall Street.

Mr. FRANK of Massachusetts. I yield to the gentleman from Minnesota (Mr. ELLISON), a member of our committee, 1 minute.

Mr. ELLISON. Madam Speaker, a good friend of mine who runs a charter school needed to get a line of credit recently to float her payroll. She couldn't get it. In the past, she had. That puts the teachers, the custodial staff, the people who work in the kitchen, and all of those folks in line for a payless payday, which means that we've got 60 folks who will not be able to make car notes, mortgages or who will not, perhaps, be able to pay credit cards and who knows what.

This kind of problem is bleeding throughout the economy. That's why the unemployment rate is 6.2 percent. We can wait to see the pain, and then we will be motivated to act, but do you really want to see 8 percent or 9 percent unemployment?

Mr. BACHUS. Madam Speaker, I yield myself 3 minutes, and I'd like to go to the well.

It's 11 days later, and our time has run out. We're going to have a vote. We're going to make a decision. There are no more alternatives. There are no other choices—just this one choice. I don't know about you. I believe every Member of this body feels as if there is an awesome responsibility on our shoulders. This will be the most difficult decision I make in my 16 years in this body, and I have decided that the cost of not acting outweighs the cost of acting.

I've been able to calculate the financial cost of acting, and I know that it's something less than $700 billion. I could go into a long explanation, but I am actually optimistic that almost all of that money will be recovered by the taxpayer. But I'll tell you, like an explorer in uncharted territory, none of us in this body has any really good judgment or insight into what happens if we fail to pass this bill.

It could mean companies will go out of business. We've been told it would. It could mean more bank failures. It probably will. It will mean the impairment of our parents' and grandparents' pensions. I'm not willing to put that bullet in the revolver and spin it. I'm not willing to take that gamble. I'm not willing to pull that trigger because I am not willing to subject the American people to the worst case scenario.

I don't have a crystal ball. That is one reason that I'll be voting ''yes.'' I will take the political risk, but I will not take a risk on the American people and their future, and on the prosperity of my children and of my grandchildren.

Thank you very much.

Mr. FRANK of Massachusetts. Madam Speaker, I know this has been as difficult for the ranking member as it has been for me, and I appreciate the generosity of spirit he has brought to this.

I now yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

□ 1300

Ms. DELAURO. Our first goal as Members of Congress is to rescue the economy, get it moving again, and make sure the middle class and small businesses get on their feet.

I hate that near criminal mismanagement of our economy and near criminal contempt for our values has forced us to act today. Today's financial crisis could lead to an economic meltdown unseen since the Great Depression, and I have a responsibility to avert it in the interest of the country, though I know it will be unpopular.

For too long, the policies of this administration and the previous majority in Congress put middle class families at risk. I am under no illusions about how we got here. And I act today not to help the banks, but to help hard-working, struggling middle class Americans, small business people.

If we do not act, unemployment will rise, small businesses will not meet payroll, and a credit freeze closes the door on families who need loans to pay for schools, cars and housing.

The administration offered a plan; it was unacceptable. This legislation, while imperfect, offers a different approach. It should be coupled with investing in job-creating infrastructure, new green jobs, and measures that give consumers more income.

Mr. BACHUS. Madam Speaker, I yield 5 minutes to the gentleman from Missouri, our whip, Mr. BLUNT.

Mr. BLUNT. I thank the gentleman for yielding. I thank him for his leadership today and his leadership during this discussion.

None of us want to be here today. All of us would rather not be dealing with this situation. None of us wanted to see the worldwide economic news over the weekend, but it all happened. And we see things happening in our country today that have to be dealt with, and this body has an opportunity today to deal with those things.

We've reached out to try to compromise on both sides of the aisle on a solution. Now, frankly, I think every speech here today on either side that gets into wanting to allocate blame as part of this vote is not helpful. I do think what could be helpful is this solution. I don't think it is helpful the way we started talking about a ''solution, but it's not this one.'' We started talking about a bailout, and we truly have gotten, with lots of effort, to a program that could be a workout.

These are not valueless assets; these are just assets that don't reflect in today's economy the value that they truly have. And this is a program that, through a number of ways, would begin to stabilize and establish that value again. Whether it was going in and purchasing some of these mortgages, whether it was insuring these mortgages and other assets that are out there, you begin to make money available again for families in America; you begin to make money available again for businesses that want to expand; you begin to make money available again for student loans; you begin to make money available again for the person who wants to pave the parking area at the service station.

This is not about Wall Street; it's about Main Street. And this is not about the government going in and buying things that don't have value, it's about the government helping establish what that value is. If that's done right, and we believe that all of the transparency that you could possibly hope to have in a government program is here, all of the oversight is here—in fact, if anything, we may have overdone the oversight, but none of us want to have underdone the oversight—and that's all here.

And this program would ensure, if administered as I think it now has to be under the protections in it, that taxpayers don't lose money. And if, at the end of the process 5 years from now, the Director of the Office of Management and Budget would say to the President there is still some taxpayer loss here, the President then has to

come back to the Congress and say to the Congress, here's how we, over the next number of years, recover the remaining money from the people who participated in the program, not the entire financial sector, not every person in America, but the people who benefited from, who participated in the program.

Taxpayers, unless a future Congress loses its ability to do what the law says they need to do, taxpayers won't lose anything. And, frankly, I think if this is administered the way it almost has to be now, that 5 years from now it will be apparent that taxpayers won't have lost, they will have gained. And while they were gaining, America gets started on the right direction.

If you're watching the stock market over the next few days and we don't act, whether you have portfolios that you know about or not, if you have a pension plan, if you have a son or daughter who wants to go to college, if you have a home improvement you would like to make, you're going to be affected if the economy doesn't begin to reflect the true strength that this economy has.

This bill helps us re-establish the floor for that strength. This bill helps us ensure that taxpayers don't pay any cost. This bill ensures that everybody can watch all the time to see what's going on.

I urge my colleagues to vote for it. I thank my colleagues who have worked hard to get it to this point. I encourage my colleagues, too, that this is no time to try to seek partisan advantage; this is the time to try to seek a bipartisan solution.

Mr. FRANK of Massachusetts. Madam Speaker, I yield to my colleague from Massachusetts, who has one of the best records in dealing with this set of issues in the Congress, the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. When the markets go up, Wall Street cleans up. When the markets go down, Main Street gets cleaned out.

Nobody wants to do this. Nobody wants to clean up the mess created by Wall Street recklessness. Nobody thinks this is perfect. But, if we don't act now, we won't just punish Wall Street, but punish innocent people on Main Street who will get cleaned out.

This is the greatest threat to those people since the Great Depression. This bill, because of BARNEY FRANK, protects taxpayers, prevents golden parachutes, and limits excessive CEO compensation, helps prevent home foreclosures, provides strong, independent oversight and transparency. Not just Main Street, but the whole world is looking at us. Our very system of capitalism is under assault.

We must pass this today. We must give support to this. We must protect Main Street across this entire country. Vote ''yes'' on this protection of citizens of our country.

I rise in support of this bill.

After careful consideration of the bill to provide emergency assistance to stabilize our economy, I have decided to support this bill.

For years, I have fought hard for tougher oversight and regulation of Wall Street. I fought for tougher laws against insider trading, market manipulation, and other financial fraud; I fought to give the SEC expanded powers to obtain risk assessment reports regarding the risks posed by derivatives and other risky investments; I fought against efforts to deregulate Wall Street and make it tougher for defrauded investors to sue the scam artists who have ripped them off.

But 12 years of Republican-led deregulation and lax controls have fueled Wall Street's greed and recklessness in an inexcusable manner. I don't like having to vote for this kind of legislation. Still, I believe that a failure to act now wouldn't merely punish Wall Street, but also would put hardworking Americans at risk of losing their homes, their jobs, and their savings.

When the Bush administration presented its plan to Congress a week ago, I believed it did not contain the safeguards needed to protect taxpayers from billions of dollars in losses that could result from this rescue plan.

But over the past week, as a result of round-the-clock negotiations with the Bush Administration, essential taxpayer protections were added. For example, the plan now:

Protects taxpayers by requiring a plan for full repayment of all funds used to assist troubled financial firms;

Helps prevent home foreclosures by granting the Government authority to work with loan servicers to change the terms of mortgages to keep Americans in their homes;

Prevents golden parachutes by limiting excessive compensation for CEOs and executives of firms selling assets to the Government as part of the plan;

Creates strong, independent oversight and transparency to prevent waste and fraud and protect taxpayers.

I believe that failure to take action now would mean considerable risk of serious economic pain for America. The pain would not be limited to Wall Street bankers who made risky bets that didn't pay off.

Without relief now, Americans across the country struggling to pay their mortgages would be at greater risk of losing their homes. Responsible companies seeking credit to keep their businesses afloat already have seen financing dry up—if the Government fails to intervene now, more companies could close their doors, putting more Americans out of work.

The bill provides tough oversight and commits Congress and the President to the principle that whatever the ultimate cost is, it will be borne by the financial services industry directly, not taxpayers in general.

Our economy is facing the biggest Wall Street crisis since the Great Depression. Congress must respond to stop further declines that could wipe out savings accounts and hurt everyday Americans around the country if the crisis spreads even further.

Our entire economy depends on this critical legislation, but the taxpayers should not be on the hook to pay for risky business on Wall Street and lax oversight by the Bush administration. The taxpayers' insurance guarantee in the bill is one of the many taxpayer protections Democrats included to improve the original Bush-Paulson plan to stabilize American financial markets.

I urge adoption of the bill.

The SPEAKER pro tempore. The gentleman from Alabama has 2 minutes remaining. The gentleman from Massachusetts has 4 minutes remaining.

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

Mr. FRANK of Massachusetts. Madam Speaker, I yield for a unanimous consent request to the gentleman from California.

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

Mr. GEORGE MILLER of California. Madam Speaker, I rise in support of this legislation.

Madam Speaker, I rise today in support of the Emergency Economic Stabilization Act, a bill to respond to what could be one of the worst financial crises to face our country.

Just over 10 days ago, in response to this crisis, President Bush asked Congress to immediately approve a 2½-page plan to grant never-before-seen powers to the Secretary of the Treasury to spend a staggering $700 billion in taxpayer money to bail out Wall Street firms, with no strings attached, no accountability, and no guarantee of success.

This President, who has overseen one of the worst economic records in American history, asked us for a blank check.

The Speaker of the House, my colleagues, and I said, ''No.'' We rejected his blank check plan.

But we did not dismiss the need to take action on behalf of American workers and families already hurt by our economic problems and who would be severely hurt further if this financial crisis becomes a full scale economic meltdown.

Instead, we said that if we are to rescue failing institutions because it is in the public's interest then we must ensure that the plan protects the taxpayer and holds officials accountable.

The plan that we are voting on today is a far cry from what we were first asked to approve. It is the result of hundreds of hours of negotiations between the House, the Senate, and the White House and between Democrats and Republicans.

The result is a plan that:

Provides money to rescue firms in stages, not all at once;

Limits the compensation of CEOs whose firms the government rescues. No more golden parachutes for Wall Street tycoons who get government assistance.

Provides immediate and ongoing tough oversight by independent boards including the Inspector General and the Government Accountability Office;

Gives taxpayers ownership of the companies that they would rescue, giving them a share of the profits in those companies;

Helps families going through foreclosure, and;

Provides a mechanism for paying for any losses the taxpayer might face from this plan.

You would think that these protective measures would have been obvious to the President when he asked us to approve his plan.

The fact is, Democrats in the House and Senate had to fight for them. We had to fight to limit CEO pay for rescued firms. We had to

fight for tough oversight. We had to fight to give taxpayers ownership of the companies we help. And we had to fight to get some mechanism of paying for this plan.

So, with great deliberation and a lot of hard work, we made this a much better bill.

This bill does not have everything in it that I or others here wanted. It is a compromise. But it is a compromise that I believe is far preferable to the alternative of not acting at all.

The American economy is in its weakest condition in many, many years. Rising unemployment, stagnant and declining wages, record high energy costs, and soaring food prices.

Mortgage foreclosures continue to rise and home values continue to decline.

Fundamental investments in our economy remain unmet—for health care, aging roads, bridges and schools, new energy sources and energy conservation, and for education.

Amidst this economic crisis we face the potential for a sudden meltdown of our nation's financial markets of a magnitude that few of us have ever seen in our lifetime and that would reach into every corner of our nation and further weaken the living standards of every American.

No one can say with certainty, but if you believe the experts' predictions the collapse of the financial markets will not just result in the bankruptcy of banks and other firms on Wall Street.

The financial collapse would cripple the credit markets and would prevent the economy from growing, hurting Americans' ability to borrow at reasonable rates to make payroll at small businesses, invest in new equipment, borrow for college, take out a mortgage, start new businesses, or buy new cars. It would hurt our ability to create new jobs.

As we are seeing in California, school districts, counties, and cities are losing millions of dollars because of the collapse of Wall Street firms in which they held investments.

The question of whether to help rescue Wall Street firms and stabilize the credit markets is daunting and one that I know each of my colleagues is considering with greatest sense of caution, obligation and responsibility.

Americans are furious with the CEOs of Wall Street, and they have every right to be. Just as they should be furious with 8 years of the Bush Administration and 12 years of the Republican-led Congress that did nothing but cut taxes for the rich and help Wall Street with deregulation of the banks and provide no oversight from Washington.

With the Republicans' help, the barons of Wall Street have taken the upside of the economy with relish. They invented and mastered the golden parachutes and eye popping executive compensation schemes that have created their own economic class in our country.

They created new, complex financing mechanisms that were beyond even their own understanding and they violated every common sense rule of corporate transparency and financial soundness.

Armed with their powerful lobbyists, Wall Street cunningly held off fair regulations by Congress, arguing that left to their own devices Americans would be better off.

The American people are the victims of this go-go, Wild West approach to governing.

Well, the damage is done, and the damage is devastating. And now, the party is over.

Congress and the American people are going to have to step up to the plate and right the pieces. It will not be easy.

But the taxpayers should not be asked to do so without the protections that we have fought to include.

That is our primary concern—the American people who have had to withstand a devastating economic downturn during the last eight years, who had to shoulder the mounting costs of bailing out one large bank or financial firm after another, and who have not had anyone come to their own rescue when times got hard.

This bill is intended to stabilize the credit markets, slow the decline of foreclosures, slow the decline in home values, and begin to free up credit so that the economy can have a chance to grow.

Based on what I have learned from a wide range of experts across the country, I believe the financial crisis is real and that the consequences of not acting now will be far, far worse for average Americans than if we do nothing at all.

This bill is not just about trying to prop up the stock market. Markets will rise and fall for a variety of reasons. But the dramatic decline in the stock market clearly hurts tens of millions of Americans with pension funds, retirement accounts, college funds, and other savings that are invested in the stock markets.

What we are attempting to do is stabilize the credit markets because that is what fuels our economy and creates jobs and good incomes. The crisis that started on Wall Street does not end on Wall Street, it ends on Main Street, in every small town and big city in our country.

If this bill were just about Wall Street, given their behavior, I wouldn't walk across the street to save them. But this is really about our communities and families and people's access to credit, and jobs and economic growth. This is an important step but clearly much more needs to be done to create jobs and try to stop the slide in home values.

For example, the House passed a bill to spend $60 billion quickly on a stimulus plan, for infrastructure and unemployment insurance. The Administration has opposed it and has threatened to veto our plan.

Our plan would have created good paying jobs in California and in America, providing an infusion of money for mass transit, highways, water projects, bridges, water recycling, and broadband technology, all of which are an investment in the economic future of America.

The President is wrong to oppose this. At a time of rising unemployment, it is unfortunate that the President has opposed us and refuses to support our investment plan. But I will continue to fight for our economic plan that is essential to our long-term economic recovery.

I have fought to protect homeowners, taxpayers and consumers. I urge my colleagues to support this plan and to continue to work together to make further investments in the economy that are crying out for our approval to get America moving forward and get Americans working again.

Mr. FRANK of Massachusetts. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, I have mostly appreciated the kind words directed at me. I say ''mostly'' because it has been my experience here that there is often an inverse ratio between the nice things people say about you and their inclination to vote for your bill. I hope we can overcome that in this situation.

But I want to talk now—and we've worked on this in a compromise way, and I am proud to have worked with the whip and my ranking member counterpart and others across the ideological spectrum. And meeting a national crisis does not give any of us the luxury of doing everything we want.

I hope we will come back here with more votes. And if we have more votes, the next time we negotiate I'll be tougher, but you have got to accept reality.

I wish this was a bill that reflected more of my priorities. I wish I could eat more and not gain weight, but I have learned that acting imprudently on my wishes that cannot be realized is not helpful. But I do want to address those who share with me a commitment to dealing with people who are low on the economic spectrum.

Madam Speaker, I do my work, and I work on a lot of the general issues. But if there weren't poor people in this world and if we didn't have discrimination, I wouldn't be here. That's why I'm here.

What I have tried to do every time we've had a major bill, I'll be honest, is to use the leverage I get as chairman because there are things that everybody needs to put in for the poor people, to put in something for the people who don't otherwise get a fair shake. And sometimes there's a lot of other things in there. But I will tell my colleagues this, particularly my fellow liberals, if we aren't prepared to accept some of the things we don't like, we will not have the power to deliver for the people we care about. We do not unilaterally have the power to impose policies we would like, and therefore, a compromise is required.

What do we have in this bill? I've got a letter I'm putting in the RECORD from every liberal advocacy group—not ACORN, I want to assure my colleagues over there before they have a conniption—but every other group, the Low-Income Housing Coalition, the Legal Aid Society, National Coalition for the Homeless. And it says: ''We are writing to thank you for the inclusion of measures to protect renters.''

People all over this country who rented, who didn't make an imprudent decision to buy a house, found themselves being evicted because somebody didn't pay the mortgage. We try to protect them against this. We try to keep subsidies. I tell you this, the lower-income people, the poor people, they will get nothing if we're not prepared to compromise some.

Secondly, we have in here—and I understood what the gentleman from Ohio (Mr. KUCINICH) was saying—very good language on foreclosure. Is it everything I wanted? No. But I'll tell you this, if this bill passes, we will have a Federal Government empowered to do, for the first time, significant reductions in foreclosures. Now, I don't know who's going to win in November, but I will tell you this, this will put in the hands of whoever the President is

the power to do a great deal of good. Please don't throw it out because you're unhappy with some other provisions.

SEPTEMBER 29, 2008.

Hon. BARNEY FRANK,
Chair, Committee on Financial Services, House of Representatives, Washington, DC.

DEAR CHAIRMAN FRANK, we are writing to thank you for the inclusion of measures to protect renters in this Emergency Economic Stabilization Act of 2008. The provisions that will allow renters with leases to stay in place and that provide for the continuance of existing protections for tenants, including rental subsidies, are very important to ensure that this financial crisis does not disrupt the lives of some of our most vulnerable citizens.

Thank you for your leadership on this issue.

Yours truly,

Center on Budget and Policy Priorities; City of New York; Coalition on Homelessness and Housing in Ohio; Community Economic Development Assistance Corporation; Community Service Society of New York; Jesuit Conference USA; Housing Preservation Project; Legal Aid Society; and National Coalition for the Homeless.

National Housing Conference; National Housing Law Project; National Housing Trust; National Law Center on Homelessness & Poverty; National Low Income Housing Coalition; National Policy and Advocacy Council on Homelessness; Stewards for Affordable Housing for the Future; The Community Builders—DC; and Urban Homesteading Assistance Board.

NATIONAL ASSOCIATION OF HOME BUILDERS,
Washington, DC, September 29, 2008.

Hon. JOHN BOEHNER,
Minority Leader, House of Representatives, Washington, DC.

DEAR MINORITY LEADER BOEHNER: On behalf of the 235,000 members of the National Association of Home Builders (NAHB), I am writing to urge your support for the Emergency Economic Stabilization Act of 2008. NAHB strongly believes this bipartisan proposal will help remedy the extreme turmoil and uncertainty currently facing the nation's financial markets.

Falling home prices, mounting foreclosures, and a frozen credit market have taken a severe toll on the nation's economy. As the financial markets struggle, mortgage credit costs are increasing and home builders are finding it more and more difficult to obtain any business credit. The Emergency Economic Stabilization Act of 2008 will provide an outlet and patient market for troubled mortgage assets, thus restoring confidence in global financial markets and allowing credit to once again flow to businesses. Ensuring that credit-worthy home buyers, builders and other small businesses have access to credit is absolutely essential to putting the American economy back on track.

Again, NAHB believes that the Emergency Economic Stabilization Act of 2008 represents the best opportunity to address the turmoil facing the U.S. economy, and we urge your support for this carefully-crafted, bipartisan legislation. We look forward to working with Congress to move this legislation forward in an expeditious manner.

Sincerely,

JOSEPH M. STANTON.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM PRESS RELEASE

I welcome the agreement by the Congress and the Administration on a comprehensive plan to stabilize our financial system and support our economy. This legislation should help to restore the flow of credit to households and businesses that is essential for economic growth and job creation, while at the same time affording strong and necessary protections for taxpayers. I look forward to swift passage of the legislation.

In addition, the Federal Reserve Board supports the timely actions taken by the Federal Deposit Insurance Corporation, which demonstrate our government's unwavering commitment to financial and economic stability.

AMERICAN FINANCIAL SERVICES ASSOCIATION,
September 28, 2008.

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

Hon. HARRY REID,
Senate Majority Leader, U.S. Senate, Washington, DC.

Hon. JOHN A. BOEHNER,
House Minority Leader, House of Representatives, Washington, DC.

Hon. MITCH MCCONNELL,
Senate Minority Leader U.S. Senate, Washington, DC.

DEAR SPEAKER PELOSI, SENATOR REID, LEADER BOEHNER, AND LEADER MCCONNELL, The American Financial Services Association (AFSA) is pleased to support the Emergency Economic Stabilization Act of 2008. AFSA hopes that Congress will pass this critically important legislation and send it to the President's desk as soon as possible. The plan is essential to restoring certainty, stability and liquidity to the credit markets.

AFSA is encouraging the Securities and Exchange Commission to use its new authority in the bill to suspend mark to market accounting standards as quickly as possible. In addition, AFSA is urging the Secretary of the Treasury to use the authority given to him in the legislation to make finance companies eligible to participate in the rescue plan, as well as to include auto, small business and student loans as eligible assets under the definition of troubled assets.

Sincerely,

BILL HIMPLER,
Executive Vice President, Federal Affairs, American Financial Services Association.

MEMO

Date: September 29, 2008.
To: Members of the U.S. Senate and House of Representatives.
From: Edward L. Yingling, President and CEO, Floyd E. Stoner, Executive Vice President, Congressional Relations & Public Policy, American Bankers Association.
Re: Support for the Emergency Economic Stabilization Act of 2008.

I am writing on behalf of the entire banking industry to express our support for the compromise legislative package that Congress is considering to address the current financial crisis.

The crisis on Wall Street and in financial centers around the world has reached a point where extraordinary action is required. The proposal put forth by Treasury Secretary Henry Paulson and modified by Members on both sides of the aisle is a constructive solution to the crisis we face. It will provide the financial backstop needed to unfreeze the financial markets and provide for greater transparency and accountability for firms that participate in the program.

The action that Congress is taking is not one that the regulated banking industry sought, but is necessary to address this financial crisis to ensure that credit is available to consumers and businesses on Main Street. There can be no doubt that the freezing up of the world's credit markets and the loss of confidence we are seeing will, if left unchecked, dramatically impact consumers and businesses of all sizes.

While we support the basic construct of the compromise package, we are concerned about the provision that was added at the end of the process to have the President assess the final costs to the government, after five years, and make a legislative proposal on how to recoup those costs from the financial services industry, possibly through the assessment of a fee. As Secretary Paulson, Chairman Bernanke, and many Members of Congress have consistently pointed out, this crisis was the result of actions of unregulated mortgage brokers and failures on Wall Street, not of actions of regulated, FDIC-insured banks.

We support this compromise package because we recognize the impact that a failure to pass this legislation would have on the national economy.

The SPEAKER pro tempore. The gentleman from Alabama has 2 minutes remaining.

Mr. BACHUS. Thank you, Madam Speaker, and thank you, Chairman FRANK.

Madam Speaker, at this time, I yield the balance of our time to our very capable leader, Mr. JOHN BOEHNER from Ohio.

Mr. BOEHNER. Let me thank my colleague from Alabama for yielding and thank him for his words.

The gentleman, along with the chairman, have been through a tough period. And it's not just been the last week or 11 days; it's been really over the last year. And I want to thank both of them for their good work.

You know, the American people are angry, angry that this is happening to them, angry about their future. They're scared. And there isn't a Member in this room that isn't as angry as they are and not a Member in this room that isn't just as scared about where we are.

I've been here for a long time, a lot of you have been here for a long time; and we've cast a lot of tough votes along the way. I don't know that they get much tougher than this because nobody wants to vote for this, nobody wants to be anywhere around it. And I don't blame you, I don't want to be around it.

We have a bill in front of us that is a bipartisan bill. We've got Members on the Democrat side who have all kinds of things they want in this bill that aren't in here. I have a lot of my Republican friends who are irritated that this issue and that issue aren't in here, that we don't do more to attract private capital to help fix this problem. I understand that.

And so we have an imperfect product. But we have a product that may work, a product that may work if we can get the votes to pass it, which, I don't have to tell any of you, is in serious doubt.

I just want everybody to think about where we are. While there is a lot of risk to any Member who votes for this, both sides of the aisle, just think about what happens if we don't pass this bill.

Think about what happens to your friends, your neighbors, your constituents. Think about those retired people whose retirement income will shrivel up to zero. Think about the jobs that will be lost. If I didn't think we were on the brink of an economic disaster it would be the easiest thing in the world for me to say no to this; but I believe the risk in not acting is much higher than the risk in acting.

This Congress has to do its job. None of us came here to have to vote for this mud sandwich—I can describe it a lot of different ways, you all know how awful it is. I didn't come here to do this. I didn't come here to vote for bills like this. But let me tell you this, I believe Congress has to act, and that means each and every one of us have to act. These are the votes that separate the men from the boys and the girls from the women.

□ 1315

These are the votes. These are the votes that your constituents sent you here to decide on their behalf. They didn't tell you it was going to be easy. They didn't tell you that it's going to be black and white, you won't have any shades of gray. These are the kind of votes that we have to look into our soul and understand and ask ourselves the question: What is in the best of our country?

I believe what's in the best interest of our country, as I stand here today, is to vote for this bill. While imperfect, while not having everything everybody wants, I believe that we have to vote for this bill and do our very best to keep ourselves from the brink of an economic disaster that will harm all of our constituents.

So I ask all of you, both sides of the aisle, what's in the best interest of our country? Not what's in the best interest of our party. Not what's in the best interest of our own re-election. What's in the best interest of our country?

Vote ''yes.''

Mr. FRANK of Massachusetts. Madam Speaker, I now have the privilege, to the regret of absolutely nobody, of closing out this debate by yielding 1 minute to the very able majority leader, who has played such a constructive role, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding.

Madam Speaker, we swore an oath to protect this country, to protect our Constitution, and protect our people.

Most days in the House of Representatives, we make judgments. Those judgments are between what we think are good and better and perhaps bad. Most days are not like today. This is a day of consequence for the American people. This is a day of consequence to our country. This is a day when the Democratic leader, myself, rises to follow the Republican leader, and they speak with one voice as America faces crisis. That's what Americans want us to do.

I congratulate Mr. BOEHNER for his courage and for his leadership. And I congratulate my good friend ROY BLUNT, with whom I have worked on issue after issue to try to bring us together, not on behalf of Republicans or Democrats but on behalf of our people.

Why should taxpayers lend out their own money to solve a crisis brought on by someone else's greed? Because when it comes to our economy, none of us, none of us is an island. We are all bound together in boom or bust, in growth or collapse, from the bankers on Wall Street to the smallest rural community that we represent.

Imagine, my colleagues, that we do nothing. A million more homes will likely be foreclosed on. Banks would likely be unable to lend. Credit, the lifeblood of any economy, might dry up across America. That means families unable to take out a loan to buy an appliance when their washing machine or refrigerator breaks, or send a child to college. It means retirement savings devastated. It means businesses shrinking all over America unable to meet their payrolls, and jobs lost and families at risk. That's what Mr. BOEHNER said and that's what I say. That's what Mr. Paulson has said. That's what Mr. MCCAIN has said. That's what Mr. OBAMA has said. America faces a crisis, and Americans call out for us to come together to confront that crisis on their behalf.

It means workers losing their jobs on top of the more than 600,000 that we have lost this year. The meltdown would begin, it is true, in a few square miles in Manhattan. But before it was over, all of us know no city or town in America would be untouched.

With this bipartisan rescue plan, I am hopeful, every one of us in this body is hopeful, the President of the United States is hopeful, and I know that every American that we have the honor and privilege of representing hopes that we will prevent the worst-case scenario.

Under a plan put forward by President Bush, the government would purchase the bad assets clogging up our financial system, with the goal of restoring the flow of necessary lending and credit.

The original plan gave unchecked power to the Secretary of the Treasury to spend $700 billion as he saw fit. We, who represent the American public, who will be at risk, we hope they will not lose and we think they may not, but we said, no, we cannot do that. Our responsibility is to ensure transparency and oversight so that we know how their money is being spent and can ensure to the extent possible that it is spent in as honest and as effective fashion as we can effect. We made clear that this Congress does not write blank checks.

Both Chambers and both parties negotiated around the clock. I especially want to thank my colleague, as I have before, my friend Minority Whip ROY BLUNT. ROY BLUNT came to the table, and everybody that has been at that table has said ROY BLUNT represented the American public at that table, as BARNEY FRANK represented the American public at that table.

We've made significant improvement to the President's plan. First, we fought to add provisions ensuring that if and when financial institutions helped by this rescue begin to grow again, taxpayers will be the first to share in their profits; so even though this bill authorizes a total of $700 billion, as Mr. SPRATT pointed out earlier today, the Congressional Budget Office does not believe that it will be anywhere near that price tag.

Some of you have heard me say that I was sworn in to the Maryland State Senate in January of 1967. On that same day in my State, Spiro T. Agnew was sworn in as Governor of the State of Maryland. And in his inaugural address, he said to all of us that the cost of failure far exceeds the price of progress. I think that is what is at stake here today, that the cost of our failure will far exceed the price of the progress we try to effect in this bill.

Secondly, we added a repayment clause originally championed by Congressman TANNER. And after 5 years the administration will have to tell us the true net cost to taxpayers and submit a plan laying out how Wall Street and financial institutions will pay back the taxpayer. While the final provision we negotiated with Republicans is not as strong as either of us would have liked, it is a step in the direction that both of us sought.

Thirdly, this bill restricts the compensation of executives. We ought not ask taxpayers to take a risk and advantage people who are making millions either as they work or as they leave successful or failed institutions.

Fourth, the Treasury Secretary's decisions will be subject to oversight and judicial review.

Finally, we will help homeowners change the terms of their mortgages to forestall the 2 million projected foreclosures that could further cripple our economy and devastate our neighborhoods. I know that it is not as good as some would like, but the alternative is nothing, and that is not acceptable.

We have ensured that this bill will not reward Wall Street for bad risks. Instead, it will keep local banks open. It will protect retirement accounts. It will help families get the credit they need. It will help small businesses stay alive and hiring.

But we must also reform our financial sector to safeguard against another collapse like this, and we will do so. Fiscal irresponsibility and regulatory neglect were at the core of this crisis. We must and we will investigate just how that failure occurred. And we will strengthen regulation and put economic referees back on the field. Responsible oversight must return to Wall Street.

Today, though, today, we are doing our best to forestall what Secretary

Paulson and Federal Reserve Chairman Bernanke are predicting would be a disaster.

I opened by saying America was in crisis and that this was a day of consequence for our country. They have sent us here to respond. Today, this is not a Republican House or a Democratic House. It is the People's House. And the people, by an overwhelming majority, have asked us to act. They have not said act on this bill in this way because, like us, they're not sure. But what they do know is that inaction is not an option, that inaction will result in greater pain for our people and for our country.

So I rise with my friend JOHN BOEHNER and my friend ROY BLUNT and with Speaker PELOSI and with President Bush and with JOHN MCCAIN and with BARAK OBAMA and say this day of consequence, let us meet the challenge, let us act, let us confront this crisis, let us be the best of the people's House.

Mr. HOLT. Madam Speaker, I rise in support of H.R. 3997, the Emergency Economic Stabilization Act.

As we work to rescue our economy we must understand how we got to this point. The speculation and greed of Wall Street in recent years—coupled with years of failures, excesses, arrogance and irresponsibility of the Bush Administration and some in Congress—has resulted in the meltdown of our Nation's financial markets. The subprime mortgage meltdown that started a few years ago has trickled up from Main Street to decimate Wall Street. The largest financial institutions in our nation, Bear Stearns, Lehman Brothers, AIG, have fallen into brink of bankruptcy.

I am voting in favor of the Financial Rescue Legislation because it is a significant improvement—by including taxpayer protections and strong oversight—over Secretary Paulson's original $700 billion proposal, and because inaction could have a devastating impact on our already unstable economy. I still will work to ensure that Congress does more to rescue our economy in the long term, sensitive to the variety of kinds of work New Jerseyans perform from factory to financial district from farm to pharma. There are thousands of my constituents who are not traders or high powered executives but still work in these impacted industries. Furthermore, millions of Americans who have retired or are nearing retirement have seen the value of their pensions shrink or dwindle away. If day to day credit tightens up, small business may not be able to make payroll and farmers may not be able to get by until the harvest is sold. We need to act to ensure that retirement funds and pension plans are not devastated by investments that have lost value in a jittery market.

President Bush and Secretary Paulson have told us that this rescue must be done immediately or else our fiscal house would collapse. Indeed we must act—but we must act wisely and thoughtfully to stand behind our institutions, restore confidence in our markets, and protect millions Americans who would be affected by a continuing meltdown.

If the President had his way again, he would have ridden a wave of fear and railroaded Congress into passing Secretary Paulson's original three-page proposal asking for $700 billion—with no oversight—to bailout the financial services agencies. I would not support the original plan, and while I have reservations of the compromise bill before us today, after careful and thoughtful review I believe it is a significant improvement to the original Bush-Paulson plan.

For the last 9 days the President, the leadership in both parties and Secretary Paulson worked to come up with a more palatable proposal. The over 100-page bill that this body is considering today is a far improvement over what we started with. I wish that we had more time to look at this proposal closely and determine that we are using the taxpayer's money wisely. If there is one thing we in this body should know it is that acting quickly can be worse than not acting at all. However it is essential that the world know that Congress will stand behind our institutions and avoid a financial collapse.

There are some vast improvements over the Paulson-Bush proposal in H.R. 3997. This legislation includes taxpayer protections and does not simply hand over $700 billion to the treasury. My constituents rightly are concerned about what they would get for $700 billion. Instead this legislation would parcel out this funding in much smaller amounts so we can monitor the effect that it is having on the economy. It would release $250 billion immediately, another $100 billion if the President can certify the need for such an investment, and the final $350 billion would require the approval of Congress and the President before it would be available to the Treasury Department. It would give taxpayers a share of the assets recovered, and it is likely that we would recoup much of our investment. The CBO estimates that this bill would only truly cost $10 to $30 billion, and requires the President in 5 years to come up with legislation which would recoup funds lost from the financial industry. And it would help keep families in their homes by allowing the Government to work with loan servicers to change the terms of mortgages.

The bill includes strong oversight and transparency, creating an oversight board appointed by Congress and instituting GAO oversight and audits at Treasury. It would include limits on excessive compensation for CEOs and executives. This legislation would also require the study of the way that our markets are regulated to make sure that this type of crisis does not happen again.

This is a far from perfect bill. I have concerns about the amount of power that we are vesting in the Secretary of the Treasury. I believe that we should have included a provision requiring assets to be valued at their actual worth rather than just requiring a study of the flawed mark to market industry. This legislation should have had stricter restrictions on ''golden parachutes'' to ensure that CEOs do not profit from the Federal Government's stepping in to correct their bad decisions. It was my hope that we would decide to shore up the bad mortgages and help the American families struggling to make ends meet similar to the Home Owners' Loan Corporation, a Federal program that shored up a collapsing market in the past.

Today's vote does not preclude us from acting further. We also must invest in the real economy and act to shore up the bad mortgages and help American families struggling to make ends meet. One approach would be similar to the Home Owner' Loan Corporation, a 1930s-era Federal program that shored up a collapsing market in the past. We also must reform the way the FDIC manages risk to accurately reflect the assets that banks hold, rather than the flawed ''mark-to-market'' requirements that led to this mess. Ultimately, we must change the failed philosophy that favored no regulation and no oversight and allowed this crisis to happen in the first place.

Ms. SCHAKOWSKY. Madam Speaker, I rise to say that I will support H.R. 3997, the Emergency Economic Stabilization Act, not happily, and not because I think the titans of Wall Street are deserving of our help. I am casting my yes vote because I am concerned about hardworking families in my district, the homeowners, small businesses and those who rely on modest pensions and investments. These are the people who knew well before the President or Wall Street woke up to the fact that our economy was in serious trouble, because they have friends and loved ones who have lost their jobs or house; they saw the price of gas and milk hit $4 a gallon, and they are struggling to afford good health insurance.

Yes, we must do something and today is the day. But we must also recognize how we got here. This is, in fact, the predictable result of years of misguided policies of the Bush Administration, the misguided belief that regulation of the markets, any regulation, was bad. Couple this with a lack of enforcement of regulations that did exist, and now we have a financial crisis that requires government intervention.

As a freshman member of the House Financial Services Committee, I was one of only 57 Members of Congress to vote against the Gramm-Leach-Bliley Act in 1999. By deregulating the financial services industry and removing consumer protections, that legislation set in motion the crisis that we are facing today. My colleague and friend, BARNEY FRANK, now the chairman of the Financial Services Committee, a true progressive and the chief negotiator for this bill, also voted against that reckless measure.

I have consulted with many of the Nation's top economists, including top progressive economists, and virtually all have agreed that a failure to act would have devastating effects on the global economy—including your block and mine. Without quick action, employers might fail to make payroll, private student loans are already drying up, pensions would continue to lose value, and mortgages would become sparse. While I am not certain that this legislation will be able to fully stabilize the economic turmoil, I believe that we need to vote for the possibility of success over the certainty of failure.

The House Democratic leadership, and especially Chairman FRANK, has worked to make the very bad bill presented by President Bush and Treasury Secretary Henry Paulson better. The administration came to Congress with a breathtakingly arrogant plan—a mere three pages, 800 words, which basically said give us $700 billion for a plan that is ''non-reviewable and committed to agency discretion, and may not be reviewed by any court of law or any administrative agency.'' Today, we are offering our 110-page reply, and while it is certainly not perfect, I believe it is substantially improved.

Today we are saying ''no'' to a blank check! Congress cut in half the Administration's automatic $700 billion, requiring Congressional review for future payments. We are making sure

that none of the CEO's who have run their companies into the ground and created this mess will retire with a "Golden Parachute." We make sure that taxpayers get a share of the profits of participating companies, and require the next President to submit a plan to ensure that taxpayers are repaid in full by Wall Street. We help prevent home foreclosures destroying our neighborhoods by allowing Government to work with loan servicers on new mortgage terms. Finally, we ensure tough, independent oversight and transparency, including judicial review of the Treasury Secretary's actions.

Unfortunately, because of the need to obtain bipartisan support to move a bill quickly, this bill is by no means perfect. I believe that this legislation should have included bankruptcy protections and mandatory mortgage restructuring for homeowners in or at risk of foreclosure. I believe that we need to crack down on the lobbying practices and stop campaign contributions from companies which are clearly too irresponsible to manage themselves.

I am extremely disappointed that, even as we address part of the economic crisis, we failed to enact a second economic stimulus that would immediately create jobs and put money in the pockets of middle class families and struggling State and local governments. Unfortunately, the plan to extend unemployment compensation, increase food stamp and health care funding, and create jobs by rebuilding our infrastructure failed in the Senate last week. This is clearly unfinished business.

Today's vote represents the first step in reforming Wall Street and restarting our economy. For the first time in history, this Congress is addressing the excesses in executive compensation. This legislation gives the Treasury Secretary authority that could be used, if he or the next Secretary so choose, to significantly help low-income and working families. Finally, we are setting in motion the process of a comprehensive reform of the financial services industry.

Wall Street better get the message that Congress will never be ready with a blank check to clean up the messes that they made in the first place. I look forward to working with the next Administration and my colleagues in Congress to enact sensible regulations to ensure that this will not happen again.

Mr. COSTELLO. Madam Speaker, I rise today to oppose H.R. 3997, the Emergency Economic Stabilization Act. While I realize this bill is a product of intense and lengthy negotiations between Congress and the Bush administration and between Democrats and Republicans—and I greatly appreciate the efforts of Speaker PELOSI, Leader HOYER and Chairman FRANK—I remain unconvinced that this bill will solve the problems we face on Wall Street.

This bill is an unprecedented $700 billion bailout of the financial industry on the backs of the American taxpayer. I oppose this bill because I am not convinced that it is imperative we act right now; I believe we are moving too quickly to rush this proposal through and have not adequately considered other approaches to solving the problem of bad debt and tight credit. Numerous economists have expressed that this proposal might actually make the problem worse. We should take more time to consider alternatives, as the deadline we are up against today has been set solely by the Bush administration.

American taxpayers are being told by the President that they must rescue Wall Street, despite the fact that the Bush administration and Wall Street have opposed Government oversight in the financial industry for years. I believe the financial industry should help pay for any program to heal the economy. $700 billion is too much to ask taxpayers to bear without a requisite sacrifice from the industry that bears much of the responsibility for bringing us to this point.

Madam Speaker, this is a historic vote, and we should be taking more time to ensure we have considered all options. I am not convinced that this is the best way to proceed, so I must, and will, vote no.

Mr. UDALL of Colorado. Madam Speaker, for eight years, the Bush administration and its allies in Congress have allowed Wall Street to gamble with America's economy, and the results have been devastating for Main Street. The Administration consistently ignored the experts and failed to adequately oversee America's financial markets. Administration officials were warned that Wall Street's risky investments, combined with the mortgage industry's irresponsible practices, could produce a perfect storm that would threaten Americans' homes, jobs and life savings. Yet they did nothing.

When Wall Street's dangerous behavior began to undermine America's economy, the Bush Administration proposed a bailout that would have given the Treasury unprecedented power to spend taxpayer money without adequate oversight or an actual plan for fixing the systemic problems that led America to this crisis. At the time, I spoke out against the Bush bailout and called for a better proposal, one that would protect taxpayers, help homeowners and benefit Main Street, not just Wall Street. More importantly, I demanded that any plan to shore up America's financial markets include reasonable rules to ensure that Wall Street does not continue to gamble with our future.

We could have, and we should have, taken the time to do this right. Four hundred of the country's top economists, including three Nobel laureates, asked Congress to take more time to improve this proposal. With a proposal this far-reaching and complex, we had a responsibility to produce the best possible piece of legislation. The bill we are voting on today falls short. Instead of reforming Wall Street, we are using taxpayer dollars to insulate financial firms from the consequences of their own actions. The American taxpayer is on the hook for $700 billion to cover Wall Street's mistakes, and that is not right. Even worse, Wall Street is not being forced to change its behavior. This can only encourage more irresponsibility.

At the same time, the provisions that limit executive compensation in this bill are weak, meaning that corporate executives who ran their companies into the ground could still walk away with millions in taxpayer-funded compensation in the forms of golden parachutes or other lavish benefits packages. Again, this sends exactly the wrong message to Wall Street. This legislation may still use taxpayer dollars to reward executives who have failed their companies and subsequently hurt the American economy.

In addition, at a time when America's middle class is severely stretched to make ends meet, this $700 billion bailout not only seeks to rescue our taxpayer dollars to bail out foreign comapnies. We must protect American taxpayers before we seek to rescue foreign companies while their governments do nothing.

Finally, this legislation does too little to help responsible homeowners. As a result, tens of thousands of families could lose their homes. More importantly, families who had nothing to do with failed mortgages could lose billions in assets as foreclosures continue to drive down property values.

I believe strongly that Washington must act to protect Main Street from the crisis on Wall Street. I supported an economic stimulus plan that puts working families before corporate CEOs by creating jobs, protecting children's access to healthcare and ensuring that struggling families do not go hungry. I have consistently supported strong action to protect middle class New Mexicans. But I could not vote to give Wall Street $700 billion of taxpayer money without solving the underlying problems with our economy.

I will continue working with my colleagues to reform America's financial markets, so Wall Street is not allowed to make the same mistakes over and over again. I will also continue fighting to support middle class New Mexico families that find themselves struggling in an economy devastated by the irresponsible acts of others. They are the true victims of the Bush administration's malign neglect of our economy. We must do what's right for them.

Ms. KILPATRICK. Madam Speaker, as we prepare to vote on one of the most important pieces of legislation in history, I rise in opposition to the Troubled Asset Relief Program, TARP. While I have nothing but respect, admiration and trust in Speaker PELOSI and House Financial Services Committee Chairman BARNEY FRANK, this legislation, which was forced upon Congress by the Bush administration, provides no judicial review of individual home mortgages for my senior citizens, single parents and working families; is opposed by over 400 of our Nation's top economists and three Nobel laureates; does not adequately protect the American taxpayer; was not considered under regular order and does nothing to stimulate our stagnant economy.

The state of Michigan is one of the states hardest hit by home foreclosures, unemployment, and the loss of jobs. For poor people and low income people and many ethnic minorities, the Court is the option of last resort when you are on the brink of losing your home. As Chairwoman of the Congressional Black Caucus, I sent a letter to Speaker PELOSI requesting that such language—that would allow a citizen under the threat of foreclosure—to go to court to have a non-partisan, objective judge review their financial circumstances and, if warranted, lower the principal of the mortgage. Under this legislation, judges do not have that option. Instead, this discretion is left up to the Secretary of the Treasury. While we are busy bailing out the financial markets, this bill does little for the folks on Main Street. This bill does not bailout my senior citizens who are behind on their mortgage. This bill does not help my working single parents who are facing foreclosure. This bill does not work for the majority of the people in the State of Michigan, who are staring down the barrel of losing their largest asset—their home.

Over 400 of our Nation's top economists, including three Nobel laureates in economics,

oppose this bill. The Washington Post reported on September 26, 2008, that over 200 economists ''have signed a petition organized by a University of Chicago professor objecting to the plan on the grounds that it could create perverse incentives, that it is too vague and that its long-run effects are unclear.'' While their reasons are many, Dean Baker of the Center on Economic and Policy Research, one of these economists, says that ''suppose the Paulson plan goes through. It is virtually certain that the economy will weaken further and the number of foreclosures and people without jobs will continue to rise. This is the fallout from a collapsing housing bubble . . . this bailout will make further stimulus much more difficult to sell.''

The Treasury Department admits that it has absolutely no factual basis for asking for $700 billion. We have asked the hard, tough and important questions of the Secretary and this administration, only to come up short.

This bill was not considered under Congress's regular order of conducting informational hearings from all sides, a mark-up of the bill in subcommittee bill in subcommittee and full committee, and finally, a floor vote. When we do not exercise the rules of this institution, we debase the rules, the regulations, and the standards we have to conduct the people's business. This deliberate process allows everyone to support, oppose, and amend legislation—an opportunity we did not have during this process. I have recommended that Congress establish a select committee, made up of the Chairmen and Ranking Minority Members of the Committees with jurisdiction, including the administration, to arrive at legislation that addresses the problem of illiquidity of credit markets, insolvency of businesses, and the hardship of foreclosures. This Committee would meet for three weeks, or a time certain, and would guarantee that as representatives of the American people, we have done our job.

This bill does not adequately protect the American taxpayer. As an Appropriator, I am designated as the protector of the people's purse. While the administration does not have $35 billion to spend on the health care for the children of families of working women and men; while the administration does not have the money to provide for Low Income Home Energy Assistance Program to help my seniors, low- and middle-income families pay for their lights, gas and oil heat; while the administration does not have the money to extend unemployment benefits; while the administration does not have the money for a summer jobs program for teens, adults and senior citizens; while the administration has $10 billion per month and one trillion dollars to spend on wars in Iraq and Afghanistan; when the Administration argues over $22 billion—less than 1 percent of the overall budget—on virtually every issue before the Appropriations—Committee, we do not have the money. However, we have $700 billion—and believe me, it will soon be $1 trillion—to bail out Wall Street. Something is wrong with this analysis, America.

We are being asked, once again, to ''trust'' the administration, when time is supposedly running out, and if nothing is done, the worse will befall all of us. Regrettably, as a Congress, we have been in this position before. Under duress, we were supposed to trust the administration that these tax cuts were going to save America. Under duress, we were told that if a bill that authorized wiretapping of law abiding, American taxpayers was needed as terrorists were at our door steps. Under duress, we were told that America was imminently under threat from Iraq. Now, again, at the last minute, we are being asked, under duress, to trust one trillion dollars to a Treasury Secretary who is out of office in less than three months?

Must we do something? Of course. There is a better way. We must ensure on regular order for this bill. We can use fewer American tax payer dollars—who did not get us into this problem in the first place—to ensure the stability of our financial markets. There are clearly better and safer alternatives. I am not an economics expert, but I do know that as the steward of the people's purse, I have a higher standard to which I am held accountable.

Mrs. CAPPS. Madam Speaker, I rise in very reluctant support of this bipartisan effort to address our nation's economic crisis.

I do so because the very core of our American economy is at risk and we must act now in order to prevent its collapse. This is the diagnosis presented to us by Treasury Secretary Paulson, Federal Reserve Chairman Bernanke and countless economists. In my own survey of the finance and banking world, I have heard the same analysis of our current predicament and the need for Congress to act quickly.

What we face here is an economic meltdown brought on by a housing bubble, fueled in part by the subprime mortgage scandals, and made possible by the lack of regulatory oversight by the Bush Administration. Wall Street now sits on billions of dollars of mortgages it cannot price and it cannot sell. The response to this uncertainty has been a near freeze of credit markets, increasing unemployment and a slowing of our economy. Already, car, home, student and business loans are drying up across the economy and should this continue—or get worse—the markets would likely drop precipitously and the economy would come to a standstill or worse.

Obviously, my concern is not with the effect on large financial institutions. They got themselves into this mess and if we could just turn our head while they failed that would be fine with me. My concern is how this economic calamity would affect ordinary Americans. And here the prediction is truly dire.

If the Secretary is correct, lending would come to a near halt. That means it would be much, much more difficult—and expensive—to obtain loans to buy a car, a home or to run a business. Small, medium and large businesses alike would begin layoffs because the ability to obtain a loan is such a critical part of running a business today, much less growing a business. We have already seen over job losses of over 600,000 people in the U.S. this year. The unemployment rate in California has increased to 7.7 percent, the highest in over 12 years and up from 5.5 percent only 12 months ago.

Foreclosures would continue unabated. So far this year, over half a million foreclosures have been filed in California, and the state is on pace to see more than 841,000 foreclosure filings this year. Eight of the 10 metropolitan areas with the highest foreclosure rates in the nation are in California. As bad as those foreclosures are for the people losing their homes, they also contribute to the downward pressure on home values for other properties in the neighborhood, hurting homeowners who are totally innocent in all this.

In addition, more innocent and hardworking Americans could see their life savings sapped, as IRAs and 401Ks lose value in a plummeting stock market. And increased unemployment also means lower tax revenues and greater calls for government assistance, resulting in even more exploding federal deficits.

In short, we could be facing a huge recession if we're lucky, a depression if we aren't. This is what our economic leaders tell us is the future we face if we don't act now.

I share my constituents' disgust with this situation. The idea that hardworking taxpayers have to put their money at risk to stabilize the economy because of the bad choices, nefarious actions and utter incompetence of Wall Street, its regulators and the Bush Administration is nauseating. But, if Secretary Paulson and the others are correct, the alternative is much worse and a serious threat to every single American.

Madame Speaker, the proposal originally offered by President Bush to address this crisis was completely unacceptable. True to form, the President simply asked the Congress to provide him with a blank check, no questions asked.

The Administration wanted no oversight—by Congress, the courts or anyone—of how it would spend the money it asked for. It rejected calls to limit CEO pay in companies that would be bailed out by taxpayers. It refused to help the growing number of Americans facing foreclosure and the millions of Americans whose housing values affected by those foreclosures. And it failed to ensure taxpayers would benefit as much as the Wall Street firms getting this federal assistance.

The legislation before us today is very much the President's product. But Democrats have made critical improvements. Most importantly, the bill contains mechanisms to ensure taxpayers get their money back by requiring taxpayer ownership stakes in companies that benefit from this rescue plan, so if the companies return to profitability then taxpayers prosper as well. And it sets up insurance collections measures and a potential new tax on the financial services industry after 5 years if repayment of taxpayer rescue funds hasn't occurred.

We limit the compensation of top corporate executives whose companies benefit from taxpayer assistance, put a halt to ''golden parachutes,'' and require repayment of bonuses based on company profits that may vanish at a later date. We establish an oversight board and a special inspector general to oversee Secretary Paulson's actions, and require the details of his actions to be posted on the Internet.

The bill also should help small business and families that need credit by aiding smaller banks hurt by the mortgage crisis, expanding eligibility for mortgage refinancing help and encouraging loan servicers to make problem loans more affordable. While these steps are helpful to homeowners potentially facing foreclosure, they are critical to innocent families whose home values are plummeting from record foreclosure rates and abandoned, foreclosed properties in their neighborhoods.

Finally, while the immediate need is to stabilize the markets and get our economy back on track, we begin the process of reestablishing common sense regulation protecting

consumers and encouraging stability in our markets. Much of this current mess arises from the governing choices of President Bush and his party, especially their undying faith in deregulation and a systematic policy to dismantle vital consumer protections. That has to be reversed. On President Bush's watch we have seen widening income inequality, anemic job creation, skyrocketing energy prices, record federal budget deficits and now a potential historic financial meltdown. This record of failure is clear and we have to turn a page on it.

Madam Speaker, this is not an easy vote to cast, but it is necessary for the future stability of our economy and the lives of everyday Americans.

Mr. MAHONEY. Madam Speaker, 11 days ago, the Bush administration came to Congress with a $700 billion emergency ''handout plan'' for its friends on Wall Street. The Bush plan had zero accountability and allowed Wall Street executives to push their bad investments and losses on to American taxpayers. Then, after the American people cleaned up the mess and we righted the ship, the Bush plan would allow these same Wall Street executives to once again make obscene incomes and bonuses. A return to business as usual.

Madam Speaker, the good news today is that the bipartisan legislation negotiated with the Bush Administration coming before Congress holds Wall Street accountable. It provides for independent oversight and transparency. It protects taxpayers by requiring the Administration to report back on the program's progress and allows for corrections to be made if the program does not work. It eliminates excessive executive compensation and ensures that every tax dollar spent to purchase illiquid assets is an equity investment that gives taxpayers an upside. Once we are through this crisis, the legislation ensures that any taxpayer losses are repaid by the industry.

The events over the past weeks have shown that Main Street has rightfully lost confidence in Wall Street because this Administration has eliminated safeguards and turned regulatory oversight over to the industry. I want Americans to know that this legislation is not a silver bullet, and that by itself will not fix the economy. We still have tough times ahead. I can tell you as an entrepreneur and businessman for almost thirty years that our economy is on the brink and inaction is not an option. A vote for this legislation is a vote to protect every American's investment in their homes, their savings, and their businesses. I call on all my colleagues to support this bill.

Mr. STEARNS. Madam Speaker, I rise today to address the historic vote we are holding on the largest government bailout in our Nation's history.

I do want to applaud the legislation we have on the floor, because it is much improved from the 2½-page document put forth by Secretary Paulson. However, while I commend my colleagues on their bipartisan efforts to improve the bill and insure better protections for American taxpayers, I still have strong reservations.

Our Nation faces a growing financial crisis that deserves strong Federal intervention, and I had hoped to support a proposal to shore up our Nation's financial markets while protecting taxpayers. However, I believe this legislation takes the wrong course in supporting troubled financial institutions while simultaneously exposing taxpayers to excessive risk.

To begin, this bill comes with a $700 billion price tag which will be paid for by the American people. Billions of taxpayer dollars are going to benefit an indiscriminate number of private financial institutions that utilized reckless investment strategies.

Even more troubling than the cost of this bailout is a provision that allows foreign banks to participate in the Treasury's purchase plan. Under this bill, a foreign bank, such as the Bank of China, could sell a portfolio of toxic assets to a U.S.-headquartered investment bank and then that bank could sell those same assets to the Treasury Department.

Unfortunately, this bill deals exclusively with the asset side of these troubled institutions and does not address the key issue of liability. Furthermore, it is very possible that we will still face the risk of a run on our banks.

Having gone through the Savings and Loan crisis as a freshman Member of Congress in the 1980s, I can better understand ways we can address this financial crisis. In putting forward $700 billion in public funds, I would like to see Congress pursue a more deliberative process in identifying the ills affecting our financial markets. We need to hold hearings and call in the best financial and economic experts in the Nation and take a careful look at our alternatives. One plan I recommended was providing low-interest loans to these institutions combined with giving warrants to taxpayers so that they too can gain from any future upside. Furthermore, we should expand the FDIC to cover all transaction accounts and put in place an oversight board that is separate from the Congress and the administration.

It is troubling that under this bill the Treasury will be ceded vast powers. Secretary Paulson and successors will decide how $700 billion in taxpayer dollars will be spent, and may buy not only mortgages and mortgage-backed securities, but also any other financial instrument he deems necessary.

And while the bill does set up an oversight board, Mr. Paulson would be one of the five members of the Board monitoring his own actions. Thus, if Mr. Paulson wishes to use his authority to buy financial assets not linked to mortgages, he can do so after consulting with the Fed Chairman, but he does not need his approval or the approval of the Oversight Board. Granting a single person this much power over our financial future is not acceptable in a democracy.

The bill also gives the SEC Chairman the ability to suspend the accounting rules that require banks to report on the market value of their assets if he believes it is in the best interest of the public. The bill also allows the Government to purchase troubled assets from pension plans and local governments and small banks that serve low and middle-income families. This expands the intended scope of the bill to allow the government to buy the toxic debt of States, cities and municipalities in places like Detroit and Chicago. This begs the question—who is going to make the basic decision on what cities, States and municipalities are going to be rescued?

However, the heart of the problem of the bill we are considering today is that the Government should not be deciding the winners and the losers. The investors who made mistakes should be held responsible, and those who navigated the Federal distorted market should be rewarded for their wisdom and prudence.

If we, as Americans, believe in the viability of the free market system, we should allow it to work by not perpetuating a continuing bailout strategy that places immense risk on the shoulders of American taxpayers.

Mr. LANGEVIN. Madam Speaker, we're here today with the unenviable task of considering H.R. 3997, the Emergency Economic Stabilization Act. During this difficult economic crisis, I am proud of this Congress for coming together at a critical moment to reach a bipartisan compromise to rescue our financial markets and, indeed, our entire economy. However, no one is celebrating today about the tough decisions that had to be made.

Over the last week hundreds of Rhode Islanders have contacted my office expressing serious concerns about the proposal and a firm belief that the taxpayers' needs must be a priority. I share their anger and frustration that for far too long, many on Wall Street were given carte blanche to make increasingly risky investments—investments which, in some cases, the firms themselves didn't even fully understand. There is plenty of blame to go around, from Wall Street to government regulators to Congress. Unfortunately, the actions of these firms do not take place in a bubble: they are inextricably linked to the everyday transactions of everyday American families. Our economy is in dire shape and drastic action is needed. If we do not act now, a domino effect could easily trigger major job losses and a significant period of economic downturn with negative consequences not just on Wall Street, but on every street in our country.

This crisis originated with faulty lending practices and the creation of subprime mortgages made to people who often could not afford to pay them back. These subprime mortgages were then pooled together into packages that were transformed into highly rated securities purchased around the world. The eventual collapse of the subprime mortgage market then infected the prime mortgage market, which in turn poisoned the entire financial system. In response, Treasury Secretary Hank Paulson proposed a plan under which the Federal Government would buy—at a deep discount—so-called ''toxic'' assets, which currently no one is willing to buy. These assets include home mortgages which have been bundled into such complex packages that there is great uncertainty about their underlying value. Secretary Paulson considers these purchases to be investments by the Federal Government, which could return a substantial proportion of their value to American taxpayers once the market has settled down.

I recognize the urgency of the situation and understand that Secretary Paulson and all responsible government leaders are trying to ward off even worse outcomes. This year, we have seen the fall of some of the largest investment banks in the world—Bear Stearns, Lehman Brothers, and Merrill Lynch—and the last two standing—Morgan Stanley and Goldman Sachs—last week chose to be switched over to commercial banks, seeking greater protection at the price of greater regulation. Meanwhile, the Federal Government loaned $85 billion to American Insurance Group, Inc. (AIG), the 18th largest company in the world, when it was unable to access credit for its daily operations. On September 26, we also saw the biggest bank failure of our country's history when Washington Mutual collapsed. Just this morning, Wachovia was bought out

by another bank. Even Bank of America recently decided it would no longer extend new lines of credit to McDonald's franchisees, which have been turning a profit for years and run a clean balance sheet.

When the credit market seizes up at the highest levels, it is not just a problem for Wall Street. It quickly impacts all of us, making it harder for average families to secure car loans, home loans or mortgage refinancing. It means that small business owners can't access the quick capital they need to make payroll or invest in their companies. It impacts the student loan market, where more than 50 firms have abandoned or cut back their student loan programs. And it threatens the pensions and savings that our retirees are counting on. While no one wanted to be in this position, I do believe that passing this rescue plan is essential for Rhode Island families.

However, I have been vocal about my own concerns with the administration's original proposal, and I have outlined priorities that must be included in any bill I would be able to support. I am pleased that the legislation before us today is a vast improvement over the initial plan Secretary Paulson presented 10 days ago, and it contains significant protections for families across the country who had nothing to do with creating this crisis but are feeling its effects in many ways. First, this bill protects taxpayers by requiring strong congressional oversight over expenditures under the plan; giving taxpayers a share of profits in participating companies; and requiring a President to ensure taxpayers are repaid in full, with Wall Street making up any difference. Furthermore, we have ensured that CEOs do not benefit from risky behavior by severely limiting executive compensation and ''golden parachute'' packages for any firms that take advantage of the Government assistance. Finally, the bill requires the Government to implement a plan to reduce foreclosures as it buys troubled financial assets like mortgage backed securities.

At its core, H.R. 3997 authorizes $700 billion for the Treasury Department to buy distressed mortgage-backed securities, expiring on December 31, 2009. Of that total, $250 billion would be for immediate release, with another $100 billion upon a Presidential certification of need. The final $350 billion could be made available if the President transmits a written report to Congress requesting the funds, and Congress would have the right to disapprove this last installment. Spending authority would be overseen by a new Financial Stability Oversight Board, which will review the Treasury Department's actions and its effects on the financial markets and the housing market, and by a special inspector general office to conduct and supervise audits and investigations of the actions taken under this bill. Treasury must also report to Congress 60 days after it begins using this authority, and every 30 days thereafter.

Furthermore, H.R. 3997 establishes a joint congressional oversight panel to review the current state of the financial markets and the regulatory system. This panel will submit a report on the current regulatory system and its effectiveness at overseeing the participants in the financial system and protecting consumers. This provision is critical, since going forward, we must ensure that our financial sector is no longer allowed to put ordinary Americans in danger by pursuing high-risk behavior with little to no oversight. We must investigate companies that took advantage of lenient regulation or possibly acted outside of Federal regulations entirely. And we must learn from our mistakes, establishing new regulations and ensuring the laws already on the books are enforced.

Madam Speaker, let me assure my colleagues and my constituents that if I thought the bill before us today was nothing more than a hand-out to high-flying Wall Street investors who suddenly found themselves in trouble and decided they didn't like losing money, I would be the first in line to cast a no vote. Unfortunately, this problem is much bigger and much less selective about who it might hurt. We need to take action, and we need to do it now. This legislation represents a good, bipartisan solution to a situation none of us wanted to find ourselves in. I want to thank Speaker PELOSI, Chairman FRANK and many other colleagues for their tireless work on this bill. I encourage all my colleagues to vote for this bill.

Mrs. MCCARTHY of New York. Madam Speaker, my number one concern as we debate the Emergency Economic Stabilization Act of 2008 is my constituents and how the instability and lack of confidence in our financial markets is going to affect them.

I am concerned that if we do not act soon we will find ourselves in a recession, the effects of which will be felt for many years to come.

In my district on Long Island, New York, we have already felt the effects of the foreclosure crisis. A large number of foreclosures in my district have already resulted in a decrease in home values for families and property tax revenue for Municipalities.

Now, my constituents are beginning to see the effects of the current economic crisis.

Small businesses in my district are seeing a decrease in activity. After seeing a decrease in the value of their 401k's, individuals who were thinking of retiring in the next year are having to reconsider that decision. Families preparing to send a child to college are finding it more difficult to obtain a loan.

All these things have consequences: Small- and medium-sized business owners may have to lay off workers or shut down; those planning for retirement may not be able to do so; and parents may have to tell their children that college just isn't an option.

If we do not act, this will only be the beginning. As unemployment rises, more people are unable to spend money on items large and small and the downward spiral begins. As banks make it difficult to obtain a loan for a house or car those industries begin to decline and the downward spiral continues.

This will all occur at the same time that families are being required to spend more money on gas and facing another cold winter with almost double the home heating costs compared to last year.

The causes of the problem are complicated but easy to identify. The proponents of deregulation have been able to slowly peal away requirements that would have kept companies like Bear Stearns from being too big to fail. Additionally, what little regulations we have been able to save from opponents of regulations were not properly enforced by an Administration who thought that the markets would regulate themselves.

It is unfortunate that the actions on Wall Street are going to affect Merrick Road and Hempstead Turnpike. But this is the reality of the situation we are faced with today. Merrick Road and Hempstead Turnpike are why I am going to vote for this bill today.

I am pleased that we have been able to come up with a compromise package that strikes a fair balance and can potentially offer the relief we need to restore confidence in the markets to ensure economic stability for the families in my district.

We will first reinvest in our troubled financial markets. Stabilizing our economy will insulate our communities from the mistakes and bad decisions of Wall Street. The Secretary of the Treasury will be allowed to invest $350 billion and potentially up to $700 billion in troubled assets held by financial institutions that are currently unwilling to extend lines of credit to each other or to small businesses.

The Secretary will buy up the securities that no one wants and that have almost no short-term value. This does not mean that they do not have any value. In fact, many of these securities have substantial long-term value and the U.S. taxpayer will realize this value over time.

We will then reimburse the taxpayer for this reinvestment. We have required that the Secretary take an interest on behalf of the taxpayer in any financial institution that sells troubled assets to the U.S. This will allow the taxpayer to be reimbursed for reinvesting in Wall Street.

If full reimbursement is not realized at the end of five years, the President is required to submit a plan to Congress to recoup any losses to the taxpayer.

In order to ensure that this program works for the American people, provisions requiring strong independent oversight and transparency have been included. Within 48-hours the Secretary is required to post details of every transaction. There will be periodic reports on everything from whether taxpayer dollars are used effectively to whether conflicts of interests are managed properly. Every $50 billion investment by the Secretary must be followed by a report justifying all transactions and the pricing of each purchase.

We will also reform how business is done on Wall Street.

Golden parachutes for executives are prohibited, compensation that encourages unnecessary risk-taking putting shareholders investment at risk is limited and bonuses can be recovered that are paid to executives who promise gains based on false and inaccurate information.

In evaluating transactions, the Secretary must protect the taxpayer and encourage the modification of home loans at-risk of foreclosure. As the one holding these mortgage-backed securities, we will have put the Secretary in a position to work with servicers to ensure that those who can afford their homes are able to modify their mortgages in order to stay in their homes.

At the end of the day, this compromise will ensure unemployment does not increase, families will be able to access lines of credit to make purchases, small businesses are able to make payroll, and municipalities are able to continue providing the services our communities rely on.

I will vote in favor of this compromise so that the families in my district who are already struggling under high gas prices and property taxes and facing high home heating prices will not be further burdened by the mistakes of Wall Street.

Mr. CONYERS. Madam Speaker, I rise in opposition to the Emergency Economic Stabilization Act of 2008. As an elected official tasked with the tremendous responsibility of protecting the taxpayers' interests and money, I cannot in good conscience support this fundamentally flawed legislation before us today.

As Chairman of the House Judiciary Committee, I am often required to engage in oversight of the enforcement of our nation's antitrust laws, the statutes which ensure the competitive balance of our free market economy. One of the important things I have learned during my tenure is that the free market serves America best when it keeps prices low for the people on Main Street and doesn't cater to the titans of Wall Street. The only way this properly functioning market can be realized, is when no corporation or bank is allowed to become too big or too powerful to fail. Otherwise, corporations grow too bold, and begin to take more risks than a prudent business afraid of bankruptcy should.

For the last 8 years, President Bush has governed from the intersection of Pennsylvania Avenue and Wall Street; leaving Main Street behind. Desperately needed priorities like children's health insurance and heating fuel for the poor have gone unfulfilled, while the top one tenth of one percent have benefited from dramatic cuts to the capital gains and income taxes. During this same time, President Bush's Justice Department sat by as the financial juggernauts grew larger and larger and their financial wheeling and dealing grew more and more reckless.

Now, President Bush has proposed a $700 billion dollar bailout of Wall Street. And why is the Congress held hostage? Because financial institutions and investment banks are too big to be allowed to fail. Unless the American tax payer foots the bill for Wall Street's risky behavior, credit will freeze, investment will cease, and the economy will crash and burn.

Or so the President's former Goldman Sachs executive, Treasury Secretary Paulson, would have us believe. I am not sure, considering the source here.

True, buying the worthless mortgage backed securities from these firms and banks would likely improve their ability to lend. I'm sure it's just a coincidence that this approach also magically turns institutions on the verge of collapse back into profitable business ventures.

If injecting credit into our financial industry is the solution to the current supposed credit squeeze, why hasn't this body been given the option to vote for other proposals, like giving tax payers a no-risk equity stake in the bailout recipients or supporting the direct injection of capitol into the financial industry, as we did during the Savings and Loan crisis of the 1980s? The likely reason is because Wall Street would have to give up a piece of its wealth; something this crony-capitalist Administration is loathe to do.

Although the President's radical proposal has gradually been improved over the last week by the Leadership, the fundamental structure and capital delivery method remains flawed. No number of federal loan modifications or oversight boards will alter that.

People all over the country are up in arms over this bailout, not because it's not necessary, but because it is just more of the same. The American people can't take another transfer of wealth from the working class to the upper crust. I encourage my colleagues to vote today to scrap this deal so that we can put together a real plan that addresses the credit crunch by directly injecting capital into the markets, updating our outdated regulatory structure, helping people who are struggling to stay in their homes, legitimately providing for the recoupment of taxpayer dollars, and restoring the competitive balance of the free market by ensuring that no firm is too big to fail.

Mr. WAXMAN. Madam Speaker, I rise today in reluctant support of H.R. 3997, the Emergency Economic Stabilization Act.

This is an easy bill to vote against. It was presented to us by a Republican President and Republican Administration so blinded by their ideology of deregulation that it kept them from preventing this crisis. This is a Republican bill which must pass with bipartisan votes. Many Democrats don't like it. Many Republicans are choking on it.

But for now, it would be irresponsible to do nothing and I will vote for this bill.

Our economy has been imperiled by a combination of runaway greed on Wall Street and stunning indifference to oversight and regulation from Washington. It is fundamentally unfair that the taxpayers are being asked to pay $700 billion to bail out Wall Street, while the executives who made the reckless investments can walk away with millions. Yet that is what the Administration asked us to do.

Because of the masterful work of Chairman BARNEY FRANK and others, this bill is much improved. Some of the worst elements of the Administration's plan have been modified. But at its core, what we are voting on is the Bush bailout plan.

In essence, the Administration has forced us to choose between adopting their plan or doing nothing. This is a Hobson's choice.

I would have preferred that we take a different approach. Nobel Prize economists have recommended alternative approaches. A broad range of economists have urged the Administration and Congress to take more time and to consider alternatives that would put less burden on the taxpayers.

But the Bush Administration has been adamant that Congress adopt its approach. They have steadfastly resisted considering other options to protect the taxpayer.

I have reluctantly decided to vote for the plan, but I do so only because the alternative of doing nothing is worse. Even the economists who question the structure and effectiveness of the Administration's proposal say that doing nothing would imperil our economy. That is a risk we should not take.

We urgently need to enact comprehensive reform of our financial markets. That is why the Oversight Committee will be conducting a series of hearings starting next week to examine what went wrong and who should be held accountable. These hearings will help provide all members with a roadmap to the reforms we will need to place into law under the next Administration.

I want to comment specifically on the provisions in the bill which ensure that the Government Accountability Office will have adequate access to documents and persons involved in the Troubled Asset Relief Program. As the chair of the committee with jurisdiction over GAO, I was involved in writing this important language.

GAO oversight is a critical component in ensuring the $700 billion is spent wisely and responsibly. To do its important job, GAO will need broad access to information. The legislative language reflects this by providing GAO with access to ''any information, data, schedules, books, accounts, financial records, reports, files, electronic communication, or other papers, things, or property belonging to or in use by the TARP, or any vehicles established by the Secretary under this Act, and to the officers, directors, employees, independent public accountants, financial advisors, and other agents and representatives of the TARP . . . or any such vehicle at such reasonable time as the Comptroller may request.''

This right of access covers both papers and people. GAO has a right to review any documents and communications that relate to the financial rescue program, regardless of whether they are federal records or the records of contractors hired to help run the program. Equally important, the language gives GAO the right to interview the federal officials and the private accountants, advisors, and others who are involved in administering the program. The transactions envisioned by the Act are going to be complex by their very nature. To understand these complex transactions, GAO will need direct access to the individuals most knowledgeable about the program, and this legislation gives them this right.

The legislation provides that GAO's access is provided ''to the extent otherwise consistent with law.'' This phrase ensures that where the rights of access provided by this legislation overlap with existing rights of access, they should be applied consistently. A good example involves GAO's right to enforce its right of access to federal records. Another provision of law, 31 U.S.C. 716, spells out in detail the steps GAO must take to enforce its right to documents. In the event of a conflict with the Treasury Department over access to documents, GAO should use its existing authority under section 716 to enforce its right of access.

In some important respects, the GAO language in this bill goes beyond existing law. For example, it gives GAO rights to interview federal officials that GAO does not have under other laws. These new rights are being extended to GAO because of the importance of GAO oversight to the success of this unprecedented intervention in the markets.

This is not an easy vote for any member, and it is not an easy vote for me. But in the end, we cannot let our anger at the excesses on Wall Street lead us to reject a bill that could avoid a calamity for Main Street. That is why I am going to support this legislation.

Mr. HUNTER. Madam Speaker, as we move to vote on the ''bailout'' of weakened institutions in the U.S. and abroad, it is appropriate to address the emerging question: Where does the U.S. go from here? Most instructive is the fact that the nations which appear to be cash-rich in the financial crisis are those which have strong manufacturing based economies . . . China and Japan. China presently holds $502 billion of American debt followed by Japan which tops the list of American creditors with $592 billion in U.S. debt. Following the bailout and the sale of toxic assets to U.S. taxpayers, China and Japan will have additional cash, some of which can be loaned back to the U.S. to pay for the bailout.

A few years ago, an American manufacturer seeking a loan package from a major Wall Street firm recalled the threshold condition,

''before we talk about your loan package, you must tell us when, not if, you are moving your production facility to China.'' This has been the reality for U.S. manufacturers for the past 10 years or so. The defacto tariff, of 17 percent in China's case and 15 percent in Japan's case dampens U.S. exports to those countries and the same tariff; know as the VAT tax subsidizes Japan's and China's industries when those nations rebate the tax to them upon export to the U.S. This built in trade advantage of the VAT tax is not limited to the ''big two'' but is employed by 130 other trading nations to disadvantage the U.S. manufacturers.

As a result, thousands of financial advisors last year told their clients that for tax and tariff reasons it made sense to move their production offshore, even when their operations in the U.S. were healthy.

The manufacturing bases of Japan and China are now generating the cash needed to purchase big pieces of the U.S. financial community. Mitsubishi UFJ has now acquired about 20 percent of Morgan Stanley for $8.4 billion, China Investment Corporation picked up 10 percent of the bank earlier this year for $5.5 billion.

The movement of U.S. manufacturing offshore damages the U.S. in two major ways. The cause of the present economic crisis, the devaluation of U.S. real estate, is contributed to by the growing inability of our citizens to meet substantial mortgage payments with their wages. Service sector jobs do not produce the take home pay that can carry the payment schedule of appreciated homes in the U.S. Manufacturing jobs have historically supported the heart of the 1500 to 2000 square foot home market but now they are scarce. For a long time the housing market itself has represented the last of the major manufacturing effort in the U.S. Homes are simply a composite of material and labor, called ''product'' by home builders. Every community which has experienced a strong home building surge understands the ripple effect of high wages from construction operations. Now this last major manufacturing initiative in the U.S. has ebbed and the toxic-debt left in the wake of over valued real estate packages is resulting in a new debt package, this time for taxpayers, which could reach $700 billion.

Now is the time for the U.S. to rebuild our manufacturing base. We should now:

(1) Eliminate taxes on U.S. manufacturing. This would offset the 15 to 20 percent tariffs now being charged on U.S. exports by our trading competitors.

(2) Adopt ''mirror trade'' rules with our trading partners that treat foreign exports from any given nation in the same way they treat ours. For example, a 15 percent Japanese border tax will be met with a reciprocal tax for their exports at U.S. borders.

(3) Have a commission review unfair trade practices by other nations, including lack of enforcement for intellectual property rights and impose tariffs or other penalties to balance unfair foreign treatment.

(4) Reduce rate licenses from U.S. government laboratories and U.S. government sponsored research when the intellectual property created is used in U.S. manufacturing.

(5) Fund the development of robotics and manufacturing sciences with emphasis on our academic institutions.

A few years ago when roadside bombs began to massively increase U.S. casualties in Iraq, I detailed our staff teams from the House Armed Services Committee to locate steel companies in the U.S. which produced high grade armor plate. Only one such company remained in the U.S. This dissolution of the U.S. defense industrial base, once known as the arsenal of democracy is a by-product of the manufacturing exodus. National security requirements should compel a restoration of U.S. manufacturing, as much as our present economic situation does.

Rebuilding U.S. manufacturing should be America's next step forward toward solid economic footing.

Mr. VAN HOLLEN. Madam Speaker, let's be clear: we are facing this crisis today because of the reckless economic policies of the Bush Administration and its deregulatory ideology run amok. No one likes the choice before us. But we must deal with the world as it is today, not the world that might have been had the Bush policies not driven the economy and our financial system to the brink of collapse. If this rescue plan were simply an effort to indemnify Wall Street from the consequences of its own excesses, I would have none of it. Unfortunately, that's not why we're here today.

We're here because we cannot let the toxic contagion on Wall Street spill over to Main Street. We must not let the colossal failures of irresponsible corporate executives wipe out innocent small businesses and citizens who had nothing to do with this mess. At the end of the day, we are here out of the conviction that acting decisively now will mean less expense and pain than waiting for the crisis to get even worse.

Make no mistake: this legislation is a far cry from the original blank check the Administration so brazenly requested. Secretary Paulson and his successor at Treasury will have real time oversight regarding the decisions they make—and robust judicial review of those decisions after the fact. There will be no golden parachutes for the corporate executives whose poor judgment and failed leadership created this crisis. Qualified homeowners struggling to pay their mortgages will get the help they need to stay in their homes. The $700 billion authorized in this bill will be broken up and made available in separate tranches so that Congress can exercise ongoing oversight before additional funds are spent. And taxpayers will receive additional, vital protections in the form of a non-voting equity or senior creditor interest in the companies they are helping to rescue, a preferred position for distribution of assets should a company fail and the ability to resell the assets the government purchases at a potential profit once the markets recover.

In that regard, while no one has a crystal ball, the Congressional Budget Office has testified that it believes the final cost for this rescue package will be substantially less than $700 billion because the assets the government will be purchasing will have at least some value. Moreover, it is reasonable to expect that at least some of these assets could over time actually increase in value, giving taxpayers the opportunity to make money on their investments and help recoup the initial costs of this plan. However, in the event a full recovery of taxpayer funds is not complete within five years, this legislation requires the President to submit a plan that would impose a fee on the financial industry to make up the difference and make the taxpayers whole.

Finally, Madam Speaker, we would not be doing our job today if we did not assure our constituents that, even as we address the immediate crisis before us, we are firmly committed to analyzing what went wrong and fixing it so that this kind of crisis never happens again. In addition to the provisions in this legislation requiring a top to bottom review of our regulatory system, Congress—and the House Oversight and Government Reform Committee on which I sit—will immediately begin an investigation designed to give this Congress a comprehensive blueprint for 21st century regulatory reform.

Mr. HALL of New York. Madam Speaker, the events of the last few weeks have been unprecedented. Following a summer of economic disarray and confusion the rapid failure of Fannie Mae and Freddie Mac, Lehman Brothers and AIG have rocked our economy, roiled our financial markets, and left many Americans fearing that we may be on the verge of the greatest economic collapse since the Great Depression. This would imperil the economy of the Hudson Valley and New York State, costing us jobs and revenue that the State and local governments rely on.

In the wake of massive federal intervention to keep these former pillars of the financial industry afloat, it has quickly become clear that a cascade of financial collapse on Wall Street threatens to spill over into the credit markets, wreaking havoc on the broader business community and our entire economy unless swift, responsible, and effective steps are taken to stabilize the situation.

In response to these events, the Bush Administration asked Congress for a $700 billion blank check to bail out failing companies as it saw fit without limits, restrictions, or oversight.

It's hardly surprising that following this proposal, the outcry from my constituents came through loud and clear that it was unacceptable to throw a life line with no strings attached to the same reckless, irresponsible CEOs who have driven our economy to the brink through dangerous, greedy speculation on mortgage values. I share their view that the original Paulsen plan had too little oversight, too little protection for taxpayers and too little accountability for Wall Street. It was unacceptable.

I share the anger we're hearing from Americans about the fact that Congress may be poised to bail out greedy, freewheeling CEOs while average families are struggling with flat wages and higher costs. However, one of my most important responsibilities, and one of the most sacred obligations of Congress, is to ensure the security of the people of the United States, including their economic security. As satisfying as it would be to let these irresponsible companies flounder and fail as a result of their actions, the bottom line is that their instability has created an economic contagion that must be contained, or it will spread into the rest of our economy and present a clear and present danger to our prosperity and the quality of life of every American.

It is that need for action that has driven Members of Congress from both sides of the aisle to work feverishly over the last several days to come up with a plan. While far from perfect, it attempts to address the economic crisis in a responsible way that helps Wall Street while still looking out for Main Street and protecting our tax dollars.

It is outrageous to think that the CEOs who ran their companies into the ground and have brought us to the precipice of disaster could

receive fat corporate bonuses, and the bill before us today would put a stop to that by instituting limits on executive compensation and golden parachutes for the executives of companies that take part in the plan. There is real oversight, from the courts, from Congress and from a new Inspector General's office. There will finally be significant government supervision and regulation of the companies that helped to put us in the situation we're in now.

Perhaps most importantly, the bill puts in place mechanisms to make sure that taxpayer dollars will be protected to the maximum extent possible. When the market improves, and I believe it will, our investment will allow the taxpayers to share in the profits. To the extent that our investment is not recouped, the President will have to come up with a plan to make sure that the companies taking out this government loan will have to pay back the American taxpayer.

The proposal we have before us today is a substantial improvement over what was originally presented to us just a week ago. It has safeguards to protect the taxpayers' investment and it has comprehensive oversight so we will always know where our money is going. While I would take great personal satisfaction in seeing Wall Street deal with this crisis on its own, I have a responsibility to the people who elected me to do everything in my power to keep the economy in good order.

New York State depends on the continued success of our financial institutions for tax revenue and jobs. The Hudson Valley is especially vulnerable to difficulties on Wall Street. If we could contain the damage to Wall Street I would be tempted to vote no, but I have become convinced that the situation has already begun to have ripple effects through our economy that could do permanent damage to retirement accounts, individual investments, and small businesses. This would be unacceptable, and that is why for the sake of our economic security I believe that I must reluctantly support this measure.

We must also be clear that passage of this plan is only a first step. One of the conditions that created this crisis is the tendency by the Bush Administration to turn a blind eye to the recklessness on Wall Street, and we cannot allow that to happen again. Congress must remain vigilant, aware of how this tremendous authority is being exercised by the Administration and in the markets, and ready to intervene at the first hint of abuse or ineffectiveness.

Mr. DICKS. Madam Speaker, less than 2 weeks ago, Treasury Secretary Henry Paulson and Federal Reserve Board Chairman Ben Bernanke issued a solemn warning to the President and Congress about the increasingly fragile state of the Nation's economic and banking system. They expressed their belief that, without prompt congressional action, widespread failure of financial institutions on Wall Street and across America threatened to send the Nation into an economic crisis not experienced since the Great Depression.

In the past few months, as my colleagues know, several financial institutions in the United States have failed, have been acquired by other companies through government intervention, or have been sustained only with Federal assistance. In the last 2 weeks, the number of failures has accelerated at an alarming rate, including the failure of Washington Mutual in my State, resulting in the loss of thousands of jobs. The Washington Mutual situation has underscored for me and my constituents the depth and seriousness of the crisis and has emphasized how our action is needed not simply for Wall Street, but also for Main Street.

Even without the collapse of Washington Mutual, it is clear to me that the growing crisis of liquidity could have devastating effect on my constituents and on the middle class throughout America. Companies failing because of an inability to manage their debt would not just be isolated to lower Manhattan; indeed, all of our congressional districts have businesses large and small that rely on the ability to access credit to survive. These businesses may well fail, too, if this crisis is allowed to continue without intervention. Retirees and workers alike are facing the loss of their retirement funds and pensions if they are invested in the markets on a scale not seen in 80 years.

It is that backdrop and with the advice of some of the wisest and most financially astute members of the House a well as financial experts from my state, that I am now convinced Congress must act quickly to avoid these disastrous consequences.

It was obvious to me that the legislative proposal initially drafted by the Bush administration was overly broad and lacking of any substantive or independent oversight by Congress or any clear safeguards for American taxpayers. After 10 days of intense, often around-the-clock negotiations, the original proposal drafted by Treasury Secretary Paulson has been dramatically improved in the legislation that is under consideration by the House of Representatives today. In addition to helping stabilize the U.S. economy by authorizing the Treasury to acquire mortgage-backed securities, enabling the release of credit for American consumer and businesses, this bill provides strict, independent oversight to assure that the program is carried out properly. The provisions of this legislation will help existing homeowners to stay in their homes and continue to make payments and the bill includes specific provisions to ensure that taxpayers are insulated from any losses sustained in this program. And I am encouraged that, for the first time, the bill places clear restrictions on so-called ''golden parachutes'' and executive compensation for companies participating in the new program.

I believe the revised version of this legislation represents a substantially more responsible and prudent means of addressing this crisis, and it is my intention to support it. I recognize that many of my own constituents have deep reservations about this package. So do I. I recognize that it may not be perfect. But I believe it is a responsible action and that it is in the best interests of our Nation at this critical time. And I also believe that the consequences of not acting today could be devastating. It is therefore my intention to support this legislation.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, my constituents are justifiably anxious about the threats this financial chaos poses to their savings, their children's future and their retirement security. I share their outrage that this administration and its supporters in Congress failed to prevent this foreseeable crisis and punish those responsible. I appreciate their anger and their opposition to using their tax dollars to bailout the executives of corporations who profited from the lax oversight of the past 8 years.

I have been told that this crisis is called an economic Pearl Harbor. In those war days, American credit, which is necessary for all commerce, had stalled. Investors were pulling record amounts of money from even the safest investments, which meant that money for the short-term loans that businesses use every day were either unavailable or cost three to four times more than they had cost just a few days prior.

If allowed to continue, the result would have been catastrophic for individuals and businesses alike. The war-time government developed a plan to have the government buy the troublesome securities on the books of financial institutions in order to rescue our Nation's and world's economy.

Since the Reagan administration, deregulation has spiraled out of control. Executive compensation and buyout packages have outraged millions of Americans, and rightfully so. We cannot continue with the path we currently are on. This measure is aimed to do that.

Madam Speaker, I truly understand that the cost of this rescue package may also limit discretionary spending. Federal spending also might be hampered by the much larger commitments that the government has made for Medicare, Medicaid and Social Security.

Regional economies, such as ours in north Texas, may have to fight even harder for scarce Federal dollars for roads, bridges and sewer projects. Creative solutions will be needed to find pragmatic ways to fund these needs.

We need credit in order for this country to operate economically.

Madam Speaker, state and local governments rely on their ability to borrow to finance special projects. Think of how new schools get built: a district issues bonds through a bond house, the bonds are sold to raise money, the money is paid back over time with interest. It's like a mortgage.

Texas companies rely on free-flowing credit to finance both day-to-day operations and long-term needs. Credit is tighter for businesses across the region at the moment, something of particular concern to manufacturers. And individuals rely on credit to buy homes, cars, and to pay for college.

In a troubled economy, now made more difficult by the credit crisis, it is more important than ever to work together to nurture job growth in north Texas. From worker training to transit to luring new business to helping existing businesses expand, a lot is at stake right now.

If this really is our economic Pearl Harbor, then the way we, as a nation and as individuals, act in the coming days will be the measure of whether we meet the challenge with the same resolve as our parents and grandparents.

For that, I intend to vote for this measure.

Mr. SMITH of Texas. Madam Speaker, much of our economic crisis today is rooted in misguided policies of the past. Permitting home mortgages with nothing down was a disaster waiting to happen when home prices fell. Unfortunately, all the bad mortgages and the resulting credit crisis have dragged down our economy and threatened the financial well-being of all Americans.

If companies big and small cannot access funds they need to operate and pay employees, this will adversely impact the entire economy and punish hard-working Americans. If

credit to buy homes, cars and other purchases dries up, home prices will fall even further and loans will become even harder to get.

Many people felt the original proposal was unfair. It would have been far more unfair to do nothing and allow a recession to occur, which would hurt everyone. Changes were made to the plan to address those concerns. Measures were successfully included to ensure Wall Street pays its share and taxpayers are protected.

We were facing the economic equivalent of a cattle stampede. To stop a stampede, you have to act quickly and decisively and get ahead of the herd to turn it. This plan, while not perfect, does that.

This is not about bailing out Wall Street. It's about protecting American jobs, the financial security of families, and the economy of our Nation.

Since half of all households own stocks either directly or indirectly through 401(k) accounts, IRAs, and pension plans, we had to find a solution to this crisis.

The money in the compromise plan will be used to purchase the mortgage-related assets at the center of the problem. When the financial markets stabilize, many of those assets will regain their value and will be sold by the Federal Government to recover a substantial portion of the cost for taxpayers.

This plan will stabilize the economy, strengthen home values, and prevent a devastating recession. It's an investment in the future of the American people.

Ms. ESHOO. Madam Speaker, I rise today to express my support for the H.R. 3997 Emergency Economic Stabilization Act.

Each of us is outraged about the circumstances that have brought our financial system to near collapse. In my view, this was brought on by the Bush administration's failed economic policies and their support for ''cowboy capitalism,'' believing the markets must be allowed to run free and unfettered. Instead, Wall Street has been allowed to run wild without accountability, without transparency and without effective enforcement or regulations to protect the American taxpayer.

The legislation the President presented to Congress on Monday, September 22, requested Congress to approve a $700 billion bailout, with the Treasury Secretary empowered to set the rules for all transactions. The bill included no safeguards, no transparency, no accountability, and no oversight. This plan was wrong for the American people and we rejected it.

Over the past week, legislation has been completely reshaped and it now includes three essential elements to rebuild our financial system. First, we will reinvest in troubled financial markets to stabilize our economy and insulate Main Street from Wall Street. Second, the taxpayer will be reimbursed through ownership shares and asset recovery as the plan begins to work. Finally, the bill will reform how business is done on Wall Street including the prohibition of golden parachutes.

This legislation ensures that taxpayers have an equity share in any profits and gives taxpayers an ownership stake and profit sharing of participating companies. It puts taxpayers first in line to recover assets if a participating company fails, and allows the Government to purchase troubled assets from pension plans, local government, and small banks that serve low- and middle-income families.

H.R. 3997 includes strong independent oversight and transparency through an establishment of an independent bipartisan board to provide oversight, review and accountability of taxpayer funds. The Government Accountability Office will have a presence at Treasury to oversee the program and conduct audits to ensure strong internal controls, and to prevent waste, fraud, and abuse. There will be an independent Inspector General to monitor the Treasury Secretary's decisions in regard to this program and all transactions will be posted online for the public to review.

Rather than giving the Treasury all the funds at once, the legislation gives the Treasury $250 billion immediately, then requires the President to certify that additional funds are needed, $100 billion, then $350 billion, subject to congressional disapproval, and there are limits on golden parachutes for executives whose companies participate in the program. We will help homeowners by allowing the Government to change the terms of mortgages to help reduce the 2 million projected foreclosures in the next year. It will also assist school districts, cities and counties who had investments in failed institutions.

I firmly believe if we do nothing, our ability to obtain home mortgages, car loans, student loans, loans for small businesses, or even credit cards will become highly difficult or impossible. Even more financial institutions could fail and millions could lose their pensions and retirement savings, thousands of jobs could be lost, and large parts of our economy could cease to function. The repercussions would be far greater than the cost of a financial rescue program.

This is as tough a vote as any I've ever taken during my time in Congress. Today, I will vote ''yes'' because I believe we've shaped a good bill which is fair to taxpayers and a plan to address the many critical issues plaguing the U.S. financial system.

Having said this, I know that no legislation is perfect; it is a product of human beings. But doing nothing I believe is a higher risk to our country and would hurt millions of Americans across the nation. I didn't come to Congress to hurt people. My ''yes'' vote is to help the country move forward, protect taxpayers, help Main Street, protect pensions, protect 401(k)s, and restore our credit markets and, with no rewards for those whose greed and foolishness have so jeopardized our economy.

Ms. SPEIER. Madam Speaker, we never should have reached this point.

But a perfect storm of greed and poor risk-management on Wall Street, along with a decade of lax oversight and deregulation, has our markets teetering on the edge of collapse.

We should never have reached this point—but here we are, and we must lead.

Leadership and our democracy require elected officials to make difficult decisions. Last Saturday Congress was presented with Secretary Paulson's plan. The proposal was a blank check for bad actors. It carried no oversight and, indeed, placed an administration appointee beyond the arm of the courts.

This is not Paulson's plan. This legislation is crafted with taxpayers, not bankers, in mind.

This begins a new era of strong congressional oversight. If we, the Congress, are asking the American taxpayer to foot the bill, then we must protect their investment.

At the beginning of the week, I laid out specifics that needed to be in this bill: taxpayers deserved an equity position, there needed to be guarantees that taxpayers wouldn't be funding exorbitant executive compensation packages, and that this would not be a lump-sum and a blank check without the ability to stop payments if this proves the wrong solution.

These taxpayer protections were included.

To protect taxpayers going forward, Congress must bring back the firewalls between investment houses and banks repealed by Gramm-Leach-Bliley; we need strict controls on exotic financial instruments that provide great wealth for a few at the expense of the rest of society like ''naked short selling,'' and we need conflict of interest measures that ensure Wall Street does not subvert the public's trust in any way.

Some have characterized our action here as the Government butting into the free market. On the contrary, what we are doing is reasserting the Government's rightful role in maintaining the stability of our economy for the good of all Americans.

Congress finds itself choosing between two unfortunate choices—between a massive Government expenditure or inaction that could lead to a calamitous collapse of our economy.

It would be easy to vote against this bill, it would also be irresponsible. I was not sent to Congress to be a slave to public opinion polls, but to make decisions after listening to my constituents, hearing from experts and fashioning solutions that are in the public's best interest.

Inaction in the face of adversity is not an option. Inaction is not leadership. None of us want to be here, none of us is happy about the decision before us, but our duty is to act in the best interests of everyone.

More hardship is on the horizon, like greater unemployment, a run on banks, and further collapse in value of a great many Americans' only financial security: Their homes and their pensions.

I look forward to working with Chairman FRANK and with the Speaker as this House protects the American taxpayer and stabilizes our financial markets.

Mr. THORNBERRY. Madam Speaker, the issue before us is one of the most difficult decisions I have faced during my time in Congress. The reason it is so difficult is the concern about what will happen to our economy if this bill is not passed. But the bottom line is that this bill is an unprecedented intrusion by government into the economy of the country and is contrary to the common sense principles in which I believe. I have carefully weighed the opinion of many different sources, including those who have spent their professional lives in the financial sector and the American taxpayers I am privileged to represent.

I am convinced that the United States faces a serious economic crisis, centered on Wall Street and high risk financial institutions but with shock waves that could extend throughout the country. I am further convinced that in this situation some sort of government action is needed and appropriate.

In fact, Congress is partly responsible for this situation. Over the years, some in Congress have pushed government agencies and lenders to provide more loans than many could repay. Too many people borrowed too much money. Yet, those laws and regulations which helped to create this problem are not corrected in this legislation.

Despite the fact that action is needed, I am not convinced that the bill before us is the type of government action that is appropriate or that it will be effective in solving our problems.

In order to support a measure of this size and scope, there should be some reasonable belief that it will work—that it will solve the underlying causes of the problem. Of course, there are no ''guarantees,'' as we keep hearing, but $700 billion of taxpayer money should not be used as a hopeful experiment.

Yet, many believe that this bill will not be effective in preventing an economic downturn, and, in fact, does nothing to address the underlying issues that created the problems we face. It does little to bring more private capital into the market. It has no systemic reform of the regulatory agencies that helped contribute to the problem. The Fair Accounting Rules, which are widely believed to have aggravated the situation, are only studied, not changed.

The bill is far better than it was as originally offered and now has more oversight and some checks and balances. But there is still enormous discretion with the Secretary of the Treasury, more power than seems wise to give to anyone. The core of the plan is to have the federal government buy assets which cannot be sold to anyone else. Those who have the most of these assets, often based on ''zero-down loans'' and ''no doc/low doc'' mortgage loans, will obviously benefit the most. Those who were more prudent in their lending will benefit less.

I understand that any measure will be somewhat unfair in that some of those who took the excessive risks and made unwise decisions will be protected from the full consequences of their decisions. Some degree of unfairness is inevitable.

But it is important to keep foremost in our minds that the foundation of the American economy is not Wall Street traders or multi-national banks. The foundation of our economy is American businesses and workers who pay their bills and taxes on time, who borrow responsibly and take reasonable risks, and create economic value, jobs, and a higher standard of living. If this measure damages them, it damages our present economy and our future. I am afraid that this bill does damage well-run companies and institutions, and it certainly damages the American taxpayer.

The only compelling argument I can find on behalf of this bill is that we will confront a credit crisis and severe recession if it does not pass. Obviously, I hope that will not happen. But failure of this specific proposal should not mean that we stop trying to find common sense answers to support our economy. Congress can return to work immediately, listening not just to the Secretary of the Treasury this time, but to commercial bankers and economists and taxpayers across the country. There are a number of good ideas which can be considered in a thorough but timely way. We should not rush into a flawed proposal that will have consequences that last for generations.

Mrs. DAVIS of California. Madam Speaker, my constituents have every right to be angry about our economic situation. I am angry too.

But I believe that going forward with this legislation enables us to begin to right our economy.

It does not address all the requisite steps that should be taken.

That is why I am urging the chairman and the Congress to work with the Treasury and the SEC to promulgate rules on accounting practices that reflect the true value of assets they will be working with.

This bill is not a magic bullet but the cost of doing nothing may be far greater than the painful steps we take today.

I thank the Chairman and all of my colleagues from both sides of the aisle. We may disagree but people have worked hard over the past week to listen to one another no matter where you come down on this issue.

Mr. MILLER of North Carolina. Madam Speaker, this bill is a very bitter pill for me. I probably have become the leading critic in Congress of the mortgage lending industry, including the financial institutions that bought predatory mortgages knowing full well the consequences of those mortgages for middle class homeowners.

The industry has not always taken my criticism with good humor.

The industry hated the legislation that I introduced more than five years ago to prohibit predatory mortgage lending practices. And the industry really, really hated the legislation that I introduced last year to let bankruptcy courts modify predatory mortgages.

But I do think we are in a worsening financial crisis that will affect ordinary Americans, not just financial institutions. The economy will slow dramatically if every business and every American family has to operate on cash. If credit is not readily available and affordable, middle class American families will have a hard time buying a new car, with disastrous results for the Americans who depend on the automobile industry for their livelihood. The story is the same in industry after industry.

This bill is a dramatic improvement on what the Bush Administration presented Congress not quite a week ago. There is now real transparency, and vastly improved accountability and oversight. The bill takes pains to shift the ultimate cost to the industry that made the mess, not innocent taxpayers.

I regret that this bill does not do more for families with houses that they can afford, but abusive mortgages that they can't. Millions of families will lose their homes to foreclosure, and foreclosures are pulling down home values for millions of other families. I will push hard for bankruptcy reform early next year.

I wish the limitations on the compensation of top executives were tougher, another issue we need to come back to.

I wish there were real reforms in consumer lending practices that cheat middle class families with deceptive penalties and fees, and trap struggling families in a cycle of debt.

And I know that no matter what Congress does, we are all in for several tough months, and maybe longer. Many financial institutions are carrying assets on their books for far more than the assets are really worth. Banks won't trust each other enough to lend freely until insolvent institutions collapse, and taxpayers will foot much of the bill to pick up the pieces.

I reluctantly voted for this bill today, but I'm not finished with the fight against the heedless greed that is responsible for so much grief for so many Americans.

Mr. ETHERIDGE. Madam Speaker, I rise in support of H.R. 3997. Today, the United States faces the most significant financial crisis since the Great Depression. While we wish this action was unnecessary, this emergency requires bold steps to protect homeowners, small businesses, retirement savings plans, and community banks and to ensure that our economy can weather this storm. This bill should put us on the right path to recovery for our financial system.

Over the last several months we have seen the collapse of some our largest financial institutions, throwing our nation's financial system into turmoil. As one collapse has followed another, a dangerous lack of liquidity has beset the entire system. This freeze in the flow of capital means that remaining banks have ceased lending to one another, and loans for businesses and individuals are starting to become almost as scarce. If lending does not resume, Americans will be unable to grow their small business, buy a car, pay for college, or buy a home. Without action, this financial crisis will threaten the entire American economy.

I have spoken with the leaders of some of North Carolina's local and state banks and credit unions about the effect of this crisis on the communities they serve. They told me clearly: if we do not take action now, these problems could overtake the entire economy, affecting jobs, the vibrancy of our communities, and harming North Carolinians.

This bill is not the blank check that the Bush Administration originally proposed. H.R. 3997 contains key provisions, negotiated by Democratic leaders in Congress, to ensure this bill benefits Main Street. As I demanded when this plan was first proposed, this bill protects taxpayer money, provides help for struggling homeowners, prevents Wall Street CEOs from gaining a windfall at taxpayer expense, and provides the accountability and oversight that have been missing. While it contains strict oversight provisions, the plan also contains the flexibility needed to address a problem of this magnitude.

First and foremost, this plan protects taxpayer money. In taking action authorized by H.R. 3997, the Treasury Secretary must consider the interests of taxpayers, preserving home ownership, the needs of all financial institutions including small institutions and credit unions, and the needs of local communities. To ensure that the public shares in the benefit of the economic relief provided, Democratic leaders fought to add provisions that allow taxpayers, to share in profits if a financial institution we invest in grows healthy in the future. At the same time, H.R. 3997 requires any losses to the government to be recouped from financial institutions in the future. Additionally, this bill includes a fiscally responsible requirement that any profit resulting from this plan be used to reduce the growing national debt.

In order to further ensure that assistance benefits Main Street, H.R. 3997 includes provisions to coordinate and increase efforts to modify mortgages for homeowners. The bill provides authorization for loan guarantees and credit enhancement to prevent foreclosures, and requires a plan to encourage mortgage servicers to modify loans through the Federal Housing Administration's Hope for Homeowners and other initiatives. We will work to ensure people can remain in their homes when possible.

H.R. 3977 makes sure that the people who made this mess do not unduly profit at the public's expense. There are limits on executive compensation and golden parachutes for the financial institutions that receive this government assistance. It also allows taxpayers to recover bonuses paid to executives who promise gains that later turn out to be false or inaccurate.

Congress has also increased oversight and transparency in H.R. 3997. The final bill includes $250 billion as an initial effort to stabilize the markets, and authorizes the rest of the $700 billion request only after Presidential notification and Congressional oversight of the Treasury Department's actions. Any purchase by the Secretary must be publicly disclosed within two business days of the action. A strong oversight board has authority over the Treasury Secretary's actions, and the bill mandates detailed reports to Congress at regular intervals. Additionally, H.R. 3997 establishes an independent Inspector General to monitor the use of the Secretary's authority.

Given the extent and range of the problems in our financial markets, it is critical that the Treasury Secretary have a variety of tools to address these problems. H.R. 3997 includes a Republican proposal that gives the Treasury Department the option to guarantee companies' troubled assets, including mortgage-backed securities, purchased before March 18, 2008, with insurance that is paid for through risk-based premiums paid by the financial industry.

H.R. 3997 provides liquidity to the market so that our banks have the confidence to make loans again. It is our hope that this will enable our financial markets to recover, but we cannot be certain that it will do so. The oversight provisions in H.R. 3997 will ensure that we can react to any further developments and take further action as necessary.

Madam Speaker, this crisis is wide-spread and threatens the financial security of this generation and the well-being of our children and grandchildren. I fervently wish that this action was not necessary, and that the markets could correct themselves. However, in order to protect Main Street from the impact of Wall Street's problems, I support H.R. 3997, and I urge my colleagues to join me in voting for its passage.

Mr. KIND. Madam Speaker, I rise today in support of H.R. 3997, the Emergency Economic Stabilization Act of 2008. The financial crisis that has been gripping our country reached a point last week where extraordinary action is now required.

Supporting this legislation was not a decision that I came to easily or without tremendous thought and consultation. It is based on imperfect information. Initially I was very angry and skeptical of the plan that the administration proposed because it gave too much discretion to the Treasury Secretary and included no accountability for the burden that was going to be placed on the taxpayer.

Fortunately, the administration has listened to the concerns from me and my colleagues and has returned the focus of the rescue plan from Wall Street to Main Street. This plan protects taxpayers, not executive compensation. It includes strong transparency, accountability, and oversight functions for Congress.

The goal of this plan is to take the poison out of the market, get it stabilized, and ensure the free flow of credit. Most importantly though, it guarantees that taxpayers will be reimbursed for their investment at the end of the day. Furthermore, in the longer term, I support a comprehensive review and reform of our financial market structure and associated regulations.

This is a rescue plan for the American economy. The reality is that without action, there is a good chance that Americans could lose everything they have worked so hard for. We are loaning banks money so they can loan money to Americans for their everyday lives to buy a car, pay for college, start a small business, or buy a house. The risk of inaction far outweighs the risk of action. This bill will allow us to continue moving forward.

Madam Speaker, I support this important legislation that will shore up our economy and urge my colleagues to join me in voting for its passage.

Mr. RAMSTAD. Madam Speaker, I rise today to oppose the Bush administration's $700 billion bailout plan for Wall Street firms and banks.

The administration's bailout plan imposes great risk to taxpayers and no guarantee of success.

Because this bill was considered in such haste, without adequate hearings or debate, nobody knows what this complex financial scheme will produce so the final cost to taxpayers is uncertain.

Four hundred of the Nation's top economists signed a petition to Congress objecting to the bailout plan, as they are skeptical of the Federal Government buying up toxic mortgage-backed assets from banks and hoping the benefits trickle down from Wall Street to Main Street.

According to these economists, the long-term effects of this financial scheme—higher inflation, a weakened dollar and a greater National debt—will outweigh any short-term stabilization of the credit markets.

Rather than providing $700 billion of taxpayer money to buy frozen mortgage assets to solve the current problem, Congress should adopt the plan to insure mortgage-backed securities through payment of insurance premiums by the holders of these assets.

I urge my colleagues to oppose this bailout.

Mr. BISHOP of Georgia. Madam Speaker, Never in my 16 years in Congress have I so grudgingly voted ''yes'' on a piece of legislation. And hopefully, with this action, never again will I have to do so.

The so-called financial titans of this country and those who for years have favored lax regulatory oversight put us up against a wall. For some time now, Wall Street has been turning a tidy profit by playing with other people's money, manipulating balance sheets, and using complex financial instruments that few people, if anyone, understood. And through it all, the Bush administration has turned a blind eye and insisted that our ''fundamentals were strong.''

It turns out they were fundamentally wrong. And now we are all going to pay because of it.

I certainly do not disagree with the many constituents who have called my office and exclaimed, ''$700 billion!'' It is, without a doubt, an enormous sum. But it is less expensive than a deep economic recession.

During the Great Depression, the Federal Government waited too long to aid the battered banks. Today, the whims of a Wall Street Gone Wild have so afflicted our credit markets that I am convinced if we don't do something soon—and more importantly, if that action is not taken responsibly, and with strict oversight—we will regret it for a long, long time to come.

Everyone in this country, from individuals, to small businesses, to farmers, and multinational corporations, relies on credit. The local supermarket needs a reliable credit line to stock its shelves, farmers need to borrow money to plant their crops, students and parents have to borrow for college, and, right now at this very moment thousands of Second District residents facing foreclosure desperately need a chance to keep their homes by drawing upon a re-financed line of credit.

We must learn the lessons from history and act quickly to prevent an economic calamity. And, we are staring down the barrel of a gun that, if fired, would wound our economy so badly that even those with impeccable credit histories will not be able to secure a loan.

Members from both parties have come together to craft this consensus package. Each side made its views known. Neither party got everything it wanted. But I think we have a good plan in place to prevent a deepening of the current crisis and put us back on our feet.

And, we have secured the taxpayer protections absent from the administration's initial proposal: Taxpayers will have an ownership stake in these investments with profit-making opportunities, will be given a priority position to recover assets in the event a company fails, and will be included in a plan to recover any potential remaining costs from Wall Street firms after five years.

Taxpayers will also benefit from six different oversight entities, including an oversight board, an inspector general to monitor the Treasury Secretary's decisions, a review and audit program within the Government Accountability Office, public disclosure of any bailout-related transaction by the Treasury Secretary, and monthly reports to Congress on every $50 billion spent by Treasury. The Treasury Secretary's actions will also be subject to judicial review.

For the poor, for those who have been financially prudent, for the unemployed, for those who saw their 401(k)s dwindle—this is not the end. In the coming months, it is my hope that Congress pours as much effort into investigating the financiers whose actions precipitated this crisis and who walked away with millions for themselves, as they have put into crafting this bill. Meantime, I encourage my colleagues to join me in supporting this first step toward regaining our financial footing and setting in place a new system, one that lacks the greed and the excess that brought us to this point in the first place.

Mr. DAVIS of Illinois. Madam Speaker, although I am voting to support this bailout plan, I am concerned that we do not have enough of an equity remedy for small institutions that held preferred stock in Fannie Mae and Freddie Mac. I was recently contacted by Standard Life Insurance Company of Indiana (''Standard Life'') regarding an unintended consequence of the Fannie Mae and Freddie Mac government bailout. Standard Life is a small life insurance company domiciled and headquartered in Indiana, with executive offices in Kentucky. They have approximately 100 employees (all in Indiana and Kentucky) and 30,000 policyholders. They sell traditional annuities for pre-retirement savings and retirement income purposes. Their average customer is approximately 65 years old and average size policy is approximately $50,000.

I understand that between late 2007 and early 2008, based on repeated representations by Treasury and Regulatory officials that Fannie Mae and Freddie Mac were adequately

capitalized and were safe and sound, Standard Life purchased $31 million of Fannie Mae and Freddie Mac perpetual preferred stock.

On September 7, 2008, Secretary Paulson announced the conservatorship of Fannie Mae and Freddie Mac, a part of which was the elimination of dividends on all preferred stock. The consequence of that action was to cause the securities to be rated near default, requiring Standard Life to carry them at a market value of 10 cents on the dollar for regulatory capital purposes, an immediate reduction of Standard Life's capital from $113 million to $85 million (or diminution of $28 million dollars, or 25 percent).

It is my understanding that this result has potentially dire consequences for Standard Life's survival, Kentucky and Indiana jobs and, most importantly, Standard Life's policyholders, if corrective action is not taken by September 30, 2008. Standard Life has been informed by the rating agency A.M. Best that its rating will be cut if the lost capital is not replaced by that time. The rating cut will be from a ''secure'' B++ to a likely ''unsecure'' B or lower. This will likely result in a cascade of negative events:

Shut down of sales; extended withdrawal activity (''run on bank''); and regulatory intervention, up to and including receivership and liquidation, which will result in delayed policyholder access to their funds and possible reduction of interest earned on their policies.

I believe this was an unintended consequence of the government moving quickly to stabilize Fannie Mae and Freddie Mac. There are a number of ideas being discussed to help companies like Standard Life. It is my hope and desire that the government rescue plan include an equitable remedy for Standard Life and companies in a similar position. I trust that before we finalize this legislation and the President signs it, we will have adequately addressed this very serious issue.

Ms. BROWN-WAITE of Florida. Madam Speaker, I rise today because of my grave concerns over what is surely one of the largest bailouts in American history.

I recognize that this is the product of compromise and therefore imperfect; but the serious problems with this bill make it impossible for me to support.

Make no mistake; a vote for this bailout is a vote to ratify business as usual in Washington. This compromise was crafted by the same people who brought you this mess, except this time they are putting a gun to your head and saying give me more.

This isn't legislation; this is extortion. We could actually call it the ''in-out plan,'' as the FBI is going in, we are bailing out. That's not what the taxpayers want.

My greatest concern is that this bill creates yet another opportunity for the Federal Government to meddle in the economy. The scope and size of this bill, however, means that the bailout will come at greater harm to equity holders, businesses, and homeowners.

In order to participate in this bailout, a company will essentially give stock options to the Treasury Secretary, who will be able to exercise those options at whatever price he decides.

How will the markets be changed when the Federal Government is the largest single stockholder in the country? Senator OBAMA is the most liberal Senator in the history of this country, someone who seeks to socialize large sectors of the economy.

With passage of this bill, it is now pertinent to ask how will our companies and markets fare under OBAMA and Federal Government and consolidated liberal Democrat controlled government?

I think not well, and for any company forced into this deal with the devil, they are barred from negotiating, complaining or seeking judicial recourse.

Do you like 10 trillion in debt? In one stroke of the pen, Congress will have expanded the debt by another trillion to 11.3 trillion.

What happens if any of this money is repaid? Democrats won't have to make any effort to expand their spending for more Federal Government; that spending will have already been authorized in this bill.

Which brings me to another financial mess buried in these pages. Any premium paid by companies will be put into a fund, like the Social Security trust fund. And we all know how well that has worked out well for Social Security.

What's worse, these premiums will be counted against the deficit, allowing for more spending, higher pay-go, and will finance more federal bureaucracy. Democrats are rapacious for more spending. You can count on this.

If you weren't angry enough about this bailout, foreign banks get special treatment. Right there in Section 112, the Treasury Secretary has the discretion to bailout foreign banks at the expense of the American taxpayer. No restrictions and no guarantees.

Madam Speaker, the American homeowner has paid for your energy schemes this year with higher gas prices. Now you want the middle class homeowner to pay for your housing schemes.

My biggest concern is that this bill creates two classes of homeowners.

There are those homeowners who make every mortgage payment, and pay every bill and struggle to meet their commitments, and there are those homeowners, like Representative RICHARDSON, who didn't meet their obligations, skipped out on the bills and now want the taxpayer to bail them out.

This is all too embarrassing and it turns my stomach.

Make no mistake; a vote for this bailout is a vote to ratify business as usual in Washington. This is the same crowd delivering the same bills and expecting the middle class homeowner to pick up the tab.

Madam Speaker, the American homeowner is tired of being your piggy bank. The American homeowner is sick of your promises and platitudes and is simply not going to stand for this.

Mr. NADLER. Madam Speaker, I rise reluctantly in support of this rescue package. I have great reservations about this legislation, but after looking at the situation carefully, reviewing the facts, and speaking with economists whose views and expertise I value, I believe that the threat to our credit markets is both real and urgent.

Is the danger severe enough to warrant supporting a bill about which I have strenuous reservations? I believe so.

In the past, I have been very skeptical of proposals brought to us by this administration with the warning that the situation was dire, that we could not afford to be more deliberate, and that we must give the administration broad new powers. I opposed the USA PATRIOT Act, the recent FISA legislation, and the vote to authorize the war in Iraq. In each instance, we were told that the danger was great and imminent. The administration went so far as to warn of a smoking gun in the form of a mushroom cloud.

Unfortunately, these tactics worked, and Congress was stampeded into doing the wrong thing. In each case, it was not easy to stand in the way of the stampede, but, in my judgment, after examining all the known facts, it was the right and necessary thing to do.

In this case, the administration should have seen this crisis coming years ago. Many of us warned that the administration's deregulation policies were leading us toward disaster, but so long as unprecedented profits were rolling in, the voices of caution were ignored.

The near-religious belief that unrestrained markets would bring nothing but good times, that real estate prices would spiral upward forever, that financial instruments that even the directors of the firms selling them did not understand, would always bring prosperity, permeated thinking in government and out.

History should have taught us otherwise. Our current situation proves otherwise.

When the final accounting came, the boom was revealed for what it was: history's largest and most costly ponzi scheme.

Finally, the administration acted—belatedly and arrogantly. Only a week ago, they told us that the situation was dire, that they needed $700 billion—more even than the President's Iraq adventure has cost so far—and presented us with a three page proposal that said essentially, ''Give the Treasury Secretary a free hand with nearly a trillion dollars, make sure no one can go to court to stop him if he gets out of hand, forget any oversight or transparency, don't worry about paying for it, don't do anything to help the middle class, then buzz off.''

In defense of that request, they said we should just trust them—the same people who got us into this crisis—with power even the Vice President only dreams of.

As the old joke goes: how do you say ''drop dead'' in Washington? ''Trust me.'' Only this time, it's not funny.

The legislation before us today is not very attractive, but it is greatly improved from the President's proposal. The bill has increased transparency. It leaves available court remedies, although not as many as I would want. It partially repays the taxpayers by providing for acquiring an equity stake in participating firms. It does have real oversight.

I am deeply disappointed that some very important provisions for which I fought were not included.

The package should have been paid for with a repeal of tax breaks on the wealthy, and of giveaway tax benefits for oil companies and other big corporations and for the industry that caused this mess. The shareholders should have borne more of the cost of this package. They are the ones who profited, and they are the ones who should pay. I do not believe in privatizing profits while socializing risk. That's not capitalism, that's lemon socialism—the people get only the lemons.

It is clear that the taxpayers will not be on the hook for the full $700 billion authorized, because the securities that will be acquired are not as worthless as the market now assumes, although we do not know how much they are really worth.

I believe that the Bankruptcy Code should have been fixed so that families with predatory

or subprime mortgages could restructure their mortgages. Mortgages are the only secured debts in bankruptcy that cannot be restructured. Investors can do it with their properties; The Senator from Arizona [Senator MCCAIN] can do it with six of his seven houses; you can do it with airplanes, yachts, steel plants, or anything else. The only exception is the family home. That's wrong, and we should have fixed it in this bill.

We need comprehensive regulatory reform in order to stave off the next financial catastrophe, and we need a President and regulators willing to enforce the laws we have on the books. The bill does not do that, but the next Congress must enact comprehensive regulatory reform. We need to take away from this experience the lesson I had thought the nation learned in 1929. Sound regulation in markets is necessary to maintain stability.

So, as I said, I am angry that we are in a situation we could and should have avoided, and I am disappointed with the bill we are voting on today. I am especially angry that we are now at a point where, as unpopular as this is—and my constituents have told me that they do not like this any more than I do—we must act.

The crisis is real and immediate. If the credit markets freeze, as they started to do last week, and as we are warned by almost all credible economists they will if we do not act, we will face a calamity. All economic activity dependent on credit will cease. Businesses will not get loans to expand or to meet their payrolls. Thousands of banks will fail, ATM machines will dispense no funds, credit cards will be worthless, millions will be thrown out of work, and we could face a repeat of the Great Depression of the 1930s. We cannot be certain this bill will stave off this calamity, but it might. When faced with a choice between a certainty of catastrophe and a possibility of averting a catastrophe, the choice is clear.

Madam Speaker, I reluctantly support this legislation, and I urge my colleagues to do the same.

Mr. HARE. Madam Speaker, I rise in support of the Emergency Economic Stabilization Act, and commend Speaker PELOSI, Chairman FRANK, and all Members and staff of the House leadership and Financial Services Committee who worked tirelessly, spending untold hours negotiating this bill with their Senate counterparts, the President, Treasury, and the Federal Reserve.

Madam Speaker, we as a nation find ourselves in an alarming financial crisis. But this crisis is bigger than a few failing banks or a stock market in disarray. It's more about family budgets than corporate balance sheets. Americans are losing their homes. Many are concerned about the future of their retirement savings. Some fear they won't have enough money to send their kids to college. The unwise and purely ideological decision to deregulate Wall Street has threatened our very way of life. It is with the best interests of working families in mind that I rise today to support this comprehensive rescue package. It is not a decision I made lightly.

Madam Speaker, the original plan which President Bush proposed to Congress was completely unacceptable. It was nothing more than a $700 billion handout to Wall Street. It gave unregulated authority to one person—the Secretary of the Treasury—to spend 700 billion of taxpayers' hard-earned dollars without any accountability. The President's plan did virtually nothing to prevent more Americans from losing their homes, and provided no return to the taxpayers responsible for funding it. Finally, the Bush Plan did nothing to limit executive compensation—known as golden parachutes—for top executives who made the disastrous decisions that helped lead to this crisis. At a time when we need to more closely regulate Wall Street, the President's package actually rewarded it.

Under the leadership of Chairman FRANK, a new bill was crafted to authorize, with strict independent oversight, limited funding to the Treasury to transparently buy the debts of troubled firms. This is not a gift. It is not a blank check. It is a loan. Any financial recovery that results from our action must be shared with the taxpayers. We are loaning these banks money so they can resume lending to ordinary people—families who need help with their homes, cars and college tuition; farmers to continue to buy equipment, seed and fertilizer; and small town banks to deduct losses from investments in Fannie Mae and Freddie Mac.

This bill also gives the government a financial stake in some of these firms, which means not only will taxpayers get their money back, but they will also have the opportunity to turn a profit. Additionally, this bill limits pay for the executives of the firms to which the Treasury loans. Unlike the Bush proposal, it does not reward corporate greed.

Madam Speaker, this bill is certainly not perfect. While it does give the government some ability to protect homeowners facing foreclosure, I feel much more work needs to be done. My family lost its home growing up. It broke our hearts. Congress must continue its efforts to address the housing crisis, a large contributor to our current economic woes.

In the final review of this bill, I believe the good outweighs the bad. It is a necessary step to protect Main Street from Wall Street. I urge all my colleagues to support it.

Ms. SCHWARTZ. Madam Speaker, during the past 8 years, the economic policies of President Bush have failed American families and destabilized our nation's economy.

Now my constituents and hard working families across this country are rightfully concerned about what this all means to them.

Let us be clear—it is the Bush policies of deregulation, non-existent oversight, disregard for our nation's infrastructure, irresponsible tax policies, and excessive deficit spending that exploded our national debt and lead us into the worst financial crisis since the Great Depression.

The action we take today is difficult, but it is the responsible one. The potential downside for everyday Americans is simply too great not to act.

The instability in the financial markets creates serious difficulty for every company seeking to meet payroll, every retirement plan seeking to meet their obligation to retirees, and every family who needs to borrow money for a car, for college, for a home, or for just getting by.

My constituents want to trust Washington to do the right thing to turn the economy around, but they want us to protect their interests and address their everyday concerns.

That is why the American people and members of Congress were appalled when President Bush asked us to hand over $700 billion with no oversight, no accountability, and no reforms to the fundamentally flawed policies that allowed this crisis to occur.

Because of Democratic leadership, this economic recovery proposal is fundamentally different than the proposal first brought to us by President Bush.

We now have an economic recovery proposal that will protect the interests of hard-working Americans by:

Restoring investor confidence in our economy and the financial markets;

Protecting taxpayers by requiring full transparency of actions taken by the Treasury Secretary, creating a strong oversight board appointed by Congress, and establishing an independent Inspector General to guarantee compliance;

Ensuring fiscal responsibility by making resources available in installments that require Congressional and Presidential approval, and guaranteeing that the financial services industry repays any losses to the U.S. Treasury;

Helping distressed homeowners avoid foreclosure by facilitating loan modifications; and

Limiting the compensation for the corporate executives that created this crisis, by eliminating multi-million dollar golden parachutes.

Responsible action to stabilize our economy is required and warrants bipartisan support. But, efforts to rebuild our economy cannot stop here.

Moving forward we must focus on the regulation of our financial markets, strong enforcement, and sound fiscal policies in government and in the private sector that are all necessary to restore the economy to one of prosperity, opportunity and growth—not just for a few—but for all Americans.

Ms. DEGETTE. Madam Speaker, after careful review of this package, I rise today to support the ''Emergency Economic Stabilization Act of 2008.''

While I am hesitant about putting taxpayers on the hook for the mistakes of Wall Street, doing nothing is simply not an option. No one likes this bill, but without it, credit markets would seize up, more companies would have trouble making payroll, consumers would be unable to get loans for cars and homes and credit cards, their pensions would deteriorate, and the crisis in our financial markets would spread to the entire economy and across the globe.

This bill will not fix our troubled economy on its own, and we have much work ahead of us to reform our financial regulatory system. But our Nation's top economic experts have concluded that without this legislation our economic problems would have gotten much worse.

This bill is a vast improvement from President Bush's initial proposal, which contained no oversight, no protections for taxpayers, and amounted to a blank check to the Treasury Department.

But working in a bipartisan fashion, Congress was able to agree on a compromise that includes rigorous oversight and transparency, provides funding in installments subject to congressional review, and prevents golden parachutes for CEOs that drive their companies into the ground. This legislation will inject liquidity into the credit markets so businesses and consumers can continue to utilize their credit and keep our economy moving.

Madam Speaker, I hope that following passage of this bill, with a new president in office, Congress can begin work on a comprehensive, top-to-bottom review of our Nation's financial laws, and enact meaningful reform that prevents the abuses we have seen in recent years.

Mr. STARK. Madam Speaker, I rise today to oppose H.R. 3997, the Emergency Economic Stabilization Act of 2008.

President Bush tells us that we face unparalleled financial doom if this $700 billion bailout is not approved today. He and his Treasury Secretary—a former Wall Street fat cat—tell us that we have reached the point of ''crisis.'' That is a familiar line from this President. It sounds like the disastrous rush to war in Iraq and the subsequent stampede to enact the Patriot Act. As I opposed the Iraq War and the Patriot Act, I stand in opposition to his latest rush to judgment.

We are not in a sudden crisis. It has been building over the past 8 years of the Bush Administration. Lax oversight of the financial industry ballooned into a house of cards.

Homeowners throughout the country have seen property values decline as their mortgage rates adjusted upward. As a result, millions of people across our country have already lost their homes to foreclosure and many more are on the way.

It is easy to blame consumers for purchasing homes they couldn't afford. However, these consumers weren't informed of the extreme risk they were assuming. Creative financiers invented a market for these risky mortgages and preyed upon consumers by peddling the American dream of homeownership to make that market flourish.

While those were poor choices by consumers, they pale in comparison to the irresponsible bets made on Wall Street. These mortgages and their declining collateral values are the root of this financial crisis.

We now face a choice. President Bush tells us we must inject $700 billion into this market to avoid a total meltdown. He and Secretary Paulson say it is the only answer. Many economists—who don't have a financial stake in Wall Street or an 8–year record of bad decisions—tell us it isn't the only choice. An option would be to assist homeowners with their mortgage payments. By making sure these mortgages remain viable, the market should stabilize.

The bill before us today is basically the same three-page Wall Street give away first put forth by President Bush. The fig leaf adjustments are not enough to outweigh the fact that, no one knows if this bill is what's needed. I'm not willing to make a $700 billion gamble that President Bush is right after 8 years of seeing all that he's done wrong.

Mr. NEAL of Massachusetts. Madam Speaker, I rise today in support of the Emergency Economic Stabilization Act of 2008. I want to applaud the work of my friend, Chairman BARNEY FRANK, in negotiating this agreement on behalf of the House. Compared with the proposal of a week ago from the Bush administration, this agreement has much improved.

I have already heard from a number of my constituents this morning who oppose the bill and I understand their opposition. I think it is clear that we are not done with this matter. There is more to do, and even under this bill, Congress will revisit the agreement in 5 years to determine whether the taxpayers are due some repayment from the industry saved by this bailout.

At this time, though, it is important that we proceed forward with this limited authority, which is only provided with substantial oversight. It is an appropriate balance and that is why I will support the bill.

But as I said, there is more to be done. John F. Kennedy said that victory has a thousand fathers, but defeat is an orphan. It is true that no one has stepped forward to claim responsibility for the economic quandary we find ourselves in. But if we simply look back to the last time the financial services industry teetered on the brink of disaster, we can see roots that lead to the crisis we confront today.

A decade ago, Long Term Capital Management, a billion-dollar hedge fund lost half its value due to sour derivative contracts and the Federal Reserve Chairman had to arrange a bailout. Complexity is the name of the game in the derivatives market, and that fact has not changed over the last decade. Derivatives are financial products with a value derived from an underlying asset, such as a stock or commodity. The accounting and tax rules regarding these products, though, are anything but clear and that part of the game has also not changed over the last decade.

I am concerned about one section of the bill we are considering today which would grant the SEC authority to suspend mark-to-market accounting. This accounting rule requires companies to declare the market value of assets. With financial products, this may differ from the purchase price. Plus, the value might be hard to determine until the contract expires some time in the future. However, in valuing derivatives, I believe it is important that there be transparency in the market, and mark-to-market accounting is probably the closest to the actual value and is therefore, an essential tool for investors. Think of it this way: if someone asked you for a loan and their only asset is their house which could be sold for $100,000, would you care that they had paid $200,000 for it a year ago?

Should we care about accounting rules for derivatives? Well, clearly yes. It would be easy to assume regulators are taking care of these issues, but recent events show us that is not the case. It would be easy for us to dismiss the threat of derivatives since only sophisticated investors hold them, but as Warren Buffet warned in 2002, ''Derivates are financial weapons of mass destruction, carrying dangers that, while now latent, are potentially lethal.''

In March, the Ways and Means Subcommittee on Select Revenue Measures, which I chair, held a hearing on the taxation of derivatives. At that hearing, I referred to the threat of AIG directly as one reason our hearing was timely. AIG had just the week before devalued its holdings by $5 billion because of one complex derivative—the credit default swap. I asked the Treasury Department, which appeared before my subcommittee that day, what guidance we might expect on the appropriate tax treatment of credit default swaps, since in their absence, investors were free to choose whatever seemed most convenient. Treasury said it was still under review.

Taxpayers and investors need clarity in the market with respect to these complex products. While some may blame mark-to-market accounting for the problems of individual companies, it merely exposed that these companies were holding worthless paper. And I believe news like that is better known earlier rather than later, and to all investors, not just insiders.

The global market for derivatives exceeds $500 trillion in notional value, according to the Bank for International Settlements. Hedging risks via derivatives is a normal practice of businesses, but the ''Wild West'' trading in these products must be addressed by regulation and transparency. Of course, all businesses would prefer to choose whichever accounting method makes them look the most profitable to investors and the least profitable to the IRS. But we need consistent rules and a system of valuing businesses which is fair to investors, regulators, and the tax collector.

A decade ago, I stood on the floor lamenting the near-crisis that Long Term Capital Management had created. I chastised Congress for ignoring the request of the regulator, CFTC, which had asked for more oversight over derivatives. Since then, we have seen Enron collapse and now our current crisis. Will things be different this time? I certainly hope that is the case. But changing the accounting rules mid-game, I believe, is a move in the wrong direction. I hope that the SEC will take the long view on this and study the issue before reversing any current accounting rules meant to provide greater transparency.

In 1999, I filed legislation to strengthen the constructive ownership rules so that investors in a hedge fund via a derivative could not avoid current taxation on income earned. This legislation was directly aimed at Long Term Capital Management and based on legislation my colleague and friend Representative Barbara Kennelly had previously filed. In 2002, I filed legislation to end the game of corporations betting on their own stock via derivatives. The Tax Code does not allow corporations to claim gains or losses when trading in its own stock, but that provision can be avoided through derivative transactions. This year, I filed legislation to require current taxation on prepaid forward contracts, as investors had been taking the position that no taxation was appropriate until the end of the contract, which could be 30 years hence.

I will continue my efforts to bring transparency to these products and to end the tax game on derivatives. Further, this bill affords us the opportunity to implement a regulatory structure that will result in a healthier market. On both fronts, I hope we will see action.

Mr. EDWARDS of Texas. Madam Speaker, having opposed the original Paulson plan, I will vote for the bipartisan economic recovery bill for two reasons. First, I believe our economy is dangerously close to a meltdown that could dramatically increase unemployment, hurt family businesses and put the retirement security of millions of working families and seniors at risk. Second, a number of taxpayer protections were added to the new bill, so that the cost of this bill will be ultimately paid by Wall Street and not by everyday citizens.

Had it not been for the ill-advised banking deregulation law passed in 1999, which I opposed, we would not be in this economic mess today. I hope some of the greedy Wall Street executives who have put our economy at risk will end up in: prison, but in the meantime we have a responsibility to try to stabilize our economy for the benefit of families and businesses on Main Street.

Unlike the original Paulson proposal, which had no oversight and very little protection for

taxpayers, this bipartisan bill includes a number of key improvements in it. First, it cuts in half—from $700 billion to $350 billion—the funding available to Secretary Paulson without additional congressional approval. Second, the bill sets up an extensive, independent oversight process rather than giving Mr. Paulson complete control of the funds. Third, and this is important, the bill says that after 5 years, any taxpayer costs not recouped by the sale of government purchased assets must be repaid by financial services corporations, not by everyday taxpayers. Fourth, the bill cracks down on any new golden parachutes for executives whose companies benefit from this bill.

There is no guarantee that this bill will prevent a recession, because our economy faces a lot of challenges right now, but I believe a failure to pass recovery legislation could potentially start a downward economic spiral that could put millions of jobs and families at risk. I am angered that Wall Street greed has put us in this' position, but as imperfect as this bill is, I believe the risk of inaction is far greater for our country and everyday citizens than the risk of this action.

Ms. HARMAN. Madam Speaker, recklessness on Wall Street and fecklessness in Washington have brought the American economy to the brink of disaster. Mounting corporate debts and collapsing real estate markets have all but frozen the flow of credit that is the life-blood of our system.

It is now clear that without immediate and dramatic action, we face an economic calamity—not just for Wall Street, but for small businesses, communities, and families around the country.

But while I agree that quick action is necessary, the Treasury Department's original three-page proposal—in essence ''Dear Congress, please send a $700 billion blank check, love, Hank.''—was a nonstarter.

We have come a long way in the past week, thanks mostly to tough negotiations by Democrats and the inclusion of improvements demanded by Senator OBAMA, my constituents, and others. The result is legislation that I can support.

The bill addresses the concerns of three important groups: families who are struggling to stay in their homes; small businesses and their employees; and taxpayers.

First, the legislation requires that the government renegotiate the terms, including principal, interest rates, or duration, of any mortgage owned in whole or in part by the Federal Government to prevent foreclosures and keep people in their homes. These provisions are vitally important.

The Government now controls Fannie Mae and Freddie Mac, which together own or back nearly 50 percent of the mortgages in America, and will be purchasing many thousands of new mortgages or shares of mortgages under this bill. The bill requires that the Government use its new market power to rework many of the flawed mortgages that are at the heart of this crisis. Done right, this effort can help families avoid the wrenching experiences of foreclosure and bankruptcy.

Second, it will allow all financial entities—big banks, regional banks, and local community banks—to sell off the toxic assets that have crippled the credit markets.

It also allows a 1-year write-off of losses stemming from the Government takeover of Fannie Mae and Freddie Mac, removing a major burden from the financial hubs of our communities.

This means capital that breathes life into our economy will flow not just to Wall Street, but to Artesia, Sepulveda, and Rosecrans Boulevards. As one of my constituents, a former auto mechanic, puts it: ''If there's no oil in the engine, the car won't run. You have to put the oil in from the top and clean the parts from the bottom.''

Third, the bill includes a number of provisions intended to minimize the costs to taxpayers. It requires that the Government buy assets, rather than merely cover corporate losses. These assets give the Government an equity stake in the companies it helps—like the stake Warren Buffett just bought in Goldman Sachs. Just like Buffett, taxpayers will profit from increases in these companies' stock prices when the economy recovers.

The bill includes tough new oversight and transparency provisions, including an oversight board appointed by Congress. It provides funding in installments—$250 billion at first; $100 billion after the President certifies that it's necessary; and the final $350 billion only if Congress allows funding to continue. It limits executive compensation and bans so-called ''golden parachutes'' for companies participating in the program.

And, if after 5 years the program has resulted in a loss to the Federal Government, the President must propose a fee on financial services companies to recoup the costs of the program. This means that those whose greed caused the problem will pay for it.

The bill is by no means perfect. Among other things, my preference would have been to include provisions that allow bankruptcy judges to rewrite mortgages of primary homes. But as a mother of four and now grandmother of three, I know life requires compromise.

Our action today does not mark the end of America's financial peril. Critical next steps must include substantial reform of the financial regulatory system, a task that will be a priority for a Democratic President and a larger Democratic majority in Congress.

But passage of this bill, I am now convinced, is urgent and necessary to reassure the American people and global financial markets that our economy is secure and major reforms are coming.

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

Pursuant to House Resolution 1517, the previous question is ordered.

The question is on the motion by the gentleman from Massachusetts (Mr. FRANK).

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

RECORDED VOTE

Mr. LINDER. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to concur with an amendment will be followed by a 5-minute vote on the motion to suspend the rules and pass H.R. 7175, if ordered.

The vote was taken by electronic device, and there were—ayes 205, noes 228, not voting 1, as follows:

[Roll No. 674]

AYES—205

Ackerman	Fossella	Murtha
Allen	Foster	Nadler
Andrews	Frank (MA)	Neal (MA)
Arcuri	Gilchrest	Oberstar
Bachus	Gonzalez	Obey
Baird	Gordon	Olver
Baldwin	Granger	Pallone
Bean	Gutierrez	Pelosi
Berman	Hall (NY)	Perlmutter
Berry	Hare	Peterson (PA)
Bishop (GA)	Harman	Pickering
Bishop (NY)	Hastings (FL)	Pomeroy
Blunt	Herger	Porter
Boehner	Higgins	Price (NC)
Bonner	Hinojosa	Pryce (OH)
Bono Mack	Hobson	Putnam
Boozman	Holt	Radanovich
Boren	Honda	Rahall
Boswell	Hooley	Rangel
Boucher	Hoyer	Regula
Boyd (FL)	Inglis (SC)	Reyes
Brady (PA)	Israel	Reynolds
Brady (TX)	Johnson, E. B.	Richardson
Brown (SC)	Kanjorski	Rogers (AL)
Brown, Corrine	Kennedy	Rogers (KY)
Calvert	Kildee	Ross
Camp (MI)	Kind	Ruppersberger
Campbell (CA)	King (NY)	Ryan (OH)
Cannon	Kirk	Ryan (WI)
Cantor	Klein (FL)	Sarbanes
Capps	Kline (MN)	Saxton
Capuano	LaHood	Schakowsky
Cardoza	Langevin	Schwartz
Carnahan	Larsen (WA)	Sessions
Castle	Larson (CT)	Sestak
Clarke	Levin	Shays
Clyburn	Lewis (CA)	Simpson
Cohen	Lewis (KY)	Sires
Cole (OK)	Loebsack	Skelton
Cooper	Lofgren, Zoe	Slaughter
Costa	Lowey	Smith (TX)
Cramer	Lungren, Daniel E.	Smith (WA)
Crenshaw	Mahoney (FL)	Snyder
Crowley	Maloney (NY)	Souder
Cubin	Markey	Space
Davis (AL)	Marshall	Speier
Davis (CA)	Matsui	Spratt
Davis (IL)	McCarthy (NY)	Tancredo
Davis, Tom	McCollum (MN)	Tanner
DeGette	McCrery	Tauscher
DeLauro	McDermott	Towns
Dicks	McGovern	Tsongas
Dingell	McHugh	Upton
Donnelly	McKeon	Van Hollen
Doyle	McNerney	Velázquez
Dreier	McNulty	Walden (OR)
Edwards (TX)	Meek (FL)	Walsh (NY)
Ehlers	Meeks (NY)	Wasserman Schultz
Ellison	Melancon	Waters
Ellsworth	Miller (NC)	Watt
Emanuel	Miller, Gary	Waxman
Emerson	Miller, George	Weiner
Engel	Mollohan	Weldon (FL)
Eshoo	Moore (KS)	Wexler
Etheridge	Moore (WI)	Wilson (NM)
Everett	Moran (VA)	Wilson (OH)
Farr	Murphy (CT)	Wilson (SC)
Fattah	Murphy, Patrick	Wolf
Ferguson		

NOES—228

Abercrombie	Buchanan	Davis, David
Aderholt	Burgess	Davis, Lincoln
Akin	Burton (IN)	Deal (GA)
Alexander	Butterfield	DeFazio
Altmire	Buyer	Delahunt
Baca	Capito	Dent
Bachmann	Carney	Diaz-Balart, L.
Barrett (SC)	Carson	Diaz-Balart, M.
Barrow	Carter	Doggett
Bartlett (MD)	Castor	Doolittle
Barton (TX)	Cazayoux	Drake
Becerra	Chabot	Duncan
Berkley	Chandler	Edwards (MD)
Biggert	Childers	English (PA)
Bilbray	Clay	Fallin
Bilirakis	Cleaver	Feeney
Bishop (UT)	Coble	Filner
Blackburn	Conaway	Flake
Blumenauer	Conyers	Forbes
Boustany	Costello	Fortenberry
Boyda (KS)	Courtney	Foxx
Braley (IA)	Cuellar	Franks (AZ)
Broun (GA)	Culberson	Frelinghuysen
Brown-Waite, Ginny	Cummings	Gallegly
	Davis (KY)	Garrett (NJ)

Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Graves
Green, Al
Green, Gene
Grijalva
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Hill
Hinchey
Hirono
Hodes
Hoekstra
Holden
Hulshof
Hunter
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kaptur
Keller
Kilpatrick
King (IA)
Kingston
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Latta
Lee
Lewis (GA)
Linder
Lipinski
LoBiondo
Lucas
Lynch
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McIntyre
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Napolitano
Neugebauer
Nunes
Ortiz
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Peterson (MN)
Petri
Pitts
Platts
Poe
Price (GA)
Ramstad
Rehberg
Reichert
Renzi
Rodriguez
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Rothman
Roybal-Allard
Royce
Rush
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Scalise
Schiff
Schmidt
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Smith (NE)
Smith (NJ)
Solis
Stark
Stearns
Stupak
Sullivan
Sutton
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Visclosky
Walberg
Walz (MN)
Wamp
Watson
Welch (VT)
Westmoreland
Whitfield (KY)
Wittman (VA)
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—1

Weller

□ 1407

Messrs. SULLIVAN and RUSH changed their vote from ''aye'' to ''no.''

Mr. RADANOVICH changed his vote from ''no'' to ''aye.''

So the motion was rejected.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. BARTON of Texas. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. BARTON of Texas. As the vote currently stands, the ''noes'' have it, and I am on the prevailing side.

If I were to move to reconsider, when would the Chair bring the bill back up?

The SPEAKER pro tempore. The motion to reconsider would be entertained and disposed of at this time.

Mr. BARTON of Texas. It would be immediately. Is that not at the discretion of the Chair?

The SPEAKER pro tempore. If the motion is offered, the Chair will put the question.

Mr. BARTON of Texas. Madam Speaker, I withdraw.

The SPEAKER pro tempore. Without objection, the motion to reconsider is laid upon the table.

There was no objection.

SMALL BUSINESS FINANCING IMPROVEMENTS ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 7175.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the bill, H.R. 7175.

The question was taken.

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

RECORDED VOTE

Mr. CHABOT. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 374, noes 6, not voting 53, as follows:

[Roll No. 675]

AYES—374

Abercrombie
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Campbell (CA)
Cannon
Cantor
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Courtney
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Heller
Hensarling
Herger
Herseth, Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Hoekstra
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
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
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
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Space
Speier
Spratt
Stearns
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—6

Bishop (UT)
Broun (GA)
Flake
Goode
Paul
Poe

NOT VOTING—53

Ackerman
Baca
Berkley
Berman
Berry
Burgess
Buyer
Calvert
Camp (MI)
Capito
Clay
Cleaver
Conyers
Costello
Cramer
Crenshaw
Delahunt
Everett
Gallegly
Green, Gene
Grijalva
Gutierrez
Hastings (WA)
Hinojosa
Hobson
Holden
Hulshof
Keller
Knollenberg
LaHood
Linder
Lucas
Marchant
McCollum (MN)
McNulty
Miller, Gary
Miller, George
Nadler
Rangel
Sanchez, Loretta
Shimkus
Simpson
Snyder
Stark
Stupak
Tancredo
Thornberry
Udall (CO)
Wamp
Welch (VT)
Weldon (FL)
Weller
Wexler

□ 1417

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.

Stated for:

Mr. GUTIERREZ. Madam Speaker, I was unavoidably absent from this Chamber for a short period today. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall vote 675.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington, DC, September 27, 2008.

Hon. NANCY PELOSI,

Speaker of the House, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: On September 24, 2008, the Committee on Transportation and Infrastructure met in open session to consider 28 resolutions for the U.S. Army Corps of Engineers, in accordance with 33 U.S.C. §542. The resolutions authorize Corps surveys (or studies) of water resources needs and possible solutions. The Committee adopted the resolutions by voice vote with a quorum present.

Enclosed are copies of the resolutions adopted by the Committee.

Sincerely,

JAMES L. OBERSTAR.

Enclosure.

RESOLUTION—DOCKET 2791—ANDERSON COUNTY, SOUTH CAROLINA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on the Savannah River, Georgia, published in House Document 657, 78th Congress, and other pertinent reports, to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of flood damage reduction, and other allied purposes for Anderson County, South Carolina and contiguous areas.

RESOLUTION—DOCKET 2792—GULF INTRACOASTAL WATERWAY SHORELINE PROTECTION, LOUISIANA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Ammy review the reports of the Chief of Engineers on the Mermentau River published in Senate Document 231, 79th Congress, Second Session; on the Vermillion and Bayou Teche, Louisiana, published in Senate Document 93, 77th Congress, First Session; and the unpublished report of the Chief of Engineers on Calcasieu River submitted to Congress August 25, 1949; and other pertinent reports, related to the Gulf Intracoastal Waterway to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of providing shoreline protection, and other allied purposes along the Gulf Intracoastal Waterway in Calcasieu, Cameron, and Vermillion Parishes, Louisiana.

RESOLUTION—DOCKET 2793—ST. LANDRY AND ACADIA PARISHES, LOUISIANA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on the Mermentau River published in Senate Document 231, 79th Congress, Second Session, and other pertinent reports, to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of flood damage reduction, environmental restoration, recreation, and other related purposes in the vicinity of St. Landry and Acadia Parishes, Louisiana.

RESOLUTION—DOCKET 2794—VINTON HARBOR AND TERMINAL DISTRICT, VINTON, LOUISIANA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the unpublished report of the Chief of Engineers on Calcasieu River submitted to Congress August 25, 1949, and other pertinent reports, to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of flood damage reduction, environmental restoration, navigation, and other related purposes in Calcasieu Parish, Louisiana, between the City of Vinton and the Gulf Intracoastal Waterway.

RESOLUTION—DOCKET 2795—MERMENTAU RIVER BASIN, ABBEVILLE/LAKE CHARLES, LOUISIANA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on the Mermentau River published in Senate Document 231, 79th Congress, Second Session, and other pertinent reports, to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of environmental restoration, flood damage reduction, recreation, and other related purposes in Vermillion, Cameron, and Calcasieu Parishes, Louisiana.

RESOLUTION DOCKET 2796—SUNBURY, NORTHUMBERLAND COUNTY, PENNSYLVANIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on the Susquehanna River in Sunbury, Pennsylvania, published as House Document 366, 76th Congress, First Session, and other pertinent reports, to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of watershed management, flood damage reduction, streambank stabilization, environmental restoration, recreation, and other related purposes for the Susquehanna River, Sunbury, Pennsylvania.

RESOLUTION—DOCKET 2797—LINE CREEK WATERSHED, KANSAS CITY, KANSAS AND MISSOURI

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on the Missouri River and Tributaries at Kansas City, Missouri and Kansas, published as House Document 342, 78th Congress, and other pertinent reports, to determine whether any modifications of the recommendations contained therein are advisable at the present rime in the interest of watershed management, flood damage reduction, environmental restoration, recreation, and other related purposes for the Line Creek watershed, Kansas City, Missouri.

RESOLUTION—DOCKET 2798—TURTLE CREEK BASIN, PENNSYLVANIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on the Turtle Creek Basin, Pennsylvania, published as House Document 390, 89th Congress, and other pertinent reports, to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of flood damage reduction, including structural and non-structural measures, stream bank protection, storm water management, and watershed management for the Turtle Creek Basin, Pennsylvania.

RESOLUTION—DOCKET 2799—UPPER SUSQUEHANNA RIVER BASIN, NEW YORK

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on the Susquehanna River, New York, Pennsylvania, and Maryland, published as House Document 702, 77th Congress, and other pertinent reports, to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of flood damage reduction, including an evaluation of the effectiveness of the existing flood control system in light of current and projected future conditions, and in the interest of comprehensive watershed management, including environmental restoration, structural and non-structural flood damage reduction, and related purposes for the Upper Susquehanna River Basin, within Tioga, Broome, Chenago, Cortland, Otsego, Delaware, Schoharie, Herkimer, Oneida, Madison, Onondaga, Tompkins, Schuyler, and Chemung Counties, New York.

RESOLUTION—DOCKET 2800—MOHICAN RIVER (BLACK AND ROCKY FORKS), OHIO

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on the Ohio River, published as House Document 306, 74th Congress, First Session, and other pertinent reports, to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of flood damage reduction and other related purposes within the Black Fork and Rocky Fork sub-watersheds of the Mohican River in Richland County, Mansfield and Shelby, Ohio.

RESOLUTION—DOCKET 2801—MORGAN AND SCOTT COUNTIES, ILLINOIS

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on the Illinois River and Tributaries, Wisconsin, Indiana, and Illinois, published as House Document 472, 87th Congress, Second Session, and other pertinent reports, to determine whether any modifications of the recommendations contained therein are advisable at the present time including an evaluation of existing federal and non-federal levees, in the interest of flood damage reduction, environmental restoration, recreation, and other related purposes, in Morgan and Scott Counties, Illinois.

RESOLUTION—DOCKET 2802—HENRY COUNTY, GEORGIA

Resolved by the Committee on Transportation and Infrastructure of the United

States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on the Altamaha, Oconee, and Ocmulgee Rivers, Georgia, published in accordance with House Docket Number 68, 81st Congress, and other related reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of flood damage reduction, environmental restoration, and other allied purposes, for Henry County, Georgia and contiguous areas.

RESOLUTION—DOCKET 2803—BLUE RIVER BASIN, MISSOURI AND KANSAS

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on the Blue River Basin in Missouri and Kansas, published as House Document 332, 91st Congress, and other pertinent reports, to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of a flood damage reduction, environmental restoration, recreation, and other related purposes for the Blue River Basin, City of Kansas City, Missouri, and Johnson County, Kansas.

RESOLUTION—DOCKET 2804—KANSAS RIVER, KANSAS

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on the Kansas River and Tributaries, Kansas, authorized in accordance with House Document 642, 81st Congress, 2nd Session, and other related reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of streambank erosion control in the Kansas River, Kansas.

RESOLUTION—DOCKET 2805—PRITCHARD INTERMODAL FACILITY, WEST VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on the Ohio River and Tributaries, Pennsylvania, Ohio and West Virginia, published as accordance with House Documents Numbered 492, 60th Congress and 306, 74th Congress, 1st Session, and House Committee on Flood Control Document 1, 75th Congress, 1st Session, and other pertinent reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of extending commercial navigation access on the Big Sandy River to Mile 18.0 through Cabell, and Wayne Counties in West Virginia and Boyd and Lawrence Counties in Kentucky.

RESOLUTION—DOCKET 2806—BUCKS COUNTY, PENNSYLVANIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on the Delaware River and Tributaries, Pennsylvania, New Jersey and New York, authorized in accordance with House Document 522, 87th Congress, 2nd Session, and other pertinent reports, to determine whether my modifications of the recommendations contained therein are advisable at the present time in the interest of flood damage reduction, environmental restoration, regional sediment management, water quality control, recreation, and other allied purposes, in Bucks County Streams, Pennsylvania.

RESOLUTION—DOCKET 2807—WISSAHICKON CREEK, PENNSYLVANIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on the Schuylkill River, Pennsylvania, published as House Document 529, 89th Congress, and the report of the Chief of Engineers on the Delaware River, Delaware, authorized in accordance with House Document 522, 87th Congress, as it relates to the Wissahickon Creek, and other related reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of flood damage reduction, environmental restoration, regional sediment management, water supply, recreation, water quality, and other allied purposes, in the Wissahickon Creek, Pennsylvania.

RESOLUTION—DOCKET 2808—SAN LORENZO CREEK, ALAMEDA COUNTY, CALIFORNIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on the San Lorenzo Creek, California, authorized in accordance with Section 203 of the Flood Control Act of 1954 (Public Law 780), and House Document 452, 83rd Congress, 2nd Session, and other pertinent reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of flood damage reduction and other allied purposes, in San Lorenzo Creek, Alameda County, California.

RESOLUTION—DOCKET 2809—WOLF CREEK, BARBERTON, OHIO

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on the Ohio River and its tributaries, published in accordance with House Document 306, 74th Congress, 1st Session, and other related reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of flood damage reduction, environmental restoration, and other allied purposes, in the Wolf Creek Watershed, Summit and Medina Counties, Ohio and Barberton, Ohio.

RESOLUTION—DOCKET 2810—SALT RIVER WATERSHED, HUMBOLDT COUNTY, CALIFORNIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on the Salt River Watershed, Humboldt County, California, authorized in accordance with Section 209 of the Flood Control Act of 1962, 87th Congress, and other related reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of flood damage reduction, environmental restoration, and other allied purposes, in the Salt River Watershed, Humboldt County, California.

RESOLUTION—DOCKET 2811—FALL RIVER, MASSACHUSETTS

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on the Land and Water Resources of the New England-New York Region published as Senate Document 14, 85th Congress, 1st Session, and other related reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of environmental restoration in the coastal and riverine areas of Fall River, Massachusetts and other locations within the Taunton River Watershed.

RESOLUTION—DOCKET 2812—OCEAN COUNTY STREAMS AND ESTUARIES, NEW JERSEY

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on the Barnegat Inlet, New Jersey, published as House Document 358, 79th Congress, 1st Session, and other related reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of environmental restoration, riparian habitat improvement, regional sediment management, flood damage reduction, beneficial uses of dredged material, and other allied purposes, in Ocean County, New Jersey.

RESOLUTION—DOCKET 2813—ADAMS AND DENVER COUNTIES, COLORADO

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on the South Platte River and Tributaries, Colorado, Wyoming and Nebraska, published as House Document 669, 80th Congress, and other related reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of flood damage reduction, floodplain management, water supply, water quality improvement, recreation, environmental restoration, watershed management, and other allied purposes, in Adams and Denver Counties, Colorado.

RESOLUTION—DOCKET 2814—EAST ROCKAWAY, NEW YORK

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on the Shorefront from Jones Inlet to Rockaway Inlet, New York, published in accordance with House Document 2102, 64th Congress, 2nd Session, and other pertinent reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of navigation, streambank stabilization, flood damage reduction, floodplain management, water quality, sediment control, environmental restoration, and other allied purposes, in Hewlett Bay, East . Rockaway, New York, and its tributaries.

RESOLUTION—DOCKET 2815—NASSAU COUNTY, NEW YORK

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on the Shorefront from Jones Inlet to Rockaway Inlet, New York, authorized in accordance with House Document 2102, 64th Congress, 2nd Session, and other pertinent reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of navigation, streambank stabilization, flood damage reduction, floodplain management, water quality, sediment control, environmental restoration, and other allied purposes, in Bay Park, New York, and its tributaries.

RESOLUTION—DOCKET 2816—COWEEMAN RIVER, WASHINGTON

Resolved by the Committee on Transportation and Infrastructure of the United

States House of Representatives, That the Secretary of the Army review reports for Mt. St. Helens including: Lower Cowlitz and Coweeman River Level of Protection Analysis, including Hydrologic Analysis (unpublished analysis/model USACE, Portland District) November 2006, Mount St Helens Engineering Reanalysis, Hydrologic, Hydraulics, Sedimentation & Risk Analysis, Design Document Report April 2002, Mount St. Helens, Washington Decision Document, Toutle, Cowlitz & Columbia Rivers, Oct. 1985, and House Document 2577, Supplemental Appropriations for fiscal year 1985, 99th Congress, and other pertinent reports, to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of flood damage reduction for Kelso, Washington.

RESOLUTION—DOCKET 2817—ROCK CREEK, STEVENSON, WASHINGTON

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review all reports for the Bonneville Project published as House Document 531, 81st Congress, second session, and other pertinent reports, to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of flood damage reduction for Rock Creek, near the confluence with the Columbia River at Stevenson, Washington.

RESOLUTION—DOCKET 2818—ALBANY CANAL, ALBANY, OREGON

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review reports for Willamette basin published as House Document 531, 81st Congress, second session, and other pertinent reports pertaining to the Santiam-Albany Canal at Albany, Oregon to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of flood damage reduction, environmental restoration, water quality, and stream bank stabilization for Santiam-Albany Canal, Albany, Oregon.

There was no objection.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, September 28, 2008.

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

DEAR MADAM SPEAKER: On September 24, 2008, the Committee on Transportation and Infrastructure met in open session to consider 35 resolutions to authorize appropriations for the General Services Administration's (''GSA'') FY 2009 Capital Investment and Leasing Program, including four construction resolutions (authorizing $937.6 million), five repair and alteration resolutions (authorizing $282.4 million), and 26 lease resolutions (authorizing 210.5 million annually). The Committee adopted the resolutions by voice vote with a quorum present.

Enclosed are copies of the resolutions adopted by the Committee on Transportation and Infrastructure on September 24, 2008.

Sincerely,

JAMES L. OBERSTAR,
Chairman.

Enclosures.

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

AMENDED COMMITTEE RESOLUTION

ALTERATION
WEST WING INFRASTRUCTURE SYSTEMS REPLACEMENT
WASHINGTON, DC
PDS-02008

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. § 3307, appropriations are authorized for repairs and alterations to the West Wing of the White House located at 1600 Pennsylvania Avenue, NW, in Washington DC, at design and review costs of $15,934,000, a prospectus for which is attached to and included in this resolution. This resolution amends the Committee resolution of May 23, 2007.

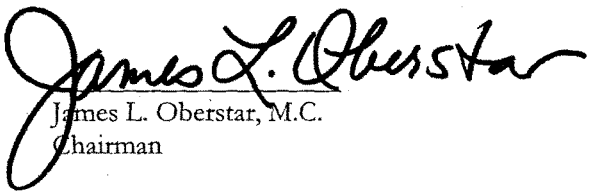
Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration ("GSA") shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the U.S. House of Representatives and the Committee on Environment and Public Works of the U.S. Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rational for GSA's decision.

Provided further, that beginning on the date of approval of this resolution, GSA shall, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out alteration, design, or construction projects.

Provided further, that beginning on the date of approval of this resolution, each alteration, design, or construction prospectus submitted by GSA shall include an estimate of the future energy performance of the building and specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Adopted: **September 24, 2008**



James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS – ALTERATION
Amended Prospectus for Design

Description
The General Services Administration (GSA) is seeking authorization for a design project during FY 2008 that we will schedule for construction in a future year. A project description is attached.

Justification
By seeking authority to start the design for a project prior to construction phase funding, an orderly and timely accomplishment of a planned program is ensured. Under the separate funding approach, we will submit a construction prospectus for a project along with the budget request.

Recommendation
Authorize design for $15,934,000 for the project attached. The construction costs indicated at this time are preliminary and will be refined and finalized prior to future requests for funding.

Authority Requested in this Prospectus ..... $15,934,000[1]

Certification of Need

The proposed project is the best solution to meet validated Government needs.

Submitted at Washington, DC, on February 14, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Administrator, General Services Administration

[1] This amended prospectus requests authorization to support GSA's proposed FY2008 reprogramming request for the design of the West Wing Infrastructure Systems Replacement project. Although our reprogramming seeks funding for the design of Phase 1 at this time, GSA is requesting authorization the design of Phase 1 and 2 of the West Wing project.

GSA PBS

PROSPECTUS – ALTERATION
Amended Prospectus for Design

FISCAL YEAR 2008 ALTERATION DESIGN PROJECTS
(Alphabetical by State)

LOCATION	FY 2008 FUNDING
Washington, DC	
Heating, Operations and Transmission District	$1,593,000
Kansas City, MO	
Richard Bolling Federal Building	$5,779,000
TOTAL	**$7,372,000**[2]

LOCATION	FY 2008 REPROGRAMMING
Washington, DC	
West Wing Infrastructure Systems Replacement	$9,689,000

[2] Through Public Law 110-161, Congress appropriated this amount.

GSA PBS

PROSPECTUS – ALTERATION
Amended Prospectus for Design

Prospectus Number: PDS-02008

PROJECT:	Heating, Operations and Transmission District
LOCATION:	Washington, DC
ESTIMATED TOTAL PROJECT COST:	$26,499,000
DESIGN:	$1,593,000[3]
CONSTRUCTION:	$22,744,000
MANAGEMENT & INSPECTION:	$2,162,000
DESIGN (FY2008 Funding):	$1,593,000

WORK ITEMS SUMMARY:
Replace HVAC piping, exterior construction, sitework.

DESCRIPTION:
The GSA Heating, Operations and Transmission District (HOTD) steam heating system is a mechanical structure of steam production equipment and distribution and condensate return piping of largely steel and wrought iron components. It is an energy utility constructed in the 1930s and 1940s to provide steam heating to Federal and District of Columbia government buildings in downtown Washington, DC.

The proposed project consists of the replacement of old and deteriorated underground main steam and condensate lines in the system that are the trunk lines leading to the individual building steam supply and condensate return service lines. It also includes other site-work such as shoring, restoring the sidewalk, curbs and pavement, temporary lighting and ground heating for winter work. Replacing these lines will improve steam service reliability, prevent future line ruptures, and improve overall system efficiency through better-insulated lines, and increased condensate return to the heating plant.

[3] Authorized by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works on May 23 and September 20, 2007, respectively.

GSA PBS

PROSPECTUS – ALTERATION
Amended Prospectus for Design

Prospectus Number: PDS-02008
Congressional District: 05

PROJECT:	Richard Bolling Federal Building (Phase IV)
LOCATION:	Kansas City, MO
ESTIMATED TOTAL PROJECT COST:	$263,910,000
DESIGN:	$15,917,000
CONSTRUCTION:	$225,760,000
MANAGEMENT & INSPECTION:	$22,233,000
AUTHORIZATION REQUESTED: (Design)	N/A[4]
DESIGN (FY2008 Funding):	$5,779,000

WORK ITEM SUMMARY
Interior space alterations; window refurbishment; HVAC, plumbing, mechanical, electrical, and lighting systems upgrades; roofing replacement; structural modifications; asbestos and lead paint abatement; sub-basement mechanical system, and lobby renovations.

DESCRIPTION
The Richard Bolling Federal Building is an 18-story, pre-cast concrete clad office building constructed in 1965, and situated on a 2-block site at 601 East 12th Street in the central business district. The building has 1,236,435 gross square feet, (797,103 usable square feet), a basement, a first floor parking garage for 124 vehicles, and an adjacent 432-space visitor and employee parking lot. It presently houses 4,500 government employees.

GSA proposes abatement and renovation for floors one through three, floor 17, ground, basement and the sub-basement in Phase IV. This project will continue the planned full modernization begun under the prospectus PMO-01001 approved by Congress in FY 2001 to modernize floors 15, 16, and 18, which included asbestos and lead paint abatement, roof replacement, window refurbishment, mechanical, electrical, and lighting systems upgrades, and alteration of interior space. An amended prospectus (PMO-127-KC07) requesting additional authorization for exterior work, modernizing the sub-basement, a new lobby entrance, and additional asbestos and lead abatement was approved in FY 2007. Phase II includes the modernization of floors 10-14 and Phase III will cover floors four through nine.

[4] The design for the Richard Bolling Federal Building in Kansas City, MO was fully authorized by both the House Committee on Transportation and Infrastructure and Senate Committee on Environment and Public Works in fiscal years 1999, 2001, 2004, and 2007. No additional authorization for design is required.

GSA PBS

PROSPECTUS – ALTERATION
Amended Prospectus for Design

Prospectus Number: PDS-02008

PROJECT:	West Wing Infrastructure Systems Replacement
LOCATION:	Washington, DC
ESTIMATED TOTAL PROJECT COST:	$172,621,000
DESIGN:	$15,934,000
CONSTRUCTION:	$144,271,000
MANAGEMENT & INSPECTION:	$12,416,000
AUTHORITY REQUESTED IN FY2008 (Design):	$15,934,000[5]
AMOUNT REQUESTED IN FY2008 (Design):	$9,689,000[6]

WORK ITEM SUMMARY:
Construction of new primary mechanical and electrical rooms; rerouting all utility services; upgrade of both primary and secondary electrical and HVAC systems and equipment that serve the interior of the West Wing; upgrade portion of the plumbing systems; installation of fire suppression system, physical security distribution equipment, and fiber optic IT services; and the construction of new access pathway.

DESCRIPTION:
Originally constructed in 1902, the West Wing functions as the day-to-day operations center for the Executive Office of the President and their support staff.

A study of the electrical and mechanical systems of the West Wing was recently completed and the findings are that there is critical need for immediate replacement of the aged and failing systems to prevent imminent equipment failure and the resultant interruption of services. There is currently no spare or redundant HVAC equipment for the West Wing and this has prevented shutdown for testing and maintenance of the equipment for many years. In addition to the HVAC equipment, the West Wing electrical systems have reached the end of their reliable productivity and would likely result in a loss of continuity of operations should they fail. A separate study is currently underway to examine the condition of the secondary distribution systems that serve the interior of the West Wing.

[5] GSA requests authority for the design of both Phases I and II of the proposed West Wing Infrastructure Systems Replacement project. GSA is currently studying the related secondary distribution and branch systems. At this time, the design estimate for Phase II is $6,245,000.

[6] This request is for design effort of Phase I. GSA is seeking this funding through a proposed FY2008 reprogramming action.

GSA PBS

PROSPECTUS – ALTERATION
Amended Prospectus for Design

In order to secure continuous, reliable service to the West Wing, GSA proposes replacing all primary HVAC and electrical systems in Phase 1 and follow with Phase 2 which will upgrade the secondary distribution systems that serve the interior of the West Wing. The proposed total project includes the construction of new mechanical and electrical rooms to support new services, including fire suppression and detection systems, HVAC systems, electrical services equipment and wiring, fire and life safety upgrades, a physical security system, fiber optic IT systems and select replacement of structural and architectural elements disturbed during the systems replacement work. In addition, the construction of a new, accessible utility pathway to include all of the rerouted utility services will allow GSA to operate, maintain, and repair infrastructure, services, and equipment as required.

U.S. House of Representatives

Committee on Transportation and Infrastructure

Washington, DC 20515

James L. Oberstar
Chairman

John L. Mica
Ranking Republican Member

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

ALTERATION
ENERGY AND WATER RETROFIT AND CONSERVATION MEASURES PROGRAM
VARIOUS BUILDINGS
PEW-2009

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. § 3307, appropriations are authorized to implement energy and water retrofit and conservation measures in Government-owned buildings during fiscal year 2009, at a proposed cost of $36,647,000, a prospectus for which is attached to and included in this resolution.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: September 24, 2008

James L. Oberstar

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS - ALTERATION
ENERGY AND WATER RETROFIT AND CONSERVATION MEASURES PROGRAM
VARIOUS BUILDINGS

Prospectus Number: PEW-2009

Program Summary

This alteration prospectus proposes the implementation of energy and water retrofit and conservation measures in Government-owned buildings during fiscal year 2009. Projects, to be accomplished in Federal buildings throughout the country, are currently being identified through surveys and studies. The projects to be funded will have positive savings-to-investment ratios, will provide reasonable payback periods, and may generate rebates and savings from utility companies and incentives from grid operators. Projects will vary in size, by location, and by delivery method. This prospectus requests authority to fund energy and water retrofit work. The authority requested in this prospectus is for a diverse set of retrofit projects with engineering solutions to reduce energy or water consumption and/or costs.

Justification:

The Energy Policy Act of 2005 (Public Law 109-58) requires a 2% energy usage reduction as measured in BTU/GSF per year from 2006 through 2015 over a 2003 baseline. Additionally, this act sets a mandate to install advanced meters for electricity in all buildings by 2012. Guidance issued by the Department of Energy pursuant to this requirement states that savings anticipated from advanced metering can range from 2% to 45% annually when used in combination with continuous commissioning efforts. Executive Order 13423 on Strengthening Environmental, Energy and Transportation Management not only increased the energy reduction mandates to 3% per year but also established a water reduction mandate of 2% per year based on a 2007 baseline as measured in gallons/gsf.

Guidance issued by the Department of Energy pursuant to this requirement states that savings anticipated from advanced metering can range from 2 percent to 45 percent annually when used in combination with continuous commissioning efforts. Executive Order 13423 on Strengthening Environmental, Energy and Transportation Management not only increased the energy reduction mandates to 3 percent per year, but also established a water reduction mandate of 2 percent per year based on a 2007 baseline as measured in gallons/gsf.

By the year 2015, all Federal agencies are directed to reduce overall energy use in Federal buildings they operate by 30 percent from 2003 levels and reduce overall water use by 16 percent from 2007 levels. Increased energy and water efficiency in buildings and operations will require capital investment for changes and modifications to physical systems which consume energy and water.

In addition, the Energy Independence and Security Act of 2007 includes provisions that exceed the requirements of the Energy Policy Act of 2005. One such long term requirement is to eliminate fossil fuel generated energy consumption in new and renovated Federal buildings by FY 2030 by achieving targeted reductions beginning with projects designed in FY 2010. Other shorter term measures include increased use of energy efficient lighting, use of heat pumps in GSA facilities, and other measures that impact acquisition of new or newly-renovated space.

GSA PBS

PROSPECTUS - ALTERATION
ENERGY AND WATER RETROFIT AND CONSERVATION MEASURES PROGRAM
VARIOUS BUILDINGS

Prospectus Number: PEW-2009

Between fiscal years 1994 and 1997, Congress authorized $195,990,000 for energy retrofit projects. Approval of this fiscal year 2009 request will enable GSA to continue to provide leadership in energy/water conservation and efficiency to both the public and private sectors.

Authorization Requested.....**$36,647,000**

Potential projects to be accomplished in Federal buildings throughout the country are currently being identified through surveys and studies. The projects to be funded will have positive savings-to-investment ratios, will provide reasonable payback periods, and may generate rebates and savings from utility companies and incentives from grid operators. Projects will vary in size by location and by delivery method. Typical projects include the following:

- Upgrading heating, ventilating, and air-conditioning (HVAC) systems with new high efficiency systems including the installation of energy management control systems.
- Altering constant volume air distribution systems to variable air flow systems by the addition of variable air flow boxes, fan volume control dampers, and related climatic controls.
- Installing building automation control systems, such as night setback thermostats and time clocks, to control HVAC systems.
- Installing new or modifying existing temperature control systems.
- Replacing electrical motors with multi-speed or variable-speed motors.
- Installing automatic occupancy light controls, lighting fixture modifications and associated wiring to reduce the electrical consumption per square foot through the use of higher efficiency lamps and use of non-uniform task lighting design.
- Insulating roofs, pipes, HVAC duct work, and mechanical equipment.
- Installing and caulking storm windows and doors to prevent the passage of air and moisture through the building envelope.
- Providing advanced Metering projects which enable building managers to better monitor and optimize energy performance.
- Providing and implementing water conservation projects.

GSA PBS

PROSPECTUS - ALTERATION
ENERGY AND WATER RETROFIT AND CONSERVATION MEASURES PROGRAM
VARIOUS BUILDINGS

Prospectus Number: PEW-2009

- Providing renewable projects including photovoltaic systems, solar hot water systems, wind turbines, and geothermal systems.

- Providing distributed generation systems.

Certification of Need:

It has been determined that the practical solution to achieving the identified building energy and water management goals is to proceed with the energy and water retrofit work indicated above.

Submitted at Washington, DC, on February 26, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Administrator, General Services Administration

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

John L. Mica
Ranking Republican Member

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

ALTERATION
WEST WING INFRASTRUCTURE SYSTEMS REPLACEMENT
WASHINGTON, DC
PDC-0017-WA09

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. § 3307, appropriations are authorized for repairs and alterations to the West Wing of the White House located at 1600 Pennsylvania Avenue, NW, in Washington DC, at design and review costs of $6,245,000, management and inspections costs of $12,416,000, and estimated construction costs of $144,271,000, at a proposed total costs of $162,932,000, a prospectus for which is attached to and included in this resolution.

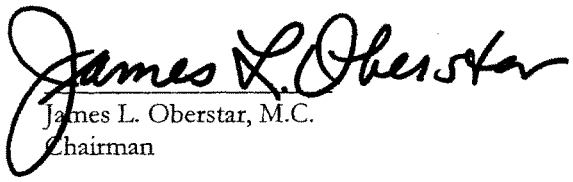
Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration ("GSA") shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the U.S. House of Representatives and the Committee on Environment and Public Works of the U.S. Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA's decision.

Provided further, that beginning on the date of approval of this resolution, GSA shall, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out alteration, design, or construction projects.

Provided further, that beginning on the date of approval of this resolution, each alteration, design, or construction prospectus submitted by GSA shall include an estimate of the future energy performance of the building and specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Adopted: September 24, 2008



James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS - ALTERATION
WEST WING INFRASTRUCTURE SYSTEMS REPLACEMENT
WASHINGTON, DC

Prospectus Number: PDC-0017-WA09

Project Summary

The General Services Administration (GSA) proposes repair and alterations to the West Wing of the White House located at 1600 Pennsylvania Avenue, NW, Washington, DC. The proposed project will replace the West Wing's dated primary utility services, select equipment and facilities, and the secondary distribution throughout the interior of the West Wing, thus providing continuous reliable service to the occupants of the West Wing.

Major Work Items

Demolition and abatement, site work, structural and finishes work, fire suppression system, mechanical systems, electrical systems and fire alarm, physical security, and information technology systems.

Project Budget

Design and Review	
Phase 1 (FY2008 Reprogramming)	$9,689,000
Phase 2 (Future funding request)	6,245,000
Design and Review Subtotal	**$15,934,000**
Estimated Construction Cost (ECC)	
Phase 1 (FY2009)	70,271,000
Phase 2 (Future funding request)	74,000,000
ECC Subtotal	**$144,271,000**
Management and Inspection (M&I)	
Phase 1 (FY2009)	6,216,000
Phase 2 (Future funding request)	6,200,000
M&I Subtotal	**$12,416,000**
Estimated Total Project Cost (ETPC)*	**$172,621,000**

*Tenant agencies may fund an additional amount for alterations above the standard normally provided by the GSA.

Authorization Requested (Design, ECC, M&I)	$162,932,000
FY09 Funding Requested (Phase I ECC and M&I)	$76,487,000

GSA PBS

PROSPECTUS - ALTERATION
WEST WING INFRASTRUCTURE SYSTEMS REPLACEMENT
WASHINGTON, DC

Prospectus Number: PDC-0017-WA09

Prior Authority and Funding

- Authorization pending for Design (FY2008)
  As part of a FY2008 reprogramming request, GSA is seeking $9,689,000 for the design of Phase I.

Prior Prospectus-Level Projects in Building (past 10 years):
None

Schedule	Start	End
Design	FY2008	FY2010
Construction	FY2009	FY2012

Building
Originally constructed in 1902, The West Wing is the part of the White House in which the Oval Office, the Cabinet Room, and the Situation Room are located. It serves as the day-to-day office of the President of the United States. The West Wing is roughly 30,000 gross square feet and includes offices for senior members of the Executive Office of the President of the United States and their support staff.

Tenant Agencies
Executive Office of the President of the United States

Proposed Project
A study of the electrical and mechanical systems of the West Wing was recently completed and the findings are that there is critical need for immediate replacement of the aged and failing systems to prevent imminent equipment failure and the resultant interruption of services. There is currently no spare or redundant HVAC equipment for the West Wing and this has prevented shutdown for testing and maintenance of the equipment for many years. In addition to the HVAC equipment, the West Wing electrical systems have reached the end of their reliable productivity and would result in discontinued operations should they fail. A separate study is currently underway to examine the condition of the secondary distribution systems that serve the interior of the West Wing.

In order to secure continuous, reliable service to the West Wing, GSA proposes replacing all primary HVAC and electrical systems in Phase 1 and follow with Phase 2 which will upgrade the secondary distribution systems that serve the interior of the West Wing.

GSA PBS

PROSPECTUS - ALTERATION
WEST WING INFRASTRUCTURE SYSTEMS REPLACEMENT
WASHINGTON, DC

Prospectus Number: PDC-0017-WA09

The proposed total project includes the construction of new mechanical and electrical rooms to support new services, including fire suppression and detection systems, HVAC systems, electrical services equipment and wiring, fire and life safety upgrades, a physical security system, and fiber optic IT systems.

In addition, the construction of a new, accessible, utility pathway to allow for the service and maintenance of the systems, and select structural and architectural restoration of areas that are disturbed in the systems replacement will be included. All utility services will be rerouted to allow the GSA necessary access to operate, maintain, and repair infrastructure, services, and equipment as required.

Major Work Items

Site Work	$19,318,000
Structural and Finishes Work	31,974,000
Fire Suppression System	7,513,000
Mechanical Systems	40,919,000
Electrical System & Fire Alarm, Physical Security and IT Systems	36,747,000
Demolition/Abatement	7,800,000
Total ECC	**$144,271,000**

Justification

The study finds that there is critical need for immediate replacement of the aged and failing electrical and mechanical systems of the West Wing to prevent imminent equipment failure and the resulting interruption in services. There is currently no spare or redundant HVAC equipment for the West Wing and this has not allowed shutdown for testing and maintenance of the equipment for many years. In addition to the HVAC equipment, the West Wing electrical systems have reached the end of their useful life and present a risk to the continuity of operations in the West Wing should they fail.

Summary of Energy Compliance

The West Wing Infrastructure Project will implement sustainable design principles to be integrated as seamlessly as possible into all aspects of both the design and construction process; with the goal of obtaining certification through the Leadership in the Energy and Environmental Design (LEED) Green Building Rating System of the U.S. Green Building Council.

GSA PBS

PROSPECTUS - ALTERATION
WEST WING INFRASTRUCTURE SYSTEMS REPLACEMENT
WASHINGTON, DC

Prospectus Number: PDC-0017-WA09

Alternatives Considered (30-year, present value cost analysis)
There are no feasible alternatives to this project.

Recommendation
ALTERATION

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on February 26, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Administrator, General Services Administration

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

AMENDED COMMITTEE RESOLUTION

ALTERATION
EVERETT McKINLEY DIRKSEN U.S. COURTHOUSE
CHICAGO, IL
PIL-0205-CH09

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. § 3307, appropriations are authorized for repairs and alterations to the Everett McKinley Dirksen U.S. Courthouse, located at 219 S. Dearborn Street in Chicago, IL, at design and review costs of $1,366,000 (design costs of $8,152,000 were previously authorized), management and inspections costs of $3,861,000 (management and inspection costs of $6,942,000 were previously authorized), and estimated construction costs of $51,027,000 (estimated construction costs of $89,629,000 were previously authorized), at a proposed total cost of $56,254,000, a prospectus for which is attached to and included in this resolution. This resolution amends the Committee resolution of April 5, 2006.

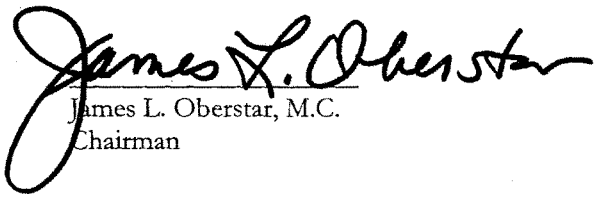
Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration ("GSA") shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the U.S. House of Representatives and the Committee on Environment and Public Works of the U.S. Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA's decision.

Provided further, that beginning on the date of approval of this resolution, GSA shall, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out alteration, design, or construction projects.

Provided further, that beginning on the date of approval of this resolution, each alteration, design, or construction prospectus submitted by GSA shall include an estimate of the future energy performance of the building and specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Adopted: **September 24, 2008**



James L. Oberstar, M.C.
Chairman

GSA PBS

AMENDED PROSPECTUS - ALTERATION
EVERETT McKINLEY DIRKSEN U.S. COURTHOUSE
CHICAGO, IL

Prospectus Number: PIL-0205-CH09
Congressional District: 07

Project Summary

The General Services Administration (GSA) proposes to request additional authority to renovate the 44-year-old Everett McKinley Dirksen U.S. Courthouse. The 30-story high-rise courthouse, part of a Federal office complex, is located at 219 S. Dearborn Street in Chicago, IL. This prospectus amends PIL-0205-CH07 to reflect updated construction cost estimates and additional HVAC costs.

Major Work Items

HVAC replacement, interior construction, asbestos abatement, fire and life-safety system replacement, restroom upgrades, install additional emergency power generator, and roof drain and piping system replacement.

Project Budget

Design (2005)	$8,152,000
Additional Design	1,366,000
Estimated Construction Cost (ECC)	140,656,000
Management and Inspection (M&I)	10,803,000
Estimated Total Project Cost (ETPC)*	**$160,977,000**

*Tenant agencies may fund an additional amount for alterations above the standard normally provided by the GSA.

Amended Authorization Requested (Additional Design, ECC and M&I) $56,254,000

Funding Requested (Additional Design, ECC and M&I) $152,825,000

GSA PBS

AMENDED PROSPECTUS - ALTERATION
EVERETT McKINLEY DIRKSEN U.S. COURTHOUSE
CHICAGO, IL

Prospectus Number: PIL-0205-CH09
Congressional District: 07

Prior Authority and Funding

- The House Committee on Transportation and Infrastructure authorized $8,152,000 for design on July 21, 2004.
- The Senate Committee on Environment and Public Works authorized $8,152,000 for design on November 17, 2004.
- Through Public Law 108-447, Congress appropriated $8,152,000 for design in FY 2005.
- The House Committee on Transportation and Infrastructure authorized $96,571,0000 for construction, and management and inspection on April 5, 2006.
- The Senate Committee on Environment and Public Works authorized $96,571,000 for construction, and management and inspection on May 23, 2006.

Prior Prospectus-Level Projects in Building (past 10 years):

Number	Fiscal Year	Amount	Type
PIL-0205/0236-CH004	2004	$24,056,000	Curtainwall Repairs

Schedule	Start	End
Design	FY2005	FY2007
Construction	FY2009	FY2012

Building

The Everett M. Dirksen Courthouse was built in 1964 and is constructed of structural steel frames, clad with metal and glass facade. The courthouse serves as the headquarters for the Northern District of Illinois and the U.S. Court of Appeals for the Seventh Circuit, and houses 967 Federal employees in Chicago's Central Business District. The high-rise courthouse is 1,462,472 gross square feet with 1,206,345 rentable square feet and 116 inside parking spaces. The Dirksen Courthouse contributes to the distinguished history of skyscraper construction in Chicago and was the first of Mies van der Rohe's urban, mixed land-use projects. As a result, the courthouse, part of a Federal complex, has been determined eligible for listing on the National Register of Historic Places.

Tenant Agencies

Judiciary, Department of Homeland Security, and Department of Justice.

GSA PBS

AMENDED PROSPECTUS - ALTERATION
EVERETT McKINLEY DIRKSEN U.S. COURTHOUSE
CHICAGO, IL

Prospectus Number: PIL-0205-CH09
Congressional District: 07

Proposed Project

Although authorized in FY 2007, the project was not funded under Public Law 110-5 due to other program priorities which necessitated a reduction in other program areas. FY2009 is GSA's first opportunity to request funding for this project. Consequently, the project budget has increased primarily due to escalations in construction costs, replacement of the HVAC with the installation of a technologically superior HVAC system as opposed to replacing and upgrading the current system, and other costs related to the project.

The proposed project will modernize building systems and renovate interior space. In addition to replacing the HVAC system, a piped condensate drainage system will be added. Failing roof drains and piping system will be replaced.

Restroom facilities not yet renovated under prior projects will be completed with upgraded lighting, replacement of old plumbing fixtures, updated finishes, and reconfigured to comply with ADA-accessibility requirements. The existing obsolete fire alarm system will be replaced. An additional emergency power generator will be installed to support critical life-safety systems. Complete asbestos abatement will be completed on the 9th and 10th floors and partly on the 8th floor. Spot abatement will be completed throughout the building including the asbestos removal of flooring tiles in the mechanical room.

The 9th floor will be renovated for occupancy by the U.S. Attorneys. The 10th floor will be constructed as swing space for tenants when invasive asbestos abatement would require shutting down tenant operations. After completion, the 10th floor will be available for future occupancy. Part of the 8th floor will be also renovated for future tenancy. Approximately 5% of building space is targeted to remain vacant to allow future expansion of existing tenants.

GSA houses Federal agencies in approximately 1 million square feet of commercial leased space in the Chicago area. Agencies may be relocated from leases to fill vacant space in the courthouse in the future. Potential backfill agencies include the Department of Health and Human Services, Food and Drug Administration, Equal Employment Opportunity Commission, Small Business Administration, Department of Energy, Department of Transportation, and Government Accountability Office.

GSA PBS

AMENDED PROSPECTUS - ALTERATION
EVERETT McKINLEY DIRKSEN U.S. COURTHOUSE
CHICAGO, IL

Prospectus Number: PIL-0205-CH09
Congressional District: 07

Major Work Items

HVAC Replacement	$89,335,000
Interior Construction	14,527,000
Asbestos Abatement	6,298,000
Fire and Life-Safety Replacement	17,167,000
Restroom Upgrades	9,394,000
Additional Emergency Power Generator Installation	3,151,000
Roof Drain and Piping System	784,000
Total ECC	**$140,656,000**

Justification

The Dirksen Courthouse is plagued by mechanical, health, and safety deficiencies. Several of the building's original systems are difficult to maintain, no longer comply with generally accepted building codes, and are not operating at desired energy efficiency levels.

The original induction units and courtroom air handling units have exceeded their useful life, are plagued with poor distribution ductwork, inadequate zoning, obsolete temperature controls and are difficult to maintain. The lack of a condensate drainage system for the existing induction units allows water to pool and become a potential source of mold. During periods of high humidity, condensate will overflow the collection pans resulting in damage to tenant finishes and disruption to tenants. There has been a significant buildup of dust and dirt inside the ductwork and erosion of the acoustic lining which has resulted in distribution of debris into tenant space and degradation of indoor air quality.

The capacity and configuration of the air handling units do not meet current air quality standards for large occupied spaces. Due to the lack of proper air intake louver separation, the fresh air intake, exhaust air, and plumbing gases are mixing, thereby decreasing the air quality in the courtrooms.

The fire alarm, detection, and sprinkler systems are obsolete and functionally inadequate to provide sufficient protection for the tenants and do not meet current fire codes. The fire alarm system is not audible in some areas. There have been false alarms due to the age of the devices in the system. Additionally, the building does not have smoke alarm capability in the elevator lobbies. The mechanical rooms have asbestos-composite tiles which provide an unhealthy working environment.

GSA PBS

AMENDED PROSPECTUS - ALTERATION
EVERETT McKINLEY DIRKSEN U.S. COURTHOUSE
CHICAGO, IL

Prospectus Number: PIL-0205-CH09
Congressional District: 07

The current emergency power generator is at maximum capacity. Critical emergency load including mechanical control systems, building automation systems, computer room equipment, and air-conditioning are not currently connected to an emergency power source.

The public restrooms located on floors 2, 8 through 10, and 17 through 27 are not ADA compliant.

The roof drains and piping systems are failing, resulting in water damage to tenant spaces and a potential source of mold.

The Federal Bureau of Investigation vacated floors 8, 9, and 10 in FY 2006 to relocate to leased space. The U.S. Attorneys will backfill approximately 30,000 square feet as part of the project. The U.S. Trustees will backfill approximately 20,000 square feet in April 2008. After project completion, the U.S. Marshals Service will be relocated to another floor to address existing security deficiencies. The remaining vacant space will be backfilled in the future by agencies currently in GSA leased space or existing tenants that require expansion space.

Summary of Energy Compliance

This project includes renovation of interior spaces, and HVAC replacement is the primary dollar value work item in prospectus. GSA will gain energy efficiency with new equipment and controls.

Alternatives Considered (30-year, present value cost analysis)

New Construction:	$684,446,000
Alteration:	$348,169,000
Lease:	$980,692,000

The 30 year, present value cost of alteration is $336,277,000 less than the cost of new construction, or an equivalent annual cost advantage of $22,125,000.

Recommendation
ALTERATION

GSA PBS

AMENDED PROSPECTUS - ALTERATION
EVERETT McKINLEY DIRKSEN U.S. COURTHOUSE
CHICAGO, IL

Prospectus Number: PIL-0205-CH09
Congressional District: 07

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on February 26, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Administrator, General Services Administration

Septe .007 L g Plan CAGO, IL
EVERETT M. DIRKSEN PIL-0205-CH09

Locations	Current							Proposed						
	Personnel		Usable Square Feet (USF)				RSF	Personnel		Usable Square Feet (USF)				RSF
	Office	Total	Office	Storage	Special	Total	Total	Office	Total	Office	Storage	Special	Total	Total
LEASE														
Trustees	37	37	12,321	1,204	392	13,917	16,005	0	0	0	0	0	0	0
EVERETT M. DIRKSEN														
DHS - Federal Protective Service	1	1	134	0	2,016	2,150	2,935	1	1	134	0	2,016	2,150	2,935
Judiciary - Appeals Clerk	48	48	17,995	1,862	1,026	20,883	28,504	48	48	17,995	1,862	1,026	20,883	28,504
Judiciary - Appeals Courtrooms	78	78	29,187	0	17,729	46,916	64,036	78	78	29,187	0	17,729	46,916	64,036
Judiciary - Appeals Legal Staff	53	53	14,246	0	8,532	22,778	31,090	53	53	14,246	0	8,532	22,778	31,090
Judiciary - Bankruptcy Clerk	20	20	4,590	1,954	2,193	8,737	11,925	20	20	4,590	1,954	2,193	8,737	11,925
Judiciary - Bankruptcy Judge Courtrooms	145	145	39,158	0	21,466	60,624	82,747	145	145	39,158	0	21,466	60,624	82,747
Judiciary - Circuit Executive	9	9	3,152	0	151	3,303	4,508	9	9	3,152	0	151	3,303	4,508
Judiciary - District Clerk	164	164	40,458	3,349	9,707	53,514	73,042	164	164	40,458	3,349	9,707	53,514	73,042
Judiciary - District Judge Courtrooms	129	129	125,534	83	184,216	309,833	422,896	129	129	125,534	83	184,216	309,833	422,896
Judiciary - Magistrate Judge Chambers	27	27	13,913	0	29,356	43,269	59,059	27	27	13,913	0	29,356	43,269	59,059
Judiciary - Pretrial Services	27	27	6,930	0	1,180	8,110	11,069	27	27	6,930	0	1,180	8,110	11,069
Judiciary - Public Defender Service	2	2	421	0	0	421	575	2	2	421	0	0	421	575
Justice - Federal Investigation	8	8	5,958	0	272	6,230	8,503	8	8	5,958	0	272	6,230	8,503
Justice - Marshals Service	56	56	28,310	926	6,312	35,548	48,520	56	56	28,310	926	6,312	35,548	48,520
Justice - Office of U.S. Attorneys	200	200	106,080	301	15,819	122,200	166,793	220	220	116,389	9,063	17,737	143,189	195,441
Justice - Trustees	0	0	0	0	0	0	0	37	37	12,574	0	2,000	14,574	19,899
Joint Use	0	0	5,283	0	16,500	21,783	29,732	0	0	5,283	0	16,500	21,783	29,732
Vacant	0	0	117,524	0	0	117,524	160,411	0	0	81,961	0	0	81,961	111,864
Sub Total:	967	967	558,873	8,475	316,475	883,823	1,206,345	1,024	1,024	546,193	17,237	320,393	883,823	1,206,345
Total:	1,004	1,004	571,194	9,679	316,867	897,740	1,222,350	1,024	1,024	546,193	17,237	320,393	883,823	1,206,345

Special Space	
ADP	6,163
Child Care Center	1,407
Conference	20,787
Courtroom	161,931
Firing Range	1,706
Food Service	13,516
Holding Cell	7,956
Interview Rooms	4,686
Judicial Chambers	52,481
Judicial Hearing	16,535
Laboratory	297
Library	6,936
Restroom	19,740
Secured Stairs/Elevators	5,378
Vaults	874
Total:	**320,393**

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

ALTERATION
U.S. POST OFFICE AND COURTHOUSE
NEW BERN, NC
PNC-0011-NB09

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. § 3307, appropriations are authorized for repairs and alterations to the U.S. Post Office and Courthouse located at 413 Middle Street, New Bern, NC, at management and inspections costs of $1,039,000, and estimated construction costs of $9,601,000, at a proposed total cost of $10,640,000, a prospectus for which is attached to and included in this resolution.

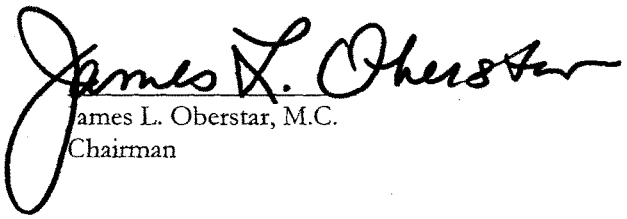
Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration ("GSA") shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the U.S. House of Representatives and the Committee on Environment and Public Works of the U.S. Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA's decision.

Provided further, that beginning on the date of approval of this resolution, GSA shall, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out alteration, design, or construction projects.

Provided further, that beginning on the date of approval of this resolution, each alteration, design, or construction prospectus submitted by GSA shall include an estimate of the future energy performance of the building and specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Adopted: September 24, 2008



ames L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS - ALTERATION
U.S. POST OFFICE AND COURTHOUSE
NEW BERN, NC

Prospectus Number: PNC-0011-NB09
Congressional District: 01

Project Summary

The General Services Administration (GSA) proposes to modernize the U.S. Post Office and Courthouse located at 413 Middle Street, New Bern, NC. Completion of the proposed project for the Post Office and Courthouse, a building with historical significance to the community, is to coincide with the planned celebration of New Bern's 300th anniversary.

Major Work Items

HVAC replacement, electrical system replacement, life safety improvements, elevator installation and replacement, exterior construction, and interior construction

Project Budget

Design and Review	$1,279,000
Estimated Construction Cost (ECC)	9,601,000
Management and Inspection (M&I)	1,039,000
Estimated Total Project Cost (ETPC)*	**$11,919,000**

*Tenant agencies may fund an additional amount for alterations above the standard normally provided by the GSA.

Authorization Requested (Construction/M&I) **$10,640,000**

Prior Authority and Funding

- The House Committee on Transportation and Infrastructure authorized $1,279,000 for design on April 5, 2006.
- The Senate Committee on Environment and Public Works authorized $1,279,000 for design on May 23, 2006.
- Through Public Law 110-5, Congress appropriated $1,279,000 for design in FY 2007.

Prior Prospectus-Level Projects in Building (past 10 years):

None

Schedule	Start	End
Design	FY2007	FY2008
Construction	FY2009	FY2010

GSA PBS

PROSPECTUS - ALTERATION
U.S. POST OFFICE AND COURTHOUSE
NEW BERN, NC

Prospectus Number: PNC-0011-NB09
Congressional District: 01

Building
The Georgian Revival style U.S. Post Office and Courthouse in New Bern, NC was constructed between 1933 and 1935 and has 36,720 rentable square feet. The building was listed on the National Register of Historic Places in 1973 as a contributing resource in the New Bern Historic District. GSA acquired this building from the U.S. Postal Service in mid-2004. The building has deferred maintenance and as a result, some repair and modernization work is required for the tenants to be housed here and carry out their mission.

Tenant Agencies
Judiciary and Department of Justice

Proposed Project
The proposed project will consist of landscaping, upgrading and restoring the entry lobby including the Court Security Officers station, and upgrading restrooms with new plumbing and meeting ADA accessibility requirements. Interior alterations will include partitions and finishes, holding cells, a sallyport, two new secure elevators, and replacement of the public elevator. A fire sprinkler and fire alarm system will be installed. Building exterior work will include restoring the façade, repairing and replacing portions of the roof, and upgrading the historic windows in the courtroom and U.S. Marshals space for blast mitigation. New HVAC ductwork and air handling units will be installed in the basement and first floor. Emergency power capacity will be added, as well as new lighting controls and new wiring. Also included in the project is a new public address system, restoration of the historic lighting fixtures, and asbestos abatement.

Major Work Items

Interior Construction	$6,178,000
HVAC Replacement	977,000
Electrical System Replacement	860,000
Life Safety Improvements	777,000
Exterior Construction	426,000
Elevator Installation and Replacement	383,000
Total ECC	**$9,601,000**

GSA PBS

PROSPECTUS - ALTERATION
U.S. POST OFFICE AND COURTHOUSE
NEW BERN, NC

Prospectus Number: PNC-0011-NB09
Congressional District: 01

Justification

The U.S. Post Office Courthouse is a viable historic asset to GSA and the City of New Bern's historic downtown district. This building is approximately 74 years old, and has not had a major renovation or any significant repairs since its construction. The project will accomplish functional and operational improvements, and also improve the building's capacity to function as a court facility.

Summary of Energy Compliance

This project includes renovation of interior spaces is primary work item. HVAC replacement is also included, which will allow moderate gain in energy efficiency with new equipment and controls.

Alternatives Considered (30-year, present value cost analysis)

New Construction:	$25,546,000
Alteration:	$16,484,000
Lease:	$39,439,000

The 30-year, present value cost of alteration is $9,062,000 less than the cost of new construction, or an equivalent annual cost advantage of $596,000.

Recommendation

ALTERATION

GSA PBS

PROSPECTUS - ALTERATION
U.S. POST OFFICE AND COURTHOUSE
NEW BERN, NC

Prospectus Number: PNC-0011-NB09
Congressional District: 01

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on February 26, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Administrator, General Services Administration

Septe .007 H , Plan NEW BERN COURTHOUSE ERN, NC PNC-0011-NB09

Locations	Current							Proposed						
	Personnel		*Usable Square Feet (USF)*				*RSF*	*Personnel*		*Usable Square Feet (USF)*				*RSF*
	Office	**Total**	**Office**	**Storage**	**Special**	**Total**	**Total**	**Office**	**Total**	**Office**	**Storage**	**Special**	**Total**	**Total**
U.S. POST OFFICE COU														
Judiciary - Bankruptcy Court	0	0	0	0	0	0	0	5	5	580	0	2,057	2,637	3,982
Judiciary - District Clerk	0	0	0	0	0	0	0	5	5	3,130	0	0	3,130	4,726
Judiciary - District Courts	8	8	17,399	0	0	17,399	26,185	0	0	525	0	0	525	793
Judiciary - District Judge Chambers	0	0	0	0	0	0	0	5	5	0	0	7,883	7,883	11,903
Judiciary - Probation	0	0	0	0	0	0	0	3	3	915	0	64	979	1,478
Judiciary - Public Defender Service	0	0	0	0	0	0	0	2	2	275	0	0	275	415
Justice - Marshals Service	7	7	1,407	0	147	1,554	2,339	16	16	4,470	0	4,151	8,621	13,018
Justice - Office of U.S. Attorneys	2	2	514	0	0	514	774	2	2	454	0	0	454	686
Joint Use	0	0	1,768	2,813	351	4,932	7,423	0	0	0	0	262	262	395
Sub Total:	17	17	21,088	2,813	498	24,399	36,721	38	38	10,349	0	14,417	24,766	37,396
Total:	17	17	21,088	2,813	498	24,399	36,721	38	38	10,349	0	14,417	24,766	37,396

Special Space	
ADP	256
Conference	850
Courtroom	2,781
Food Service	307
Holding Cell	603
Judicial Chambers	4,484
Judicial Hearing	1,673
Laboratory	64
Library	618
Mail Room	262
Secured Circulation	1,484
Training Room	860
Vaults	175
Total:	**14,417**

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

CONSTRUCTION
U.S. COURTHOUSE
FORT PIERCE, FL
PFL-CTC-FP07

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for the construction of a 123,400 gross square foot United States Courthouse, including 34 inside parking spaces, located in Fort Pierce, FL at additional site costs of $1,971,000, additional design costs of $1,631,000, management and inspection costs of $4,095,000, and estimated constructions costs of $46,172,000, at a proposed total cost of $53,869,000, a prospectus for which is attached to and included in this resolution.

Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration ("GSA") shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

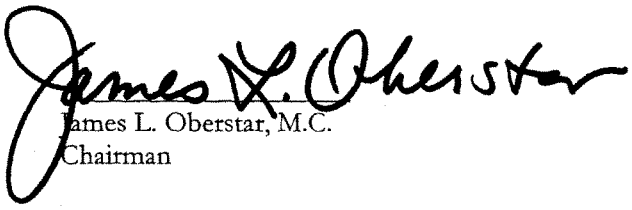
Provided further, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the U.S. House of Representatives and the Committee on Environment and Public Works of the U.S. Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA's decision.

Provided further, that beginning on the date of approval of this resolution, GSA shall, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out alteration, design, or construction projects.

Provided further, that beginning on the date of approval of this resolution, each alteration, design, or construction prospectus submitted by GSA shall include an estimate of the future energy performance of the building and specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

By July 19, 2007, the Judicial Conference of the United States shall amend the *U.S. Courts Design Guide* to require that each U.S. Courthouse construction project provide one courtroom for every two senior judges. Beginning on July 19, 2006, the Judicial Conference of the United States shall specifically approve each departure from the *U.S. Courts Design Guide* for each U.S. Courthouse construction project which result in additional estimated costs of the project (including additional rent payment obligations) and that the Judicial Conference provide a specific list of each departure and the justification and estimated costs (as supplied by the General Services Administration (GSA)) of such departure for each U.S. Courthouse construction project to the GSA. Each U.S. Courthouse construction prospectus submitted by the GSA shall include a specific list of each departure and the justification and estimated cost (including additional rent payment obligations) of such departure and GSA's recommendation on whether the Committee on Transportation of the U.S. House of Representatives and the Committee on Environment and Public Works of the U.S. Senate should approve such departure.

Adopted: September 24, 2008



James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS – CONSTRUCTION
U.S. COURTHOUSE
FORT PIERCE, FL

Prospectus Number:PFL-CTC-FP07
Congressional District: 23

Description

The General Services Administration proposes the construction of a 123,400 gross square foot Courthouse (CT), including 34 inside parking spaces, in Fort Pierce, FL. The CT will be constructed to meet the 10-year space needs of the Court and court-related agencies and the site/building design will accommodate the 30-year expansion requirements through a future addition. The Judicial Conference supports construction funding for the project for FY 2007.

Project Summary

Site Information

Site acquired	3.27 acres

Building Area

Gross square feet (excluding inside parking)	108,100
Gross square feet (including inside parking)	123,400

Project Budget

Site (FY 2002)	$ 2,269,000
Additional Site	1,971,000
Design (FY2003)	2,744,000
Additional Design	1,631,000
Management and Inspection	4,095,000
Estimated Construction Cost ($374/gsf including inside parking)	46,172,000
Estimated Total Project Cost*	**$58,882,000**

*Tenant agencies may fund an additional amount for alterations above the standard normally provided by GSA.

House Authorization Requested

(Additional Site & Design, ECC and M&I) $53,869,000

GSA PBS

PROSPECTUS – CONSTRUCTION
U.S. COURTHOUSE
FORT PIERCE, FL

Prospectus Number:PFL-CTC-FP07
Congressional District: 23

Prior Authority and Funding

The House Committee on Transportation and Infrastructure authorized:

- $2,195,000 for site and $2,370,000 for design, or $4,565,000, for a 111,075 gsf courthouse, including 15 inside parking spaces on November 7, 2001;
- $448,000 for additional design on July 24, 2002.

The Senate Committee on Environment and Public Works authorized:

- $4,565,000 for site and design for a 99,233 gsf courthouse, including 15 inside parking spaces, on September 25, 2001;
- $54,317,000 for additional site, design, construction, and management and inspection, for a 123,400 gsf courthouse, including 34 inside parking spaces, on September 13, 2006.

Funding is as follows:

- Through Public Law 107-67, Congress appropriated $2,269,000 for site acquisition.
- Through Public Law 108-7, Congress appropriated $2,744,000 for design.
- Through Public Law 110-5, GSA's Spending Plan included $53,869,000 for additional site acquisition and design, construction and management and inspection.

Schedule

FY 2003 Design
FY 2007 Construction
FY 2009 Occupancy

Overview of Project

The new CT will consolidate court and court-related agencies along with other Federal agencies currently housed in leased locations into one building. The new CT will provide one District and one Magistrate courtroom, allow for the expansion needs of the courts, increase security for the courts and provide more efficient court operations.

Tenant Agencies

Tenant agencies are the District Court, bankruptcy Court, Probation, Pretrial Services, U.S. Marshals Service, and U.S. Attorney. Federal Public Defender will have trial prep space.

Delineated Area

The site is at the corner of Orange Avenue and U.S. 1, in the Central Business District of Fort Pierce, FL.

GSA PBS

PROSPECTUS – CONSTRUCTION
U.S. COURTHOUSE
FORT PIERCE, FL

Prospectus Number:PFL-CTC-FP07
Congressional District: 23

Justification

The Court's Long Range Facility Plan projected a significant increase in the 10-year space requirements of the courts' and court-related activities in Fort Pierce. The U.S. Courts and court-related agencies are currently located in leased locations in downtown Fort Pierce. The project proposes to consolidate all agencies in the new CT and to provide future expansion needs.

The Southeast Bank building, the current location of the District and Magistrate Courts, was intended as a temporary solution to the deplorable condition of the court's previous location, in the rear of a U.S. Post Office building. The lessor of the building, an entity of the City of Fort Pierce, provided the building for temporary housing only. The lessor has long-term plans for the building. Neither location is able to meet minimum U.S. Courts Design Guide standards.

In addition, the current leased location compromises the safety of the building occupants as well as the general public, only meeting minimum security, Americans with Disabilities Act (ADA) and fire safety standards. The building does not provide adequate separation of the public, prisoners, and judges, security setbacks, or elevators with wheel chair capacity. All leased locations will be extended or terminated to coincide with the occupancy of the new CT. Since population and caseload has grown steadily over the past few years, the court now plans to place a resident judge in Fort Pierce when the new courthouse is completed.

Explanation of Changes

The proposed project is 12,235 gsf larger than the project currently authorized by the House Committee on Transportation and Infrastructure.

Inside parking increased 9,300 gsf and non-Judiciary space decreased 2,170 gsf. This reduction is the result of a decrease for joint use (5,355 gsf) and deletion of the FBI (5,672 gsf), SBA (896 gsf) and Customs (8,793 gsf) from the building offset by increases for the Marshals (9,218 gsf), Attorney (6,633 gsf), and GSA (2,694 gsf).

Judiciary space increased 5,196 gsf from the project currently authorized by the House Committee. In relation to current authorizations, space increased for Bankruptcy (1,045 gsf), Probation (1,194 gsf), and Pre-Trial (579 gsf) offset by deleting the Public Defender from the building (3,642 gsf). Space for the District Court increased 6,019 gsf from the House Committee authorization.

The Estimated Total Project Cost (ETPC) of the proposed project reflects an increase of $30,978,000 from the ETPC of the project currently authorized by the House Committee (which is the result of program growth, construction escalation and change in the projected start of construction from FY 2005 to 2008).

GSA PBS

PROSPECTUS – CONSTRUCTION
U.S. COURTHOUSE
FORT PIERCE, FL

Prospectus Number:PFL-CTC-FP07
Congressional District: 23

Departures

- District Courtroom - A district courtroom is being provided for nonresident rotating judges. The courtroom utilization matrix provided by the AOUSC indicates the courtroom will be used by non-resident rotating judges. Originally, a resident district judge was not projected in Fort Pierce until 2016, which is three years beyond the 10 year planning period for this building. However, the population and caseload has grown steadily, thus the court plans to locate a judge there at occupancy. This departure was previously identified and included in the authorization for design. Associated costs - $3,700,000.

- Courtroom ceiling heights - The two courtrooms in this project have ceiling heights greater than the U.S. Courts Design Guide minimum of 16 feet. No additional funding has been included in the budget to provide the additional ceiling height in these courtrooms. To eliminate the additional ceiling height at this time will not provide any significant savings and could result in a delay of the start of construction.

Provision of the district courtroom for use by rotating judges is necessary since courtrooms for projected authorized judgeships are not otherwise planned in the new or existing facility in the ten year period.

The benchmark does not include additional funds for the excess ceiling heights. Savings by reducing ceiling heights are anticipated to be offset by increased costs for delays due to making design changes.

GSA PBS

PROSPECTUS – CONSTRUCTION
U.S. COURTHOUSE
FORT PIERCE, FL

Prospectus Number:PFL-CTC-FP07
Congressional District: 23

Space Requirements of the U.S. Courts

	Current		10-Year	
	Courtrooms	**Judges**	**Courtrooms**	**No. of Judges**
District - Rotating	1*	1	1	1
Magistrate	1*	1	1	1
Bankruptcy - Visiting	0	1	0	1
Total:	2*	3	2	3

* The courts are currently in leased space.

GSA PBS

PROSPECTUS – CONSTRUCTION
U.S. COURTHOUSE
FORT PIERCE, FL

Prospectus Number:PFL-CTC-FP07
Congressional District: 23

Alternatives Considered (30-year, present value costs)

New Construction:	$58,247,000
Lease:	$93,058,000

Recommendation

Construction of a new facility including departures from the current U.S. Courts Design Guide as outlined in this prospectus.

The 30-year, present value cost of new construction is $34,811,000 less than the cost of leasing, an equivalent annual cost advantage of $2,316,000.

Certification of Need

This prospectus addresses the requirements established for U.S. courthouse construction prospectuses submitted by GSA in the July 19, 2006, resolution of the House Committee on Transportation and Infrastructure. The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on July 27, 2007

Recommended _____
Commissioner, Public Buildings Service

Approved _____
Administrator, General Services Administration

Febr y 2007 — Hou Plan — FT PIF E, FL

NEW CC HOUSE — PFL-C PO7

Locations	Current							Proposed						
	Personnel		*Usable Square Feet (USF)*				*RSF*	*Personnel*		*Usable Square Feet (USF)*				*RSF*
	Office	**Total**	**Office**	**Storage**	**Special**	**Total**	**Total**	**Office**	**Total**	**Office**	**Storage**	**Special**	**Total**	**Total**
NEW COURTHOUSE														
GSA	0	0	0	0	0	**0**	**0**	2	2	368	1,150	287	**1,805**	**2,437**
Joint Use	0	0	0	0	0	**0**	**0**	0	0	1,379	575	2,769	**4,723**	**6,376**
Judiciary - Bankruptcy Clerk	0	0	0	0	0	**0**	**0**	1	1	816	0	0	**816**	**1,102**
Judiciary - Bankruptcy Judge Courtrooms	0	0	0	0	0	**0**	**0**	1	1	666	0	418	**1,084**	**1,463**
Judiciary - District Clerk	0	0	0	0	0	**0**	**0**	8	8	6,600	0	2,825	**9,425**	**12,724**
Judiciary - District Courts (Grand Jury)	0	0	0	0	0	**0**	**0**	0	0	149	25	1,185	**1,359**	**1,835**
Judiciary - District Judge Courtrooms	0	0	0	0	0	**0**	**0**	8	8	2,343	460	6,275	**9,078**	**12,255**
Judiciary - Magistrate Judge Chambers	0	0	0	0	0	**0**	**0**	6	6	1,578	380	4,554	**6,512**	**8,791**
Judiciary - Pretrial Services	0	0	0	0	0	**0**	**0**	6	6	1,777	0	365	**2,142**	**2,892**
Judiciary - Probation	0	0	0	0	0	**0**	**0**	13	13	4,168	0	665	**4,833**	**6,525**
Judiciary - Public Defender Service	0	0	0	0	0	**0**	**0**	14	14	1,000	0	0	**1,000**	**1,350**
Justice - Marshals Service	0	0	0	0	0	**0**	**0**	17	17	8,606	0	7,430	**16,036**	**21,649**
Justice - Office of U.S. Attorneys	0	0	0	0	0	**0**	**0**	42	42	10,829	0	2,785	**13,614**	**18,379**
Sub Total:	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**118**	**118**	**40,279**	**2,590**	**29,558**	**72,427**	**97,778**
BRIDGEWATER PROF CTR														
Judiciary - Probation	24	24	3,608	0	0	**3,608**	**3,608**	0	0	0	0	0	**0**	**0**
Justice - Federal Investigation	15	15	2,298	0	0	**2,298**	**2,298**	0	0	0	0	0	**0**	**0**
Justice - Office of U.S. Attorneys	27	27	4,115	0	0	**4,115**	**4,115**	0	0	0	0	0	**0**	**0**
Sub Total:	**66**	**66**	**10,021**	**0**	**0**	**10,021**	**10,021**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
SOUTHEAST BANK														
Judiciary - Magistrate Judge Chambers	6	6	5,774	0	4,546	**10,320**	**11,968**	0	0	0	0	0	**0**	**0**
Justice - Marshals Service	6	6	1,853	0	1,731	**3,584**	**4,157**	0	0	0	0	0	**0**	**0**
Sub Total:	**12**	**12**	**7,627**	**0**	**6,277**	**13,904**	**16,125**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
Total:	**78**	**78**	**17,648**	**0**	**6,277**	**23,925**	**26,146**	**118**	**118**	**40,279**	**2,590**	**29,558**	**72,427**	**97,778**

Special Space	
Laboratory	120
Holding Cell	3,475
Restroom	700
Physical Fitness	1,850
Conference	11,825
ADP	730
Courtroom	4,200
Judicial Hearing	600
Judicial Chambers	2,173
Food Service	1,085
Other - Loading Dock	2,100
Other - Vault	700
Total:	**29,558**

USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

CONSTRUCTION
U.S. LAND PORT OF ENTRY – SAN YSIDRO
SAN DIEGO, CA
PCA-BSC-SD09

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. § 3307, appropriations are authorized for construction of the U.S. Land Port of Entry – San Ysidro in San Diego, CA, at management and inspections costs of $17,590,000, and estimated construction costs of $325,733,000, for a combined estimated project cost of $343,323,000, a prospectus for which is attached to and included in this resolution.

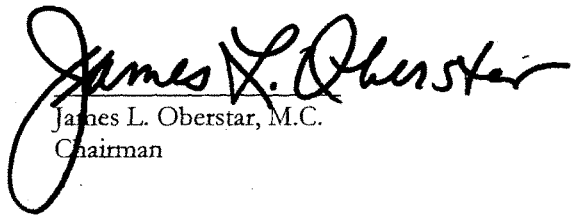
Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration ("GSA") shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the U.S. House of Representatives and the Committee on Environment and Public Works of the U.S. Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rational for GSA's decision.

Provided further, that beginning on the date of approval of this resolution, GSA shall, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out alteration, design, or construction projects.

Provided further, that beginning on the date of approval of this resolution, each alteration, design, or construction prospectus submitted by GSA shall include an estimate of the future energy performance of the building and specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Adopted: **September 24, 2008**



James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS - CONSTRUCTION
U.S. LAND PORT OF ENTRY – SAN YSIDRO
SAN DIEGO, CA

Prospectus Number: PCA-BSC-SD09
Congressional District: 51

Description

The General Services Administration (GSA) proposes the design and construction of the reconfiguration and expansion of the existing San Ysidro port of entry (POE) facility in San Diego, CA.

Project Summary

Site Information

Government-owned....8.2
To Be Acquired.... 17.5 acres

Building Area

Building (including canopies and inside parking) ....341,680 gsf
Building (excluding canopies and inside parking)....226,525 gsf
Number of outside parking spaces[1]....200
Number of structured parking spaces 600

Cost Information

Site Development Cost[2] $308,632,000
Building Costs (includes inspection canopies) ($486/gsf)....$165,915,000

[1]Includes 50 secured outside spaces.
[2]Site development costs include grading, utilities, paving, and demolition of existing facilities.

GSA PBS

PROSPECTUS - CONSTRUCTION
U.S. LAND PORT OF ENTRY – SAN YSIDRO
SAN DIEGO, CA

Prospectus Number: PCA-BSC-SD09
Congressional District: 51

Project Budget

Site Acquisition	
Site Acquisition (FY 2004)	$25,630,000
Additional Site (FY 2008)	14,370,000
Total Site Cost	**$40,000,000**
Design and Review	
Phase 1 (FY 2004)	$ 8,581,000
Additional Phase 1 (FY 2008)	7,181,000
Phase 2 (FY 2008)	11,931,000
Phase 3 (FY 2008)	8,847,000
Total Design and Review	**$36,540,000**
Estimated Construction Cost (ECC)	
Phase 1 (FY 2008)	$ 148,814,000
Additional Phase 1 (FY 2009)	55,892,000
Phase 2 (future funding request)	154,948,000
Phase 3 (future funding request)	114,893,000
Total ECC	**$474,547,000**
Management and Inspection (M&I)	
Phase 1 (FY 2008)	$8,036,000
Additional Phase 1 (FY 2009)	3,018,000
Phase 2 (future funding request)	8,367,000
Phase 3 (future funding request)	6,205,000
Total M&I	**25,626,000**
Estimated Total Project Cost (ETPC)*	**$576,713,000**

*Tenant agencies may fund an additional amount for emerging technologies and alterations above the standard normally provided by GSA.

PROSPECTUS - CONSTRUCTION
U.S. LAND PORT OF ENTRY – SAN YSIDRO
SAN DIEGO, CA

Prospectus Number: PCA-BSC-SD09
Congressional District: 51

Authorization Requested ..... **$343,323,000**[3]

(Balance of Phase I ECC & M&I; ECC Phases 2 & 3; M&I Phases 2 & 3)

FY 2009 Funding Request **$58,910,000**

(Balance of Phase I ECC & M&I)

Prior Authority and Funding

- The House Committee on Transportation and Infrastructure authorized $34,211,000, including $25,630,000 for site and relocation and $8,581,000 for design, on July 23, 2003.
- The Senate Committee on Environment and Public Works authorized $34,211,000 for site and design on July 30, 2003.
- The House Committee on Transportation and Infrastructure authorized $37,742,000, including $8,670,000 for additional site acquisition and relocation, $14,822,000 for additional design, $935,000 for management and inspection and $13,315,000 for construction of a 300-space parking garage on May 23, 2007.
- The Senate Committee on Environment and Public Works authorized $37,742,000 for additional site acquisition and relocation, additional design, management and inspection, and construction for a 300-space parking garage, on September 20, 2007.
- Through Public Law 108-199, Congress appropriated $34,211,000 for site acquisition, relocation, and design in FY 2004.
- Through Public Law 110-161, Congress appropriated funds in two increments - $37,742,000 (authorized as indicated above) and $161,437,000 (emergency designation) for a total of $199,179,000 for additional site acquisition and relocation, additional design, management and inspection, and construction in FY 2008. Funds appropriated under the emergency designation are fully authorized.

---

[3]Creation of an integrated entry/exit system has been authorized by the Congress to increase efficiency and effectiveness of border security by collecting entry/exit information on visitors to the United States. GSA has been working closely with the DHS Entry Exit US-VISIT program management office to establish a cost effective, efficient method for meeting entry/exit requirements. Additional funds may be made available to cover the costs of incorporating the entry/exit business process into the facility authorized by this prospectus.

GSA PBS

PROSPECTUS - CONSTRUCTION
U.S. LAND PORT OF ENTRY – SAN YSIDRO
SAN DIEGO, CA

Prospectus Number: PCA-BSC-SD09
Congressional District: 51

Schedule	Start	End
Design		
Ph 1	FY2008	FY2009
Ph 2	FY2008	FY2011
Ph 3	FY2008	FY2011
Construction		
Ph 1	FY2008	FY2012
Ph 2	FY2011	FY2014
Ph 3	FY2012	FY2014

Overview of Project

The San Ysidro POE is a U.S.-Mexico border visitor inspection facility constructed in 1973 to house the Federal inspection agencies. It is the busiest land border crossing in the world in legitimate passenger volume, narcotics seizure activity, criminal arrests, and undocumented alien apprehensions. It processes approximately 50,000 northbound vehicles and 22,000 northbound pedestrians daily.

This project proposes the reconfiguration and expansion of the existing San Ysidro border facility in three phases. Phase 1 expands the capacity of the port to process northbound vehicular traffic. The work involves demolition of the 24 existing primary inspection booths and secondary inspection facilities. It also involves construction of 46 new inspection booths with new canopy; four secondary inspection booths with canopy; a central holding facility; a portion of a new central plant; an employee parking structure with access bridge; and an east-west public pedestrian bridge crossing Interstate 5.

Phase 2 replaces the northbound processing buildings not demolished during the previous phase. It involves demolition of all remaining structures other than the historic port building, construction of a new administration and pedestrian processing building, a connection to the central holding facilities, and the remainder of the central plant.

Phase 3 creates a new southbound connection to Mexico, with inspection facilities, and provides 14 additional northbound primary inspection booths. It involves demolition of all structures remaining on the Virginia Avenue site of the abandoned commercial inspection facility; realignment of the southbound roadway to enter Mexico at the proposed El Chaparral inspection facility; installation of 12 southbound inspection booths with canopy; construction of a north-south pedestrian bridge; and renovation of the historic port building.

GSA PBS

PROSPECTUS - CONSTRUCTION
U.S. LAND PORT OF ENTRY – SAN YSIDRO
SAN DIEGO, CA

Prospectus Number: PCA-BSC-SD09
Congressional District: 51

Tenant Agencies

DHS - Customs and Border Protection (CBP); Border Patrol; DHS - Immigration and Customs Enforcement (ICE); Navy - Commander in Chief, Pacific Fleet; State - Boundary and Water Commission; USDA – Animal Plant Health Inspection Service (APHIS); Interior - Fish and Wildlife Service.

Location

The site is located in San Diego, California, at the existing port at 801 E. San Ysidro Boulevard.

Justification

The current facility, constructed in 1973, no longer effectively supports the CBP facilitation and enforcement missions. It is unsafe, undersized, outdated, unhealthy, and unsightly. It does not adequately support CBP's unified organization or other key program, i.e., the US-VISIT program. Public safety is compromised due to the lack of circulation separation between suspected offenders and other visitors. Federal employee safety is compromised because their offices are located directly above public traffic lanes. The facility is not able to process current visitors expeditiously, and will be even less able as the passenger and pedestrian volumes are projected to grow significantly during the coming years. Currently, northbound vehicle wait times are routinely 45 minutes and can reach up to two hours during peak traffic periods.

The proposed expansion and configuration will improve officer safety and through-put of pedestrian and non-commercial traffic. With its huge traffic volume and high seizure, arrest, and apprehension rates, San Ysidro represents the best opportunity at a land POE to reduce threats to the nation while facilitating legitimate travel. Among land POE projects nationwide, reconfiguration and expansion of this port is CBP's highest priority.

Summary of Energy Compliance

GSA has designed the systems and features of this project to meet Congressionally-required energy efficiency and performance requirements in effect during design. GSA will encourage exploration of opportunities to gain increased energy efficiency above the measures achieved in the design. GSA will also study the feasibility and impacts to the existing design of incorporating renewable energy systems, including photovoltaic systems, into the project.

GSA PBS

PROSPECTUS - CONSTRUCTION
U.S. LAND PORT OF ENTRY – SAN YSIDRO
SAN DIEGO, CA

Prospectus Number: PCA-BSC-SD09
Congressional District: 51

Alternatives Considered

GSA believes these specialized facilities should be federally owned; thus, no alternatives other than Federal construction were considered.

Recommendation

CONSTRUCTION

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on February 26, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Administrator, General Services Administration

Aug. 007 | Hg Plan | PC. C-SD09
US Land Port of Entry | San Diego, CA

Locations	Current							Proposed						
	Personnel		*Usable Square Feet (USF)*				*RSF*	*Personnel*		*Usable Square Feet (USF)*				*RSF*
	Office	**Total**	**Office**	**Storage**	**Special**	**Total**	**Total**	**Office**	**Total**	**Office**	**Storage**	**Special**	**Total**	**Total**
San Ysidro LPOE														
Border Patrol	0	0	0	0	0	**0**	**0**	4	4	568	150	1,713	**2,431**	**2,770**
DHS - Customs and Border Protection	698	698	57,268	83,926	10,021	**151,215**	**170,915**	820	820	50,499	7,832	68,781	**127,112**	**147,520**
DHS - Immigration and Customs Enforcement	87	87	925	2,166	157	**3,248**	**3,671**	97	97	12,632	1,666	6,206	**20,504**	**23,375**
DHS - APHIS	8	8	7,351	4,098	579	**12,028**	**13,595**	0	0	0	0	0	**0**	**0**
Interior - Fish and Wildlife Service	0	0	0	0	0	**0**	**0**	4	4	480	0	0	**480**	**677**
Joint Use	0	0	249	0	389	**638**	**721**	0	0	0	0	115,155	**115,155**	**115,155**
Navy - Commander in Chief Pacific Fleet	0	0	0	0	0	**0**	**0**	3	3	1,497	0	480	**1,977**	**2,660**
State - Boundary and Water Commission	0	0	0	0	0	**0**	**0**	3	3	735	275	594	**1,604**	**2,262**
USDA-APHIS	1	1	124	69	10	**203**	**229**	2	2	440	0	250	**690**	**974**
Total:	**794**	**794**	**65,917**	**90,259**	**11,156**	**167,332**	**189,131**	**933**	**933**	**66,851**	**9,923**	**193,179**	**269,953**	**295,393**

Special Space	
Laboratory	1,231
Holding Cell	14,744
Conference	4,500
ADP	5,898
Lockers	11,315
Processing Area	33,323
Inspection Booths	2,925
Break Rooms	2,856
Dock	375
Equipment Room	857
Canopies	115,155
Total:	**193,179**

USF ... tenant's personnel and furnishings and space available jointly to the occupants of the building.

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

AMENDED COMMITTEE RESOLUTION

CONSTRUCTION
DHS CONSOLIDATION AND DEVELOPMENT
OF ST. ELIZABETHS WEST CAMPUS
WASHINGTON, DC
PDC-0002-WA09

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for the consolidation of the Department of Homeland Security headquarters at St. Elizabeth's West Campus in Washington, DC, with design and review costs of $15,659,000 (design and review costs of $35,433,000 were previously authorized), management and inspection costs of $28,599,000 (management and inspection costs of $13,979,000 were previously authorized), and estimated construction costs of $480,978,000 (estimated constructions costs of $269,475,000) for a combined estimated project cost of $525,236,000, for which a prospectus is attached to and included in, this resolution. This resolution amends the Committee resolution of May 23, 2007.

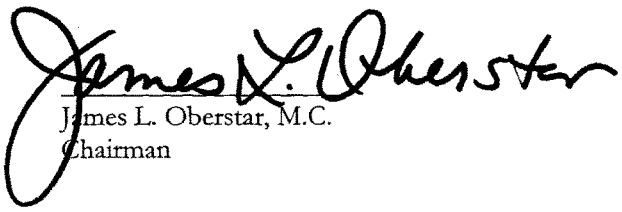
Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration ("GSA") shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the U.S. House of Representatives and the Committee on Environment and Public Works of the U.S. Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA's decision.

Provided further, that beginning on the date of approval of this resolution, GSA shall, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out alteration, design, or construction projects.

Provided further, that beginning on the date of approval of this resolution, each alteration, design, or construction prospectus submitted by GSA shall include an estimate of the future energy performance of the building and specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Adopted: **September 24, 2008**



James L. Oberstar, M.C.
Chairman

GSA PBS

AMENDED PROSPECTUS – CONSTRUCTION
DEPARTMENT OF HOMELAND SECURITY, CONSOLIDATION, INFRASTRUCTURE, SITE ACQUISITION, AND DEVELOPMENT OF ST. ELIZABETHS CAMPUS
WASHINGTON, DC

Prospectus Number: PDC-0002-WA09

Description

The Department of Homeland Security (DHS) is consolidating its headquarters in the National Capital Region (NCR). DHS's current facilities are dispersed across more than 50 locations in the NCR which is adversely impacting critical communication, coordination, and cooperation across DHS's many components. A unified, secure campus that brings together DHS's executive leadership and operational management will enable more efficient and effective execution of DHS's incident management and command-and-control functions and will also result in significant taxpayer savings in the long run.

St. Elizabeths West Campus was transferred to GSA from the Department of Health and Human Services (HHS) in late 2004 and was identified as the best GSA-controlled site in the District of Columbia (DC) to meet DHS's minimum consolidation requirement of 4.5 million gross square feet of office and related space plus parking in a secure setting on an acceptable timetable. GSA proposes a phased development strategy beginning with the United States Coast Guard (USCG) as outlined below. In conjunction with the development of the site for use as the national headquarters of DHS, GSA proposes repairing and upgrading the existing infrastructure on a phased basis in tandem with the development of the West Campus. GSA also proposes site acquisitions to enhance employee access to the site and mitigate traffic impacts to the local community. There will also be a GSA field office on site.

The goal of the infrastructure portion of this project is to prepare the St. Elizabeths West Campus for redevelopment as a federal facility by providing a reliable infrastructure that will serve the needs of tenants for many years into the future. The infrastructure will support the overall development and will be phased in with the development phases.

GSA needs to make site acquisitions as part of the overall development of the West Campus. First, GSA needs to purchase approximately two acres of land from DC, CSX Corporation, and a private entity along Firth Sterling Avenue to the northwest of the West Campus. Second, GSA needs to acquire approximately 14 acres of land from the National Park Service (NPS). This land is known as Shepherd Parkway and is required to provide access to Malcolm X Avenue to the south of the West Campus. Third, GSA needs to acquire approximately one acre of the St. Elizabeths East Campus from DC to provide a left turn lane into the West Campus from Martin Luther King, Jr. Avenue to the east. All of these purchases are necessary to develop additional access points to the West Campus to mitigate the increased traffic generated by the new Federal campus.

GSA PBS

AMENDED PROSPECTUS – CONSTRUCTION
DEPARTMENT OF HOMELAND SECURITY, CONSOLIDATION, INFRASTRUCTURE, SITE ACQUISITION, AND DEVELOPMENT OF ST. ELIZABETHS CAMPUS
WASHINGTON, DC

Prospectus Number: PDC-0002-WA09

Overview of Project

GSA is seeking funding for acquisition, infrastructure, and development of the St. Elizabeths West Campus, a 176–acre National Historic Landmark site which includes 70 existing buildings containing approximately 1.2 million gross square feet (gsf) of existing space.[1] GSA also requests funding for Design and Review to begin Development Phase 2 which includes a national headquarters for DHS, the Federal Emergency Management Agency (FEMA), and the National Operations Center (NOC). Furthermore, GSA seeks authorization for all aspects of acquisition and development. Infrastructure requirements do not require authorization.

GSA proposes the construction of the new headquarters facility for the USCG in two phases. Development Phase 1-a includes construction of office space to consolidate the USCG headquarters and Development Phase 1-b includes construction of a USCG command center and shared use space to support the USCG as well as elements of DHS that intend to occupy the campus. In addition, GSA proposes the commencement of design for Development Phase 2 which includes the DHS and Federal Emergency Management Agency (FEMA) headquarters as well the NOC, plus GSA's field office and parking. Development Phase 3 will accommodate remaining elements of DHS headquarters units, primarily significant presences of the Transportation Security Administration (TSA), Customs and Border Protection (CBP), and Immigration and Customs Enforcement (ICE) plus a liaison presence of other DHS elements such as the Secret Service that will not be relocating to the West Campus. The project will include existing space renovated and/or updated to current building standards plus construction of new space. GSA is seeking funding for a portion of the site acquisition, design funds (Phase 2 & Infrastructure), management and inspection (Phase 1-a), and construction (Phase 1-a & Infrastructure), and is seeking authorization for the remainder of the project. Authorization will allow GSA to allocate funds as they become available and to distribute funds to the areas of most importance.

[1] Existing buildings have been re-measured using laser technology. They have also been re-enumerated as part of the master planning process. For example, eight (8) separate greenhouses that were originally listed as a single structure are now being counted separately. Earlier prospectuses mentioned 61 buildings with approximately 1.1 million gsf.

GSA PBS

AMENDED PROSPECTUS – CONSTRUCTION
DEPARTMENT OF HOMELAND SECURITY, CONSOLIDATION, INFRASTRUCTURE, SITE ACQUISITION, AND DEVELOPMENT OF ST. ELIZABETHS CAMPUS
WASHINGTON, DC

Prospectus Number: PDC-0002-WA09

Project Phasing

Phase 1-a	USCG – HQ:	Coast Guard Headquarters
Phase 1-b	USCG – CC:	Coast Guard Command Center/shared use space
Phase 2	DHS:	Headquarters
	FEMA:	Headquarters including National Protection and Programs Directorate (NPPD) and Office of Health Affairs (OHA)
	NOC:	National Operations Center/GSA Field Office
Phase 3	TSA:	Transportation Security Administration HQ – significant presence
	CBP:	Customs and Border Protection HQ – significant presence
	ICE:	Immigration and Customs Enforcement HQ – significant presence

Project Summary

Site Information	
Government-owned	176 acres
Building without parking (gsf)	up to 4,500,000
Building with parking (gsf)	up to 6,357,450
Number of structured parking spaces	up to 5,307

Cost Summary at St. Elizabeths	
Site Acquisition	11,000,000
Design and Review Cost	126,951,000
Management and Inspection	118,883,000
Estimated Construction Cost	1,759,517,000
Estimated Total Project Cost[1]	**$2,016,351,000**

[1] Does not include planning and stabilization costs of approximately $20 million.

GSA PBS

AMENDED PROSPECTUS – CONSTRUCTION
DEPARTMENT OF HOMELAND SECURITY, CONSOLIDATION, INFRASTRUCTURE, SITE ACQUISITION, AND DEVELOPMENT OF ST. ELIZABETHS CAMPUS
WASHINGTON, DC

Prospectus Number: PDC-0002-WA09

Fiscal Year 2009 Requirements

Site Acquisition	$7,000,000
Design & Review (Development Phase 2)	5,000,000
Design & Review (Infrastructure)	3,000,000
Management & Inspection (Development Phase 1-a)	12,925,000
Estimated Construction Cost (Development Phase 1-a)	313,465,000
Estimated Construction Cost (Infrastructure)	5,249,000
Total Fiscal Year 2009 Funding Request	**$346,639,000**

Total Fiscal Year 2009 Project Authorization Request ..... **$1,648,937,000**[1]

Prior Authority and Funding

The funding history of the DHS consolidation is as follows:

- The House Committee on Transportation and Infrastructure authorized $24,900,000 for design of the US Coast Guard HQ at St. Elizabeths on October 26, 2005.
- The Senate Committee on Environment and Public Works authorized $24,900,000 for design of the US Coast Guard HQ at St. Elizabeths on July 20, 2005.
- Through Public Law 109-155, Congress appropriated $24,900,000 for design of the US Coast Guard HQ at St. Elizabeths in FY2006.
- The House Committee on Transportation and Infrastructure authorized $383,997,000 for construction and management and inspection of the US Coast Guard HQ (Phase 1-a) and USCG Command Center and Shared Use Space (Phase 1-b) at St. Elizabeths on April 5, 2006.
- The House Committee on Transportation and Infrastructure authorized $318,887,000 for design, review, management and inspection, and estimated construction costs for the St. Elizabeths West Campus on May 23, 2007.
- The Senate Committee on Environment and Public Works authorized $318,887,000 for design, review, management and inspection, and estimated construction costs for the St. Elizabeths West Campus on September, 20 2007.
- The House Committee on Transportation and Infrastructure authorized $7,000,000 for site acquisition for the St. Elizabeths West Campus on May 23, 2007.
- The Senate Committee on Environment and Public Works authorized $7,000,000 for site acquisition for the St. Elizabeths West Campus on September 20, 2007.

[1] This amount excludes $342,514,000 for the Infrastructure Program, which is not subject to the requirements of 40 U.S.C. Section 3307.

AMENDED PROSPECTUS – CONSTRUCTION
DEPARTMENT OF HOMELAND SECURITY, CONSOLIDATION, INFRASTRUCTURE, SITE ACQUISITION, AND DEVELOPMENT OF ST. ELIZABETHS CAMPUS
WASHINGTON, DC

Prospectus Number: PDC-0002-WA09

Prior Authority and Funding Continued

- Through Public Law 109-115, Congress appropriated $13,095,000 in FY 2006 for infrastructure design, construction, and management and inspection.
- Through Public Law 110-5, Congress appropriated $6,444,000 in FY 2007 for additional infrastructure construction and management and inspection.

Primary Occupants
USCG, DHS Headquarters Elements, FEMA, NOC, TSA, CBP, ICE, Liaison Presence of Other DHS Elements not relocating to the St. Elizabeths Campus

INFRASTRUCTURE PROGRAM SUMMARY

Infrastructure repair / replacement costs include: demolition of specific buildings identified by the Master Plan; replacement of site utilities including electricity substations and local utility requirements; distribution systems for electricity, natural gas, domestic water, storm water, waste water, data systems and telecommunications; roadways, surface parking and sidewalks; refurbishment of historical landscape and creation of new landscape features including flora; cleanup / repair of existing tunnels on site to improve safety and for potential use as systems distribution pathways; and site security fencing, entry gates, guard stations, and other site security features.

The planned alterations are necessary to preserve this historic site. Existing infrastructure and landscaping have suffered from aging and deferred maintenance. The utility distribution systems are antiquated and deteriorated. Building repairs will restore structural and life safety systems while maintaining historic integrity. Landscaping renovations will preserve what remains of the collection of flora planted during the late 19th century.

GSA PBS

AMENDED PROSPECTUS – CONSTRUCTION
DEPARTMENT OF HOMELAND SECURITY, CONSOLIDATION, INFRASTRUCTURE, SITE ACQUISITION, AND DEVELOPMENT OF ST. ELIZABETHS CAMPUS
WASHINGTON, DC

Prospectus Number: PDC-0002-WA09

Major Work Items

Demolition	$13,849,000
Replace Telecommunication Systems	15,500,000
Replace Electric Systems	27,290,000
Replace Natural Gas Systems	1,000,000
Replace Water Systems	5,250,000
Replace Sanitary Sewer	2,175,000
Storm Water Management	11,000,000
Upgrade Selected Fire Systems	400,000
Repair Roads & Perimeter Wall	9,870,000
Site Perimeter Security	105,000,000
Exterior Road Construction	46,000,000
Repair Historical Landscape Features	28,105,000
Repair and Upgrade Exterior Lighting	1,200,000
Repair Underground Tunnels	400,000
Construct New Pedestrian Tunnels	8,500,000
Stabilize Selected Buildings	1,000,000
Total ECC	**$276,539,000**

Total Infrastructure Project Budget

Design and Review	
Design and Review (FY2006) Phase 1-a	$7,645,000
Design and Review (FY2009) Phase 1-b	3,000,000
Design and Review (future year request) Phase-2	16,546,000
Design and Review (future year request) Phase3	3,500,000
Design and Review Subtotal	**$30,691,000**
Estimated Construction Cost (ECC)	
ECC (FY2006) Phase 1-a	$5,080,000
ECC (FY2007) Phase 1-a	5,912,000
ECC (FY2009) Phase 1-a	5,249,000
ECC (future year request) Phase 1-b, 2 & 3	260,298,000
Estimated Construction Cost Subtotal	**$276,539,000**

GSA PBS

AMENDED PROSPECTUS – CONSTRUCTION
DEPARTMENT OF HOMELAND SECURITY, CONSOLIDATION, INFRASTRUCTURE, SITE ACQUISITION, AND DEVELOPMENT OF ST. ELIZABETHS CAMPUS
WASHINGTON, DC

Prospectus Number: PDC-0002-WA09

Management and Inspection (M&I)

M&I (FY2006) Phase 1-a	$370, 000
M&I (FY2007) Phase 1-a	532,000
M&I (future year request) Phase 1-b, 2 & 3	34,382,000
M&I Subtotal	**$35,284,000**

Estimated Total Project Cost (ETPC) for Infrastructure **$342,514,000**

Funding Request (Design and ECC) **$8,249,000**

SITE ACQUISITION PROGRAM SUMMARY

Delineated Areas for Site Acquisition

The proposed sites to be acquired are as follows:

1. Approximately two acres of land located on Firth Sterling Avenue in northeast Washington, DC; the land is currently controlled by DC, CSX Corporation, and a private entity.
2. Approximately one acre of land located along the east side of Martin Luther King, Jr. Avenue in southeast Washington, DC. The land is currently controlled by DC.
3. Approximately fourteen (14) acres of land located on Shepherd Parkway in southeast Washington, DC. The site is currently controlled by NPS.

Total Site Acquisition Project Budget

Site Acquisition (Firth Sterling Avenue) (FY2009)	$7,000,000
Site Acquisition (Martin Luther King, Jr. Avenue) (future year request)	500,000
Site Acquisition (Shepherd Parkway) (future year request)	3,500,000
Total Acquisition Budget	**$11,000,000**

GSA PBS

AMENDED PROSPECTUS – CONSTRUCTION
DEPARTMENT OF HOMELAND SECURITY, CONSOLIDATION, INFRASTRUCTURE, SITE ACQUISITION, AND DEVELOPMENT OF ST. ELIZABETHS CAMPUS
WASHINGTON, DC

Prospectus Number: PDC-0002-WA09

DEVELOPMENT PROGRAM SUMMARY

PHASE 1-a – USCG Headquarters

Building Area Development Phase 1-a

Office	1,036,200 gsf
Commandant's Suite / Situation Room	12,100 gsf
Data Facility	25,800 gsf
Clinic	28,100 gsf
Meeting Facility	19,500 gsf
Food Services	6,100 gsf
Mail / Loading Dock / Security Operations	8,900 gsf
Law Library / Storage	7,200 gsf
Total Phase 1-a	**1,143,900 gsf**

Cost Information Development Phase 1-a

Design and Review (FY2006)	$24,900,000
Management and Inspection (M&I) (FY2009)	12,925,000
Estimated Construction Cost (ECC) (FY2009)	313,465,000
Estimated Total Cost Phase 1-a	**$351,290,000**

Schedule for Development Phase 1-a

FY 2011 – Design Completion
FY 2009 - Start Construction
FY 2013 - Complete Construction for USCG Headquarters

GSA PBS

AMENDED PROSPECTUS – CONSTRUCTION
DEPARTMENT OF HOMELAND SECURITY, CONSOLIDATION, INFRASTRUCTURE, SITE ACQUISITION, AND DEVELOPMENT OF ST. ELIZABETHS CAMPUS
WASHINGTON, DC

Prospectus Number: PDC-0002-WA09

PHASE 1-b – USCG Command Center and Shared Use Space

Building Area Development Phase 1-b

Command and Communications Center	22,700 gsf
Marine Safety Center	26,000 gsf
Cafeteria (shared)	26,650 gsf
Shipping / Receiving, Mail, Warehouse	13,000 gsf
Fitness Center	25,000 gsf
Child Care	15,600 gsf
Chapel, Training, Historian	18,300 gsf
Auditorium, Credit Union, Barber Shop, Dry Cleaner, Exchange	25,600 gsf
GSA Field Office	20,800 gsf
Total Phase 1-b	**193,650 gsf**
Structured Parking (1,427 cars)[1]	499,450 gsf

Cost Information Development Phase 1-b

Design and Review (future year request)	$10,659,000
Management and Inspection (M&I) (future year request)	15,674,000
Estimated Construction Cost (ECC) (future year request)	167,513,000
Estimated Total Cost Phase 1-b	**$193,846,000**

Proposed Schedule for Development Phase 1-b

FY 2011 – Design Completion
FY 2010 - Start Construction
FY 2013 - Complete Construction for Command Center and Shared Use Space

[1] Based on Master Plan using 350 gsf per parking space including circulation.

GSA PBS

AMENDED PROSPECTUS – CONSTRUCTION
DEPARTMENT OF HOMELAND SECURITY, CONSOLIDATION, INFRASTRUCTURE, SITE ACQUISITION, AND DEVELOPMENT OF ST. ELIZABETHS CAMPUS
WASHINGTON, DC

Prospectus Number: PDC-0002-WA09

PHASE 2 – DHS Headquarters Elements and FEMA plus the NOC

Building Area Development Phase 2

Office for DHS Headquarters	573,250 gsf
Office for FEMA Headquarters	678,300 gsf
National Operations Center	319,900 gsf
Total Phase 2	**1,571,450 gsf**
Structured Parking (1,667 cars)	583,450 gsf
Structured Parking for Visitors (273 cars)	95,550 gsf

Cost Information Development Phase 2

Design and Review Cost (FY2009)	$5,000,000
Design and Review Cost (future year request)	28,701,000
Management and Inspection (M&I) (future year request)	25,000,000
Estimated Construction Cost (ECC) (future year request)	492,000,000
Estimated Total Cost Phase 2	**$550,701,000**

Proposed Schedule for Development Phase 2

FY 2011 – Design Completion
FY 2011 - Start Construction
FY 2014 - Complete Construction

GSA PBS

AMENDED PROSPECTUS – CONSTRUCTION
DEPARTMENT OF HOMELAND SECURITY, CONSOLIDATION, INFRASTRUCTURE, SITE ACQUISITION, AND DEVELOPMENT OF ST. ELIZABETHS CAMPUS
WASHINGTON, DC

Prospectus Number: PDC-0002-WA09

PHASE 3 – TSA, CBP, and ICE

Building Area Development Phase 3

Office for CBP Headquarters	232,800 gsf
SCIF, Storage, IT, Other Special Space	117,700 gsf
Office for ICE Headquarters	234,300 gsf
SCIF, Storage, IT, Other Special Space	155,900 gsf
Office for TSA Headquarters	221,000 gsf
SCIF, Storage, IT, Other Special Space	146,100 gsf
Office for DHS Liaison Elements	261,500 gsf
SCIF, Storage, IT, Other Special Space	100,000 gsf
Joint Use Space	121,700 gsf
Total Phase 3	**1,591,000 gsf**
Structured Parking (1,667 cars)	up to 583,450 gsf
Structured Parking for Visitors (273 cars)	up to 95,550 gsf

Cost Information Development Phase 3

Design and Review Cost (future year request)	$27,000,000
Management and Inspection (M&I) (future year request)	30,000,000
Estimated Construction Cost (ECC) (future year request)	510,000,000
Estimated Total Cost Phase 3	**$567,000,000**

Proposed Schedule for Development Phase 3

FY 2013– Design Completion
FY 2013 - Start Construction
FY 2016 - Complete Construction

GSA PBS

AMENDED PROSPECTUS – CONSTRUCTION
DEPARTMENT OF HOMELAND SECURITY, CONSOLIDATION, INFRASTRUCTURE, SITE ACQUISITION, AND DEVELOPMENT OF ST. ELIZABETHS CAMPUS
WASHINGTON, DC

Prospectus Number: PDC-0002-WA09

Justification

The major driving factors for this project include tenant need for consolidated space, current Department-wide demand for space in the NCR, lack of large federal land sites remaining for development in DC, high-level security requirements, plus existing deficiencies and deferred maintenance at St. Elizabeths West Campus. The proposed project will provide a cost efficient alternative to leasing while preserving a National Historic Landmark.

Due to recent hiring, the USCG has outgrown its current primary headquarters at the Transpoint Building where it has been housed for more than 25 years. The lease expires in 2008. A lease prospectus was authorized in FY2006 to continue leasing this building for up to five years with cancellation rights that will allow GSA flexibility to terminate when the space at St. Elizabeths West Campus is ready for occupancy. Other USCG locations will also be included in this consolidation.

Elements of DHS (including USCG) are located in more than 5 million usable square feet of federally-owned and leased space throughout the NCR. This has led to much operational inefficiency. DHS's mission requires an integrated approach, yet legacy facilities occupied by agencies merged into the Department at dispersed locations do not maximize the Department's effectiveness and efficiency. These issues are addressed in the DHS NCR Housing Master Plan dated October 2006.

A consolidated, secure campus should correct these deficiencies by collocating senior leadership, thus fostering greater communication among the various departmental elements. Back-office functions can be realigned in other locations to improve functional and physical relationships. Direct benefits of St. Elizabeths West Campus are enhanced communications, coordination, operational effectiveness, and physical security. Efficiencies can also be gained in direct support, shared services, and functional integration. The proposed consolidation should foster a "One DHS" culture thus enhancing the flow and fusion of information while optimizing prevention and response capabilities across the spectrum of operations.

Many agencies, including DHS, require the highest security protection levels available including deep setbacks, blast protection, and progressive collapse mitigation. The West Campus currently provides deep setbacks from neighboring properties and limited facility access, reducing the cost of other security requirements.

AMENDED PROSPECTUS – CONSTRUCTION
DEPARTMENT OF HOMELAND SECURITY, CONSOLIDATION, INFRASTRUCTURE, SITE ACQUISITION, AND DEVELOPMENT OF ST. ELIZABETHS CAMPUS
WASHINGTON, DC

Prospectus Number: PDC-0002-WA09

St. Elizabeths West Campus is the preferred site for this development. Other large federally-owned sites in DC are not available, such as Public Reservation 13 for the DC General Hospital which is currently under development by DC. The Southeast Federal Center has been transferred to private ownership for development. This remainder of the former Navy Yard is planned for residential and retail development. The Armed Forces Retirement Home is being redeveloped under special legislation and is unavailable to GSA. The Walter Reed Army Medical Center site and the National Geospatial-Intelligence Agency site, being disposed of under Base Realignment and Closure, will not be available soon enough to meet USCG's space requirements.

The site acquisition portion of this project will assist in the preparation of the West Campus for redevelopment as a secure federal facility by providing additional means of ingress/egress to the site that will improve the traffic flow around the site and minimize the time delays entering and exiting the West Campus during peak hours. At full capacity, as many as 14,000 federal workers will be housed on site, and as many as 5,307 vehicles (including 640 spaces for visitors) will require access. This is a 1:3 parking ratio for employees (one space for every 3 employees) and is the same as that being used by the District of Columbia at the Unified Communications Center on the East Campus. The proposed acquisition of land at Firth Sterling Avenue will provide necessary additional access for the U.S. Coast Guard's proposed relocation of approximately 3,900 employees. The proposed acquisition of land from St. Elizabeths East Campus along Martin Luther King, Jr. Avenue will enable GSA, in conjunction with the District of Columbia Department of Transportation to add a left turn lane with appropriate traffic signal leading into the West Campus at Gate No. 1. The proposed acquisition of land from NPS will allow GSA to provide another access point to St. Elizabeths West Campus.

Summary of Energy Compliance

Cogeneration and Waste Heat: Approximately 30% of the campus power will be produced on site via cogeneration. This percentage represents 100% of the critical campus electrical needs in times of emergencies. The waste heat generated by the natural gas fired turbines will be converted to both steam and hot water to help heat the buildings and, through steam driven absorption chillers, to help cool the buildings.

Solar Energy: Photovoltaic energy collection arrays are planned to be used for electric street lighting, Central Utility Plant control power, and for lawn irrigation systems. Solar energy collecting roofing membranes may also be incorporated on portions of the new construction roof tops.

GSA PBS

AMENDED PROSPECTUS – CONSTRUCTION
DEPARTMENT OF HOMELAND SECURITY, CONSOLIDATION, INFRASTRUCTURE, SITE ACQUISITION, AND DEVELOPMENT OF ST. ELIZABETHS CAMPUS
WASHINGTON, DC

Prospectus Number: PDC-0002-WA09

Geothermal: Geothermal wells will be used in limited areas to support heat pump systems for some of the adaptive reuse historic buildings, such as the fire station, and some new construction support buildings, such as the remote delivery facility and the visitors' center.

Alternatives Considered (30-year, present value costs)

New Construction:	$4,417,350,000
Lease:	$5,049,320,000

The 30-year, present value cost of new construction is $631,970,000 less than the cost of leasing, or an equivalent annual cost advantage of $41,580,000.

Recommendation
CONSTRUCTION

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on February 26, 2008

Recommended _____
Commissioner, Public Buildings Service

Approved _____
Administrator, General Services Administration

Components and Locations	Current Locations							Proposed Headquarters						
	Personnel		Usable Square Feet (USF)				RSF	Personnel		Usable Square Feet (USF)				RSF
	Office	Total	Office	Storage	Special	Total	Total	Office	Total	Office	Storage	Special	Total	Total
DHS - Coast Guard - Phase 1 Move	3,575	3,575	639,589	0	99,100	738,689	849,492	3,900	3,900	850,130	0	179,000	1,029,130	1,234,956
TRANSPOINT	2,194	2,194	381,600	0	99,100	480,700	552,805	0	0	0	0	0	0	0
JEMAL RIVERSIDE	1,366	1,366	256,100	0	0	256,100	294,515	0	0	0	0	0	0	0
470/490 L'ENFANT PLAZA	15	15	1,889	0	0	1,889	2,172	0	0	0	0	0	0	0
DHS - Management - Phase 2 Move	2,284	2,284	421,567	0	0	533,651	821,969	2,205	2,205	488,828	0	150,000	638,828	766,594
GSA-ROB	575	575	107,984	0	0	215,068	447,791	0	0	0	0	0	0	0
1201-1225 NEW YORK AVENUE	85	85	17,500	0	0	22,500	31,625	0	0	0	0	0	0	0
TRANSPORTATION SECURITY OPERATIONS CENTER - HERNDON, VA	151	151	90,400	0	0	90,400	103,960	0	0	0	0	0	0	0
NEBRASKA AVENUE COMPLEX	1,473	1,473	205,683	0	0	205,683	238,592	0	0	0	0	0	0	0
DHS - FEMA - Phase 2 Move	2,976	2,976	504,253	0	0	504,253	579,891	3,100	3,100	560,000	0	25,000	585,000	702,000
FEDERAL CENTER PLAZA	1,625	1,625	271,000	0	0	271,000	311,650	0	0	0	0	0	0	0
525 SCHOOL STREET SW	25	25	4,000	0	0	4,000	4,600	0	0	0	0	0	0	0
999 E STREET NW	100	100	15,800	0	0	15,800	18,170	0	0	0	0	0	0	0
PATRIOTS PLAZA	375	375	64,100	0	0	64,100	73,715	0	0	0	0	0	0	0
TECHWORLD PLAZA I	526	526	84,300	0	0	84,300	96,945	0	0	0	0	0	0	0
WASHINGTON DESIGN	150	150	24,300	0	0	24,300	27,945	0	0	0	0	0	0	0
NEW LEASE	175	175	40,753	0	0	40,753	46,866	0	0	0	0	0	0	0
DHS - Protection & Programs Directorate - Phase 2 Move	345	345	68,900	0	0	68,900	81,921	400	400	68,815	0	14,000	82,815	99,378
BALLSTON PLAZA II	60	60	11,900	0	0	11,900	13,685	0	0	0	0	0	0	0
NEBRASKA AVENUE COMPLEX	240	240	47,800	0	0	47,800	55,448	0	0	0	0	0	0	0
GSA-ROB	45	45	9,200	0	0	9,200	12,788	0	0	0	0	0	0	0
DHS - Health Affairs - Phase 2 Move	232	232	46,587	0	0	46,587	53,623	50	50	11,522	0	0	11,522	13,826
1120 VERMONT AVENUE	210	210	41,807	0	0	41,807	48,078	0	0	0	0	0	0	0
NEBRASKA AVENUE COMPLEX	22	22	4,780	0	0	4,780	5,545	0	0	0	0	0	0	0
GSA - Field Office - Phase 2 Move	0	0	0	0	0	0	0	10	10	16,000	0	0	16,000	19,200

Components and Locations	Current Locations							Proposed Headquarters						
	Personnel		*Usable Square Feet (USF)*				*RSF*	*Personnel*		*Usable Square Feet (USF)*				*RSF*
	Office	Total	Office	Storage	Special	Total	Total	Office	Total	Office	Storage	Special	Total	Total
DHS - Transportation Security - Phase 3 Move	1,400	1,400	174,500	0	0	174,500	200,675	1,400	1,400	265,000	50,000	112,500	427,500	513,000
ORACLE BUILDING - RESTON, VA	175	175	34,800	0	0	34,800	40,020	0	0	0	0	0	0	0
MCI BUILDING - ARLINGTON, VA	1,045	1,045	103,200	0	0	103,200	118,680	0	0	0	0	0	0	0
TTAC - ANNAPOLIS JUNCTION, MD	180	180	36,500	0	0	36,500	41,975	0	0	0	0	0	0	0
DHS - Customs & Border Protection - Phase 3 Move	1,500	1,500	260,000	0	0	260,000	301,600	1,500	1,500	260,000	0	15,000	275,000	330,000
RONALD REAGAN BUILDING	1,500	1,500	260,000	0	0	260,000	301,600	0	0	0	0	0	0	0
DHS - Immigration & Customs - Phase 3 Move	2,590	2,590	518,200	0	0	518,200	0	1,250	1,250	290,000	0	25,000	315,000	378,000
800 N CAPITOL STREET NW	135	135	27,200	0	0	27,200	31,280	0	0	0	0	0	0	0
CHESTER ARTHUR BUILDING	1,065 -	1,065	212,800	0	0	212,800	244,720	0	0	0	0	0	0	0
POTOMAC CENTER NORTH	1,140	1,140	228,200	0	0	228,200	262,430	0	0	0	0	0	0	0
TECHWORLD PLAZA I	250	250	50,000	0	0	50,000	57,500	0	0	0	0	0	0	0
DHS - Science & Technology - Phase 3 Move	2	2	400	0	0	400	464	10	10	2,243	0	0	2,243	2,692
NEBRASKA AVENUE COMPLEX	2	2	400	0	0	400	464	0	0	0	0	0	0	0
DHS - Management - Phase 3 Move	18	18	3,600	0	0	3,600	4,140	20	20	3,592	0	0	3,592	4,310
1120 VERMONT AVENUE	8	8	1,700	0	0	1,700	1,955	0	0	0	0	0	0	0
1125 15TH STREET	10	10	1,900	0	0	1,900	2,185	0	0	0	0	0	0	0
DHS - Law Enforcement Training - Phase 3 Move	5	5	3,700	0	0	3,700	4,255	5	5	2,438	0	0	2,438	2,926
LINCOLN SQUARE	5	5	3,700	0	0	3,700	4,255	0	0	0	0	0	0	0
DHS - Citizenship & Immigration - Phase 3 Move	10	10	2,200	0	0	2,200	2,530	10	10	2,150	0	0	2,150	2,580
CASIMIR PULASKI BUILDING	10	10	2,200	0	0	2,200	2,530	0	0	0	0	0	0	0
DHS - Secret Service - Phase 3 Move	15	15	4,200	0	0	4,200	4,578	15	15	4,166	0	0	4,166	4,999
US SECRET SERVICE HEADQUARTERS	15	15	4,200	0	0	4,200	4,578	0	0	0	0	0	0	0
Totals	14,952	14,952	2,647,696	0	99,100	2,858,880	2,905,138	13,875	13,875	2,824,884	50,000	520,500	3,395,384	4,074,461

Utilization			
	Current	Proposed	Change
Rate	138	159	21

Current UR excludes 580,787 USF of Office Support
Proposed UR excludes 617,954 USF of Office Support

Special Space	USF
Shipping and Receiving	20,000
Mail Screening	65,000
Operations Center	150,000
Vehicle Inspection	25,000
Auditorium	25,000
Conference	40,000
Library	20,000
Server Facility	25,000
Resource Center	7,000
Fitness Center	25,000
Cafeteria	67,000
Child Care	25,000
Health Unit	5,000
Credit Union	5,000
Employee Counseling	2,000
Museum	7,000
Barber	2,000
Dry Cleaners	1,500
Destruction Center	4,000
Total:	**520,500**

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

AMENDED PROSPECTUS CONSTRUCTION
U.S. LAND PORT OF ENTRY
PORTAL, ND
PND-BSC-PO09

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized to construct of a replacement border station facility of the Land Port of Entry in Portal, ND, with management and inspection costs of $1,300,000 (management and constructions costs of $1,575,000 were previously authorized) and estimated construction costs of $13,904,000 (estimated construction costs of $20,024,000 were previously authorized) for a combined estimated project cost of $15,204,000, a prospectus for which is attached to and included in this resolution. This resolution amends the Committee resolution of July 21, 2004.

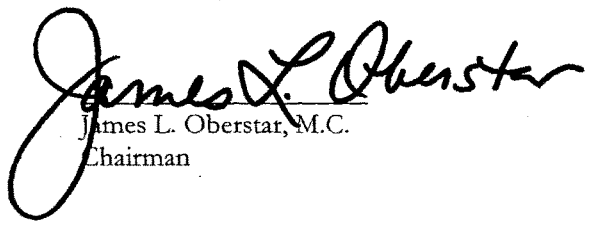
Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration ("GSA") shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the U.S. House of Representatives and the Committee on Environment and Public Works of the U.S. Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA's decision.

Provided further, that beginning on the date of approval of this resolution, GSA shall, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out alteration, design, or construction projects.

Provided further, that beginning on the date of approval of this resolution, each alteration, design, or construction prospectus submitted by GSA shall include an estimate of the future energy performance of the building and specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Adopted: **September 24, 2008**



James L. Oberstar, M.C.
Chairman

GSA PBS

AMENDED PROSPECTUS - CONSTRUCTION
U.S. LAND PORT OF ENTRY
PORTAL, ND

Prospectus Number: PND-BSC-PO09
Congressional District: 01

Description

The General Services Administration (GSA) proposes the construction of a replacement border station facility at Portal, North Dakota. This prospectus amends Prospectus No. PCO-BSC-PO05, approved by Congress in FY 2005, to reflect increases in construction costs that exceed both the authorization and funding available for the project. This prospectus requests additional authorization for increased construction costs.

Project Summary

Site Information

Government-Owned	1.5 acres
Acquired	5.5 acres

Building Area

Building (including canopies)	72,125 gsf
Building (excluding canopies and inside parking)	63,069 gsf
Number of outside parking spaces	90
Number of inside parking spaces	22

Cost Information

Site Development Cost[1]	$4,800,000
Building Costs (includes inspection canopies) ($404/gsf)	$29,128,000

Project Budget

Site (FY 2003 and FY 2005)	$1,000,000
Design and Review (FY 2003 and FY 2005)	1,953,000
Estimated Construction Cost (ECC) (FY 2005)	20,024,000
Additional ECC	13,904,000
Management and Inspection (M&I) (FY 2005)	1,575,000
Additional M&I	1,300,000
Estimated Total Project Cost (ETPC)*	**$39,756,000**

*Tenant agencies may fund an additional amount for emerging technologies and alterations above the standard normally provided by the GSA.

[1]Site development costs include grading, utilities, paving and demolition of existing facilities.

GSA PBS

AMENDED PROSPECTUS - CONSTRUCTION
U.S. LAND PORT OF ENTRY
PORTAL, ND

Prospectus Number: PND-BSC-PO09
Congressional District: 01

Authorization Requested (Additional ECC and M&I) ..... $15,204,000[2]

Prior Authority and Funding

- The House Committee on Transportation and Infrastructure authorized $2,201,000 for site and design on 6/26/2002.
- The Senate Committee on Environment and Public Works authorized $2,201,000 for site and design on 9/26/2002.
- The House Committee on Transportation and Infrastructure authorized $22,351,000 for additional site, additional design, construction, and management and inspection on 7/21/2004.
- The Senate Committee on Environment and Public Works authorized $22,351,000 for additional site, additional design, construction, and management and inspection on 11/17/2004.
- Through Public Law 108-7, Congress appropriated $2,201,000 in FY 2003.
- Through Public Law 108-447, Congress appropriated $22,351,000 in FY 2005.

Schedule	Start	End
Design	FY2005	FY2006
Construction	FY2008	FY2011

[2]Creation of an integrated entry/exit system has been authorized by the Congress to increase efficiency and effectiveness of border security by collecting entry/exit information on visitors to the United States. GSA has been working closely with the DHS Entry Exit US-VISIT program management office to establish a cost-effective, efficient method for meeting entry/exit requirements. Additional funds may be made available to cover the costs of incorporating the entry/exit business process into the facility authorized by this prospectus.

GSA PBS

AMENDED PROSPECTUS - CONSTRUCTION
U.S. LAND PORT OF ENTRY
PORTAL, ND

Prospectus Number: PND-BSC-PO09
Congressional District: 01

Overview of Project

The proposed land port of entry will provide a modern, efficient, technically capable, and secure facility to adequately accommodate the agencies' expanded space and operational needs. It will be situated on approximately seven acres of land and will provide a technically modern main administration building, five non-commercial inspection lanes with attendant booths, a primary commercial inspection lane, a commercial secondary inspection building, a secondary inspection building, a hazardous materials containment building, a firing range, a border patrol building, a veterinary clinic building, a Vehicle and Cargo Inspection System equipment storage building, a 22-space official vehicle garage with GSA offices and a shop, and a 90-space employee and visitor parking lot.

GSA has completed site acquisition and design for this project and has attempted to award construction on two different occasions, both ending in bid-busts. Due to construction escalation and high construction costs for a remote location, this project will require additional construction funding. GSA will attempt to award construction of the main port building, two non-commercial, primary inspection lanes; three non-commercial, secondary vehicle inspection lanes, and, five inspection booths within the existing budget and pursue other required ancillary structures with our FY 2009 request.

GSA is not proposing to change the original scope of the project. The project will be constructed as outlined in the approved prospectus, but the construction of the main port would occur separately from construction of the ancillary spaces due to insufficient funding.

Tenant Agencies

Department of Homeland Security (DHS) – Animal and Plant Health Inspection Service (APHIS), DHS - Customs and Border Protection (CBP), and GSA–PBS.

GSA PBS

AMENDED PROSPECTUS - CONSTRUCTION
U.S. LAND PORT OF ENTRY
PORTAL, ND

Prospectus Number: PND-BSC-PO09
Congressional District: 01

Location

The site is at the juncture of U.S. Highway 52 and the U.S./Canadian international border in Portal, ND.

Justification

The Portal, North Dakota inspection agencies have experienced significant growth in their operations and staff due to increased inspection demands, and require additional space and expanded facility inspection capabilities. The existing facility has become too small to accommodate agency personnel, is functionally obsolete and deficient, and has deteriorated too severely to adequately house the tenant's space and operational needs. It suffers from severe safety, security, and operational deficiencies. The existing station was constructed in 1932, has never been renovated, and consequently, has mechanical and electrical systems that are operationally deficient, outmoded, and technically obsolete and can no longer adequately meet service requirements. GSA has determined that it would be more economically and technically feasible to build a new facility than modernize the existing one.

Site facilities are also severely deficient and inadequate. Covered inspection staging areas and inspection lanes are regularly congested and slow. Vital support facilities such as a warehouse, parking lot, veterinary clinic, a vehicle impound lot, a firing range, and hazardous materials containment area are presently non-existent, and visitors and users share common circulation and comfort facilities posing potentially dangerous safety concerns.

Summary of Energy Compliance

This land port of entry project has been designed to conform with the requirements of the Facilities Standards for the Public Buildings Service and to earn LEED certification. In addition, the design includes a passive solar heat collection system, with air distribution to remote inspection booths. This feature is intended to reduce energy usage, especially in the winter in the cold climate in northern North Dakota.

Alternatives Considered

GSA believes these specialized facilities should be federally owned; thus, no alternatives other than Federal construction were considered.

GSA PBS

AMENDED PROSPECTUS - CONSTRUCTION
U.S. LAND PORT OF ENTRY
PORTAL, ND

Prospectus Number: PND-BSC-PO09
Congressional District: 01

Recommendation

CONSTRUCTION

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on February 26, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Administrator, General Services Administration

Sept er 2007 | H g Plan | PNI C-PO09
US Land Port of Entry | Portal, ND

Locations	Current							Proposed						
	Personnel		*Usable Square Feet (USF)*				*RSF*	*Personnel*		*Usable Square Feet (USF)*				*RSF*
	Office	**Total**	**Office**	**Storage**	**Special**	**Total**	**Total**	**Office**	**Total**	**Office**	**Storage**	**Special**	**Total**	**Total**
PORTAL PORT OF ENTRY														
DHS - Animal and Plant Health Inspection Service	1	1	108	40	0	**148**	**210**	3	3	1,084	341	750	**2,175**	**2,610**
DHS - Customs and Border Protection	39	39	5,767	3,109	225	**9,101**	**12,612**	67	67	13,687	2,000	36,433	**52,120**	**62,544**
GSA - PBS	0	0	0	0	0	**0**	**0**	1	1	150	300	700	**1,150**	**1,380**
Sub Total:	**40**	**40**	**5,875**	**3,149**	**225**	**9,249**	**12,822**	**71**	**71**	**14,921**	**2,641**	**37,883**	**55,445**	**66,534**

Special Space	
Laboratory	100
Holding Cell	2,181
Restroom	1,190
Physical Fitness	2,108
Conference	800
ADP	520
Firing Range	3,115
Food Service	660
Garage, VACIS, Bays	15,136
Kennels	392
Secured Storage	981
Inspection Canopy	6,304
Sallyport	1,300
Control Booth	596
Dock	1,800
GSA Shop	700
Total:	**37,883**

NOTE ... tenant's personnel and furnishings and space available jointly to the occupants of the building.

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
U.S. DISTRICT COURT – 9TH CIRCUIT
BILLINGS, MT
PMT-01-BI08

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. § 3307, appropriations are authorized to lease up to approximately 71,560 rentable square feet and 28 inside parking spaces for the U.S. District Court and court related agencies, currently located in the James F. Battin Federal Building-Courthouse and the leased Old Chamber Building in Billings, MT, at a proposed total annual cost of $3,291,760 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, the Administrator of General Services enters into an agreement with officials of Yellowstone County, MT, whereby the County provides to the Administrator, under terms and conditions agreed to by the parties, an assignable option for a site of approximately 1.5 acres, located in Billings, MT.

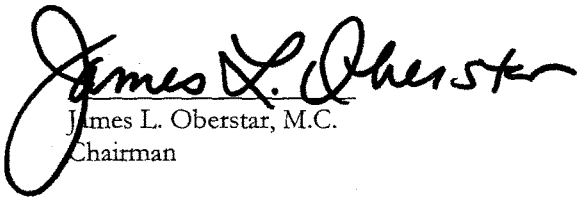
Provided further, that the Administrator assigns the site option to a competitively selected developer, who will construct upon the aforementioned site of approximately 1.5 acres in Billings, MT and lease to the Government a facility to house the U.S. District Court and court related agencies, in accordance with the terms and conditions of this resolution.

Provided further, that any lease agreement executed pursuant to this resolution shall include an option to purchase and obtain fee title to the facility leased to the Government, at any time subsequent to the expiration of the leasehold interest.

Provided further, that to the maximum extent practicable, the Administrator shall require that the procurement include minimum performance requirements for energy efficiency and renewable energy.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: September 24, 2008



James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS - LEASE
U.S. DISTRICT COURT – 9TH CIRCUIT
BILLINGS, MT

Prospectus Number: PMT-01-BI08
Congressional District: 01

Project Summary

The General Services Administration (GSA) proposes a new lease of approximately 71,560 rentable square feet and 28 inside parking spaces to meet the needs of the U.S. District Court and court-related agencies in Billings, MT. The new lease will include the U.S. District Court, U.S. Attorney and the U.S. Marshals Service. The lease will provide one Magistrate and two District courtrooms for four judges (1 District, 2 Senior District, 1 Magistrate). The District Court and U.S. Attorney will vacate the James F. Battin Federal Building-Courthouse (FB-CT) and the U.S. Marshals Service will vacate leased space located at the Old Chamber Building.

The proposed lease is one component of a three tier strategy to modernize and abate asbestos in the Battin FB-CT. Due to the condition and location of the asbestos, the building must be vacated to prevent cross contamination during asbestos removal. In June 2006, the United States Judicial Conference determined Billings to be a "judicial emergency" and the Courts have requested that GSA find the most expedient housing solution for them. Due to the backlog of courthouse projects on the Five-Year Courthouse Plan and the high cost of interim courthouse swing space, lease construction is the best housing solution for the courts. The delineated area for the procurement is within the Central Business Area and the expanded Tax Increment District, which is a re-development area. The City of Billings has approved the delineated area for this project and is working with GSA on a potential site.

The overall strategy is to re-locate all of the existing tenants from the Battin building into two separate new lease build-to-suit construction projects. In addition to the new lease for the District Courts, GSA plans a non-prospectus lease to house the Bureau of Indian Affairs (BIA), Bureau of Reclamation (BOR), and the Office of the Solicitor. These two lease actions will accommodate relocation of all existing tenants out of the Battin FB-CT. This will allow for the complete renovation of the building systems and asbestos abatement throughout the building. GSA will request project funding in a future year for the Battin FB-CT. Once complete, the Battin FB-CT will be backfilled with agencies from various other leased locations.

GSA PBS

PROSPECTUS - LEASE
U.S. DISTRICT COURT – 9TH CIRCUIT
BILLINGS, MT

Prospectus Number: PMT-01-BI08
Congressional District: 01

Description

Occupants:	Judiciary - Circuit Library, District Court, U.S. Marshals Service, and U.S. Attorney
Delineated Area:	8th Ave. North to North 22nd St. to Montana Ave. to North 31 St.
Lease Type:	New
Justification:	New lease construction will meet projected space, setback, and security requirements and U.S. Courts Design guide criteria.
Number of Parking Spaces:	28 inside
Expansion Space:	26,621 rsf
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	20 years
Maximum Rentable Square Feet:	71,560
Current Total Annual Cost:	$767,150 (federal and leased space)
Proposed Total Annual Cost[1]:	$3,291,760
Maximum Proposed Rental Rate[2]:	$46.00 per rentable square foot

Departures

This project contains no departures from the U.S. Courts Design Guide and is consistent with the July 19, 2006, House resolution requiring courtroom sharing for Senior Judges.

Authorizations

Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required area.

Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

[1]Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.
[2]This estimate is for fiscal year 2010 and may be escalated by 2.1 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS - LEASE
U.S. DISTRICT COURT – 9TH CIRCUIT
BILLINGS, MT

Prospectus Number: PMT-01-BI08
Congressional District: 01

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on July 27, 2007

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Administrator, General Services Administration

Ho[illegible] Plan
United State[illegible]ts - 9th Circuit
Bill[illegible] MT

Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
JAMES F. BATTIN FB/CT												
Judiciary - District Courts	10	10	5,904	0	16,017	**21,921**	0	0	0	0	0	**0**
Justice - Office of U.S. Attorneys	2	2	876	215	0	**1,091**	0	0	0	0	0	**0**
Sub Total:	**12**	**12**	**6,780**	**215**	**16,017**	**23,012**	**0**	**0**	**0**	**0**	**0**	**0**
OLD CHAMBER BLDG												
Justice - Marshals Service	10	10	11,373	0	0	**11,373**	0	0	0	0	0	**0**
Sub Total:	**10**	**10**	**11,373**	**0**	**0**	**11,373**	**0**	**0**	**0**	**0**	**0**	**0**
9th Circuit District CTHSE Lease												
Judiciary - Circuit Libraries	0	0	0	0	0	**0**	0	0	84	329	1,278	**1,691**
Judiciary - District Courts	0	0	0	0	0	**0**	17	17	3,110	2,650	25,281	**31,041**
Justice - Marshals Service	0	0	0	0	0	**0**	28	28	3,588	195	16,848	**20,631**
Justice - Office of U.S. Attorneys	0	0	0	0	0	**0**	2	2	1,050	0	450	**1,500**
Sub Total:	**0**	**0**	**0**	**0**	**0**	**0**	**47**	**47**	**7,832**	**3,174**	**43,857**	**54,863**
Total:	**22**	**22**	**18,153**	**215**	**16,017**	**34,385**	**47**	**47**	**7,832**	**3,174**	**43,857**	**54,863**

Special Space	
Holding Cell	3,224
Restroom	1,472
Physical Fitness	1,560
Conference	8,657
ADP	260
Courtroom	13,927
Judicial Chambers	7,410
Food Service	1,278
Library	1,278
Vault	392
Security Station	56
Sallyport	820
Command Room	416
Equipment Storage	390
Processing Area	390
Secured Elevator	221
Secured Storage	481
Squad Room	1,625
Total:	**43,857**

USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

John L. Mica
Ranking Republican Member

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
NATIONAL PARK SERVICE
LAKEWOOD, COLORADO
PCO-01-LA09

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. § 3307, appropriations are authorized to lease up to 176,542 rentable square feet for the National Park Service, currently located at 12795 West Alameda Parkway, Lakewood, CA, at a proposed total annual cost of $6,002,428 for a lease term of up to 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: September 24, 2008

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS - LEASE
NATIONAL PARK SERVICE
LAKEWOOD, COLORADO

Prospectus Number: PCO-01-LA09
Congressional District: 07

Project Summary

The General Service Administration (GSA) proposes a replacement lease of up to 176,542 rentable square feet of space and 600 outside parking spaces for the National Park Service (NPS) currently located at 12795 West Alameda Parkway in Lakewood, CO.

Description

Occupants:	Interior - NPS
Delineated Area:	Sixth Avenue to Indiana, Indiana to Jewell, Jewell to Pierce Street, Pierce Street to Sixth Avenue.
Lease Type:	Replacement
Justification:	Expiring Lease (9/30/2009)
Number of Parking Spaces:	600 outside (10-12 government vehicles)
Expansion Space:	none
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	10 years
Maximum Rentable Square Feet:	176,542
Current Total Annual Cost:	$3,231,517
Proposed Total Annual Cost[1]:	$6,002,428
Maximum Proposed Rental Rate[2]:	$34.00 per rentable square foot

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

[1]Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.
[2]This estimate is for fiscal year 2010 and may be escalated by 2.0 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS - LEASE
NATIONAL PARK SERVICE
LAKEWOOD, COLORADO

Prospectus Number: PCO-01-LA09
Congressional District: 07

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required area.

- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on February 26, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Administrator, General Services Administration

Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	**Total**	**Office**	**Storage**	**Special**	**Total**	**Office**	**Total**	**Office**	**Storage**	**Special**	**Total**
COOK-LAKEWOOD BLDG.												
12795 W.Alameda Parkway	530	530	129,995	9,910	13,610	153,515	0	0	0	0	0	**0**
Replacement Lease	0	0	0	0	0	0	700	700	129,995	9,910	13,610	**153,515**
Total:	**530**	**530**	**129,995**	**9,910**	**13,610**	**153,515**	**700**	**700**	**129,995**	**9,910**	**13,610**	**153,515**

	Current	Proposed
Utilization		
Rate	191	145

Current UR excludes 28,599 USF of office support space
Proposed UR excludes 28,599 USF of office support space

Special Space	
Clinic	195
Conference	2,950
Auditorium	6,560
ADP	1,985
Food Service	1,920
Total:	**13,610**

USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

AMENDED LEASE
U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
WASHINGTON, DC
PDC-15-WA09

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. § 3307, appropriations are authorized for a superseding lease of up to 161,000 rentable square feet for the U.S. Equal Opportunity Commission, currently located at 1801 L Street, NW, Washington, DC, at a proposed total annual cost of $7,567,000 for a lease term of up to 10 years, a prospectus for which is attached to and included in this resolution. This resolution amends the resolution approved by the Committee on April 5, 2006, which authorized prospectus PDC-02-WA07, a lease of up to 144,000 of rentable square feet, at a proposed annual cost of $6,768,000 for a lease term of up to 10 years.

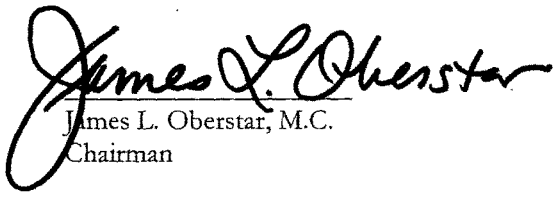
Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: September 24, 2008



James L. Oberstar, M.C.
Chairman

GSA PBS

AMENDED PROSPECTUS – LEASE
U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
WASHINGTON, DC

Prospectus Number: PDC-15-WA09

Project Summary

The General Services Administration (GSA) proposes an amended prospectus for a superseding lease of up to 161,000 rentable square feet (rsf) of space for the Equal Employment Opportunity Commission (EEOC) currently located at the 1801 L Street, NW.

The current lease for the EEOC's headquarters building expires on July 31, 2008. A prospectus for a replacement lease (PDC-02-WA07) was approved by the House Committee on Transportation and Infrastructure on April 5, 2006 and the Senate Committee on Environment and Public Works on May 23, 2006. The approved prospectus was intended to aggressively reduce EEOC's space requirements by 46,004 usable square feet (usf) in order to improve efficiency and lower overall cost. A lease was awarded for 144,000 rsf at $42.00 per rsf at 131 M Street, NE, Washington, DC, in May 2007, but during the design process it was discovered that EEOC's circulation space requirement was underestimated. Therefore, the new location cannot accommodate all of the EEOC's employees without adding 17,000 rsf of circulation space. While this amended prospectus requests authority for the additional rentable square feet, the proposed request still reflects a decrease of approximately 26,500 usable square feet from the amount of space currently occupied.

Description

Occupants:	EEOC
Delineated Area:	One NOMA, 131 M Street, NE, Washington, DC 20002
Lease Type:	Superseding
Justification:	Expiring current lease (July 31, 2008) New lease awarded (May 2007) but additional circulation space is required for occupancy.
Expansion Space:	None
Number of Parking Spaces:	10 official vehicles
Scoring:	Operating lease
Proposed Maximum Leasing Authority:	10 years
Maximum Rentable Square Feet:	161,000
Current Total Annual Cost:	$6,960,895
Proposed Total Annual Cost:[1]	$7,567,000
Maximum Proposed Rental Rate:[2]	$47.00 per rentable square foot

[1] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

GSA PBS

AMENDED PROSPECTUS – LEASE
U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
WASHINGTON, DC

Prospectus Number: PDC-15-WA09

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required area.
- Approval of this prospectus will constitute authority to provide interim leases, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on February 26, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Administrator, General Services Administration

[2] This estimate is for fiscal year 2008 and may be escalated by 2.2 percent annually to the effective date of the lease to account for inflation.

February 2008

Housing Plan
EEOC

Washington, DC
PDC-15-WA-09

Locations	Current						Proposed					
	Personnel		Usable Square Feet (USF)				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
1801 L Street	592	592	136,066	5,470	24,468	166,004						
One NOMA, 131 M Street NE, WDC		-				-	581	581	105,920	2,045	31,535	139,500
Total	592	592	136,066	5,470	24,468	166,004	581	581	105,920	2,045	31,535	139,500

	Current	Proposed
Utilization Rate	179	142

Current UR excludes 29,935 USF of Office for support space
Proposed UR excludes 23,302 USF of office for support space

Usable square footage means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building (e.g.,auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g., craft shops, gear rooms, building supply rooms, rest rooms and lobbies).

Special Space	USF
Health unit	766
X-ray	200
Pantry	1,515
Conference	19,524
Supply	1,380
File/Records	3,805
Lan	2,075
Mail	890
Library	1,380
Total	31,535

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
GENERAL SERVICES ADMINISTRATION
FEDERAL ACQUISITION SERVICE
BURLINGTON COUNTY, NJ
PNJ-01-BU09

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. § 3307, appropriations are authorized for a superseding lease of up to 1,100,000 rentable square feet for the General Services Administration – Federal Acquisition Service's Eastern Distribution Center facility, currently located at 1900 River Road, Burlington Township, NJ, at a proposed total annual cost of $8,800,000 for a lease term of up to 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: September 24, 2008

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS - LEASE
GENERAL SERVICES ADMINISTRATION
FEDERAL ACQUISITION SERVICE
BURLINGTON COUNTY, NJ

Prospectus Number: PNJ-01-BU09
Congressional District: 04

Project Summary

The General Services Administration (GSA) proposes a superseding lease of up to 1,100,000 rentable square feet (RSF) and 363 parking spaces for the General Services Administration - Federal Acquisition Service's (GSA – FAS) Eastern Distribution Center (EDC) facility. The EDC is currently located at 1900 River Road in Burlington Township, NJ.

The EDC's mission is to proactively support the federal community by providing mission-critical collaboration in the global supply chain. The EDC receives, stocks and issues a wide product range in compliance with government acquisition policies and socioeconomic regulations. These products include safety equipment, hardware, tools, paints, solvents, office products, janitorial supplies as well as dining facility equipment and supplies.

The EDC's average inventory is valued at approximately $90 million, and the more than 2.3 million orders and 71,000 tons of goods shipped in FY 2007 was valued at over $445 million. The EDC also plays a critical role in supporting American troops across the globe and has successfully responded to our nation's needs in Iraq, Somalia, Bosnia and Afghanistan. In fiscal year 2007, over $133 million was issued from the EDC in support of the war effort. The EDC has also played a critical role in our nation's responses to floods, hurricanes, tornadoes and terrorist attacks.

The EDC's existing facility in Burlington Township, NJ is one of two critical distribution centers in the U.S. and is optimally located to house this requirement. The proposed superseding lease will fulfill the long-term housing needs of GSA - FAS with respect to the Eastern Distribution Center.

GSA PBS

PROSPECTUS - LEASE
GENERAL SERVICES ADMINISTRATION
FEDERAL ACQUISITION SERVICE
BURLINGTON COUNTY, NJ

Prospectus Number: PNJ-01-BU09
Congressional District: 04

Justification

Cost savings and strategic location serve as justification for a superseding lease at the Eastern Distribution Center's current facility. The EDC's total annual rent under the current lease is $11,048,999, while the total annual rent under the proposed superseding lease is only $8,800,000. This represents a cost savings of $2,248,999, or approximately 20 percent relative to the current lease. The capital cost of the facility's conveyor system, which was installed when the building was constructed, has been fully recovered by the lessor through the rent payments made since the inception of the lease at the end of 1990. The proposed lower annual rent attributable to lessor's recovery of the conveyor system cost will be effective immediately upon execution of the superseding lease, preempting the current lease which would otherwise expire on December 13, 2010.

The EDC's current facility is strategically located to better serve its customers. It is within one hour of the Ocean Terminal Bayonne, NJ shipping point, which serves its overseas customers, and three hours of the Susquehanna, PA shipping point, which serves its domestic customers. Also, the EDC is directly proximate to the New Jersey and Pennsylvania Turnpikes, and less than ten miles from Interstates 95 and 295.

GSA PBS

PROSPECTUS - LEASE
GENERAL SERVICES ADMINISTRATION
FEDERAL ACQUISITION SERVICE
BURLINGTON COUNTY, NJ

Prospectus Number: PNJ-01-BU09
Congressional District: 04

Description

Occupants:	GSA - Federal Acquisition Service
Delineated Area:	1900 River Road, Burlington, NJ
Lease Type:	Superseding
Justification:	Cost savings and strategic location
Number of Parking Spaces:	363 surface
Expansion Space:	0 rsf
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	10 years
Maximum Rentable Square Feet:	1,100,000
Current Total Annual Cost:	$11,048,999
Proposed Total Annual Cost[1]:	$8,800,000
Maximum Proposed Rental Rate[2]:	$8.00 per rentable square foot

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority, in the event GSA is unable to secure a lease agreement with the current lessor, to conduct a competitive procurement for an alternative facility in a delineated area that includes the counties of Burlington, Mercer, Middlesex, Monmouth and Camden, New Jersey, for the same maximum square footage, rental rate, lease term and number of parking spaces included in this prospectus.

- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

[1]Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.
[2]This estimate is for fiscal year 2009 and may be escalated by 2.0 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS - LEASE
GENERAL SERVICES ADMINISTRATION
FEDERAL ACQUISITION SERVICE
BURLINGTON COUNTY, NJ

Prospectus Number: PNJ-01-BU09
Congressional District: 04

Summary of Energy Compliance

If GSA is unable to reach agreement with the current lessor and a competitive procurement is conducted, GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on February 26, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Administrator, General Services Administration

H. ..g Plan
U.S. General Services Administration
Federal Acquisition Service

Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	**Total**	**Office**	**Warehouse**	**Special**	**Total**	**Office**	**Total**	**Office**	**Warehouse**	**Special**	**Total**
EASTERN DISTRIBUTION CENTER												
GSA - FAS	183	183	42,616	1,006,015	0	**1,048,631**	183	183	42,616	1,006,015	0	**1,048,631**
Total	**183**	**183**	**42,616**	**1,006,015**	**0**	**1,048,631**	**183**	**183**	**42,616**	**1,006,015**	**0**	**1,048,631**

	Current	Proposed
	Utilization	
Rate	182	182

Current UR excludes 9,376 USF of office support space
Proposed UR excludes 9,376 USF of office support space

USF ... and furnishings and space available jointly to the occupants of the building

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
U.S. ARMY CORPS OF ENGINEERS
SACRAMENTO, CA
PCA-01-SA09

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. § 3307, appropriations are authorized for a superseding lease of up to 227,490 rentable square feet for the U.S. Army Corps of Engineers, Bureau of Alcohol, Tobacco, and Firearms, Motorcar Safety Administration, and the Defense Logistic Agency, currently located at 1325 J Street, Sacramento, CA, at a proposed total annual cost of $6,824,700 for a lease term of up to 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: September 24, 2008

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS - LEASE
U.S. ARMY CORPS OF ENGINEERS
SACRAMENTO, CA

Prospectus Number: PCA-01-SA09
Congressional District: 05

Project Summary

The General Services Administration (GSA) proposes a superseding lease of up to 227,490 rentable square feet of space for the U.S. Army Corps of Engineers (USACE), Bureau of Alcohol, Tobacco, and Firearms (ATF), Motorcar Safety Administration (MSA), and the Defense Logistics Agency (DLA) located at 1325 J Street in Sacramento, CA. Two current leases will be consolidated under this prospectus: one for the Defense Logistics Agency and one for all the other agencies in the property. The DLA lease expires May 18, 2008, but will be extended so the agency can be included in the superseding lease for the remaining agencies prior to the expiration of their current lease on October 31, 2010.

USACE has reduced the amount of space it occupies at 1325 J Street by 32,649 rentable square feet of space, which GSA has been unsuccessful in backfilling over the past year. A market survey found no other facilities in the CBD that meet the agency's continuing space and security requirements; and that market rental rates are higher than the $30 per rentable square foot proposed in this prospectus for a superseding lease at the current location.

Description

Occupants:	USACE; DLA; MSA; and ATF
Delineated Area:	1325 J Street, Sacramento, CA
Lease Type:	Superseding
Justification:	To provide continuing housing for USACE at a rate below the projected market rental rate
Expansion Space:	-32,649 rentable square feet
Number of Parking Spaces:	95 (outside)
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	10 years
Maximum Rentable Square Feet:	227,490
Current Total Annual Cost:	$5,343,488
Proposed Total Annual Cost[1]:	$6,824,700
Maximum Proposed Rental Rate[2]:	$30.00 per rentable square foot

[1]Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.
[2]This estimate is for fiscal year 2009 and may be escalated by 2.0 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS - LEASE
U.S. ARMY CORPS OF ENGINEERS
SACRAMENTO, CA

Prospectus Number: PCA-01-SA09
Congressional District: 05

Authorizations

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required area.

- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on June 27, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)**				*Personnel*		*Usable Square Feet (USF)**			
	Office	**Total**	**Office**	**Storage**	**Special**	**Total**	**Office**	**Total**	**Office**	**Storage**	**Special**	**Total**
1325 J STREET												
Army - Corps of Engineers	1,551	1,551	167,503	0	19,984	**187,487**	1,551	1,551	167,503	0	19,984	**187,487**
Defense - Defense Logistics Agency	10	10	0	0	1,890	**1,890**	10	10	0	0	1,890	**1,890**
DOT - Motor Carrier Safety	15	15	4,288	0	0	**4,288**	15	15	4,288	0	0	**4,288**
Justice - ATF - 1593	20	20	7,898	0	898	**8,796**	20	20	7,898	0	898	**8,796**
Vacant	0	0	27,029	1,890	135	**29,054**	0	0	0	0	0	**0**
Total:	**1,596**	**1,596**	**206,718**	**1,890**	**22,907**	**231,515**	**1,596**	**1,596**	**179,689**	**0**	**22,772**	**202,461**

	Current	Proposed
Utilization		
Rate	101	88

Current UR excludes **45,478** USF of office support space
Proposed UR excludes **39,532** USF of office support space

Special Space	USF
Laboratory	81
Clinic	116
Conference	5,573
Auditorium	1,885
ADP	4,660
Food Service	2,946
Workshops	7,511
Total:	**22,772**

USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
DEPARTMENT OF HOMELAND SECURITY
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
WASHINGTON, DC
PDC-14-WA09

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. § 3307, appropriations are authorized for a succeeding/new lease of up to 136,500 rentable square feet for the Immigration and Customs Enforcement agency of the Department of Homeland Security, currently located at 801 Eye Street, NW, Washington, DC, at a proposed total annual cost of $6,688,500 for a lease term of up to 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: **September 24, 2008**

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF HOMELAND SECURITY
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
WASHINGTON, DC

Prospectus Number: PDC-14-WA09

Project Summary

The General Services Administration (GSA) proposes a succeeding/new lease of up to 136,500 rentable square feet of space to accommodate new hires for the Immigration and Customs Enforcement (ICE) agency of the Department of Homeland Security (DHS), currently located at Techworld Plaza II, 801 Eye Street, NW, Washington, DC.

Authority under Prospectus Number PDC-05WA05 for 403,847 RSF is being used, along with that under Prospectus Number PDC-08WA06 for 115,870 RSF, to relocate ICE headquarters to Potomac Center North (PCN) in southwest Washington, DC. Since approval of those prospectuses in FY05 and FY06 respectively, ICE has identified the need for additional space to house 517 headquarters new hires that cannot fit into PCN. Of this number, 483 personnel can be housed in Techworld Plaza II under a succeeding lease. The remaining 34 personnel may need to be housed under a separate, new lease to be procured in the Central Employment Area if Techworld Plaza II cannot accommodate them. If, for any reason, the lessor of Techworld Plaza II decides to reposition the building through a complete renovation requiring its tenants to vacate, then authority is also requested to procure a new lease of up to 136,500 rentable square feet (in lieu of a succeeding lease) to house these new hires at a new location.

Project Description/Justification

Since its creation in 2003, ICE has seen significant growth in its budget and its personnel. While much of this growth has been in field offices, ICE headquarters functions have also seen substantial growth to oversee field operations and provide executive and programmatic guidance to these operations. From FY 2005 to FY 2008, the number of ICE personnel nationwide has grown 11 percent. Additional staff requirements have arisen from increases in the number of detention beds to end the Catch and Release policy along the border, increased cooperation with state and local law enforcement [the 287(g) program], and other immigration enforcement initiatives including the Administration's Secure Border Initiative. The increases require significant headquarters oversight to manage the contracts and ensure that ICE has a strong national program.

The expansion of ICE has been considered in light of the overall housing plan for DHS in the Washington, DC area. The mission execution components of ICE, currently located at PCN, are planned to move to the St. Elizabeths campus. When this occurs, the mission support components to be housed under the authority of this prospectus at Techworld Plaza II are proposed to backfill the vacated portion of PCN. Therefore, GSA will negotiate termination rights in the lease.

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF HOMELAND SECURITY
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
WASHINGTON, DC

Prospectus Number: PDC-14-WA09

Description

Occupants:	DHS-ICE
Delineated Area:	801 Eye Street, Washington, DC (succeeding lease), and/or a new lease in the Washington, DC Central Employment Area (CEA) /North of Massachusetts Avenue (NoMa) / Waterfront
Lease Type:	Succeeding / New
Justification:	New Hires
Expansion Space:	136,500 RSF
Number of Parking Spaces:	6 official
Scoring:	Operating lease
Proposed Maximum Leasing Authority:	10 years
Maximum Rentable Square Feet:	136,500
Current Total Annual Cost:	$4,722,030
Proposed Total Annual Cost: [1]	$6,688,500
Maximum Proposed Rental Rate: [2]	$49.00 per rentable square foot

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

[1] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

[2] This estimate is for fiscal year 2009 and may be escalated by 2.0 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF HOMELAND SECURITY
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
WASHINGTON, DC

Prospectus Number: PDC-14-WA09

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required area.
- Approval of this prospectus will constitute authority to provide interim leases, if necessary, prior to the execution of the succeeding/new lease.
- Approval of this prospectus will also constitute authority to lease the space required at a new location, if a succeeding lease at the current location is not feasible.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on June 27, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

March 2008

HOUSING PLAN
U.S. Immigration and Customs Enforcement

Washington, DC
PDC-14-WA09

Locations	Current						Proposed					
	Personnel		Usable Square Feet (USF)				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	General Storage	Special	Total	Office	Total	Office	General Storage	Special	Total
Techworld Plaza II (LDC70239)	322	322	70,575			70,575						
Techworld Plaza II (LDC70227) *	119	119	25,983			25,983						
Space for New Hires							517	517	103,400		10,340	113,740
TOTALS	441	441	96,558			96,558	517	517	103,400		10,340	113,740

* ICE occupies space under a portion of this lease, which is currently in holdover.

	Current	Proposed
	Utilization	
Rate	171	156

Special Space	USF
Food Service	5,170
Conference	5,170
Total	10,340

Current UR excludes 21,243 usf of office support space.
Proposed UR excludes 22,748 of office support space.

Usable square footage means the portion of the building available for use by tenants' personnel and furnishings and space available jointly to the occupants of the building (e.g. auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g. craft shops, gear rooms, building supply rooms, rest rooms and lobbies).

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
FEDERAL EMERGENCY MANAGEMENT AGENCY
WASHINGTON, DC
PDC-01-WA09

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. § 3307, appropriations are authorized for a superseding lease of up to 101,111 rentable square feet for the Federal Emergency Management Agency, currently located at 800 K Street NW, Washington, DC, at a proposed total annual cost of $4,954,439 for a lease term of up to 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: September 24, 2008

James L. Oberstar

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS – LEASE
FEDERAL EMERGENCY MANAGEMENT AGENCY
WASHINGTON, DC

Prospectus Number: PDC-01-WA09

Project Summary

The General Services Administration (GSA) proposes a superseding lease of up to 101,111 rentable square feet of space for the Federal Emergency Management Agency (FEMA), currently located at Techworld Plaza I, 800 K Street, NW, Washington, DC. FEMA occupies space at this location under seven leases which need to be incorporated into a single lease agreement that can be extended to accommodate FEMA's future move to new headquarters space at St. Elizabeths West Campus. GSA included a portion of design funding for a consolidated FEMA facility at St. Elizabeths in its fiscal year 2009 budget request. Construction funding will be requested in a future fiscal year. GSA will negotiate a superseding lease term of ten years with cancellation rights to provide flexibility in coordinating FEMA's relocation to St. Elizabeths with any changes to the scheduled delivery of the new space.

Description

Occupants:	FEMA
Delineated Area:	Washington, DC Central Employment Area, North of Massachusetts Avenue and Waterfront
Lease Type:	Succeeding
Justification:	Multiple Lease Expirations up to 06/02/10
Expansion Space:	None
Number of Parking Spaces:	6 official vehicles
Scoring:	Operating lease
Proposed Maximum Leasing Authority:	10 years with cancellation rights
Maximum Rentable Square Feet:	101,111
Current Total Annual Cost: [1]	$3,754,000
Proposed Total Annual Cost: [2]	$4,954,439
Maximum Proposed Rental Rate:	$49.00 per rentable square foot

[1] Any new lease may contain an annual escalation clause to provide for increases or decreasing in real estate taxes and operating costs.

[2] The estimate is for fiscal year 2009 and may be escalated by 2.0 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
FEDERAL EMERGENCY MANAGEMENT AGENCY
WASHINGTON, DC

Prospectus Number: PDC-01-WA09

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required area.
- Approval of this prospectus will constitute authority to provide interim leases, if necessary, prior to the execution of the new lease.
- Approval of this prospectus will also constitute authority to procure a new lease of up to 101,111 rentable square feet to house FEMA at another location in the event that the negotiation of a superseding lease with the current lessor at Techworld I is unsuccessful.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on June 27, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

April 2008

HOUSING PLAN

Federal Emergency Management Agency

Washington, DC
PDC-01-WA09

Location	Current						Proposed					
	Personnel		Usable Square Feet (USF)				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
Techworld Plaza I	400	400	74,796	-	9,463	84,259	400	400	74,796	-	9,463	84,259
TOTAL	**400**	**400**	**74,796**	**-**	**9,463**	**84,259**	**400**	**400**	**74,796**	**-**	**9,463**	**84,259**

Utilization Rate		
	Current	Proposed
Rate	146	146

Current U/R excludes 16,455 usf of office support space.
Proposed UR excludes 16,455 usf of office support space.

Special Space	USF
Food Service	1,500
Conference/Training	5,713
File Room	2,000
ADP /Secure	250
Total	**9,463**

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
CHICAGO, IL
PIL-05-CH09

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. § 3307, appropriations are authorized for a replacement lease of up to 192,970 rentable square feet for the Department of Health and Human Services, currently located at 233 North Michigan Avenue, Chicago, IL, at a proposed total annual cost of $10,613,350 for a lease term of up to 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: **September 24, 2008**

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
CHICAGO, IL

Prospectus Number: PIL-05-CH09
Congressional District: 7

Project Summary

The General Services Administration (GSA) proposes a replacement lease of up to 192,970 rentable square feet of space and 16 structured parking spaces for the Department of Health and Human Services (HHS) in Chicago, IL. HHS is currently housed at 233 North Michigan Avenue in Chicago, IL.

Description

Occupants:	HHS
Delineated Area:	The delineated area is bounded by Grand Avenue to the north, Harrison Street to the south, Lake Michigan to the east, and Kennedy Expressway to the west.
Lease Type:	Replacement
Justification:	Expiring Lease (November 30, 2009)
Number of Parking Spaces:	16
Expansion Space:	8,822 rsf
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	10 years
Maximum Rentable Square Feet:	192,970
Current Total Annual Cost:	$5,737,095
Proposed Total Annual Cost[1]:	$10,613,350
Maximum Proposed Rental Rate[2]:	$55.00 per rentable square foot

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

[1]Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.
[2]This estimate is for fiscal year 2010 and may be escalated by 2.0 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
CHICAGO, IL

Prospectus Number: PIL-05-CH09
Congressional District: 7

Authorizations

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required area.
- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on June 27, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
TWO ILLINOIS CENTER												
HHS	564	564	153,242	0	0	**153,242**						
Vacant	0	0	7,341	0	0	**7,341**	0	0	0	0	0	**0**
Sub Total:	**564**	**564**	**160,583**	**0**	**0**	**160,583**	**0**	**0**	**0**	**0**	**0**	**0**
Chicago HHS Lease												
HHS	0	0	0	0	0	**0**	630	630	117,046	6,715	36,822	**160,583**
Total:	**564**	**564**	**160,583**	**0**	**0**	**160,583**	**630**	**630**	**117,046**	**6,715**	**36,822**	**160,583**

	Current	Proposed
	Utilization	
Rate	209	145

Current UR excludes 35,328 USF of office support space
Proposed UR excludes 25,750 USF of office support space

Special Space	
Laboratory	810
Restroom	459
Conference/Training	23,068
Library	3,085
ADP	2,194
Food Service	3,465
Mail room	2,121
Evidence room	1,485
Interview room	135
Total:	**36,822**

USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
DEPARTMENT OF THE TREASURY
PLANTATION, FL
PFL-01-FL09

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. § 3307, appropriations are authorized for a consolidation lease of up to 140,853 rentable square feet for the Department of the Treasury, currently located at 7850 SW 6th Court, Plantation, FL, 300 Lock Road, Deerfield Beach, FL and 1000 South Pine Island Road, Plantation, FL, at a proposed total annual cost of $4,789,002 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: **September 24, 2008**

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS - LEASE
DEPARTMENT OF THE TREASURY
PLANTATION, FL

Prospectus Number:	PFL-01-FL09
Congressional District:	23

Project Summary

The General Services Administration (GSA) proposes a consolidation lease for up to 140,853 (rsf) for the Internal Revenue Service (IRS) and Treasury Inspector General for Tax Administration (TIGTA). The IRS is currently located at 7850 SW 6th Court, Plantation, FL, 300 Lock Road, Deerfield Beach, FL and 1000 South Pine Island Road, Plantation, FL. This proposed lease project will consolidate all three locations and meet the continuing housing needs of IRS and TIGTA for office and support space. GSA has termination rights for the leases located at 300 Lock Road and 1000 South Pine Island Road, which expire February 28, 2010 and November 25, 2012, respectively.

Description

Occupants:	Treasury – IRS, Tax Administration - IG
Delineated Area:	Bounded by Cleary Boulevard to the north, Hiatus Road to the west, Florida State Road 817 to the east, Nova Drive to the south
Lease Type:	Consolidation
Justification:	Expiring Leases (4/30/09, 2/28/2010, 11/25/2012)
Number of Parking Spaces:	43 official
Expansion Space:	- 41,751 rsf (space reduction)
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	15 years
Maximum Rentable Square Feet:	140,853
Current Total Annual Cost:	$4,128,531
Proposed Total Annual Cost[1]:	$4,789,002
Maximum Proposed Rental Rate[2]:	$34.00 per rentable square foot

[1]Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.
[2]This estimate is for fiscal year 2009 and may be escalated by 2.0 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS - LEASE
DEPARTMENT OF THE TREASURY
PLANTATION, FL

Prospectus Number: PFL-01-FL09
Congressional District: 23

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

Authorizations

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required area.

- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on June 27, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

March 2008 — Housing Plan — Plantation, FL
Department of Treasury — FL1-PL09

Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	**Total**	**Office**	**Storage**	**Special**	**Total**	**Office**	**Total**	**Office**	**Storage**	**Special**	**Total**
7850 SW 6TH COURT												
Treasury - IRS National Office	534	534	111,404	0	8,490	**119,894**	0	0	0	0	0	**0**
Treasury - Tax Administration - IG	15	15	2,587	0	0	**2,587**	0	0	0	0	0	**0**
1000 SOUTH PINE ISLAND RD												
Treasury - IRS National Office	53	53	17,197	0	0	**17,197**	0	0	0	0	0	**0**
300 LOCK ROAD												
Treasury - IRS National Office	117	117	23,336	0	0	**23,336**	0	0	0	0	0	**0**
New Lease												
Treasury - IRS National Office	0	0	0	0	0	**0**	739	739	109,940	0	9,990	**119,930**
Treasury - Tax Administration - IG	0	0	0	0	0	**0**	15	15	2,551	0	0	**2,551**
Total:	**719**	**719**	**154,524**	**0**	**8,490**	**163,014**	**754**	**754**	**112,491**	**0**	**9,990**	**122,481**

	Current	Proposed
	Utilization	
Rate	168	116

Current UR excludes 33,995 USF of office support space
Proposed UR excludes 24,748 USF of office support space

Special Space	
Conference/Training	8,775
ADP	300
Food Service	540
Mail Rooms	375
Total:	**9,990**

USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
DEPARTMENT OF DEFENSE
DEFENSE INTELLIGENCE AGENCY
PRINCE GEORGES COUNTY, MD
PMD-03-WA09

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. § 3307, appropriations are authorized for a new lease of up to 266,000 rentable square feet for the Department of Defense, Defense Intelligence Agency, currently located at 3300 75th Street, Landover, MD, at a proposed total annual cost of $4,788,000 for a lease term of up to 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: September 24, 2008

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF DEFENSE
DEFENSE INTELLIGENCE AGENCY
PRINCE GEORGES COUNTY, MD

Prospectus Number: PMD-03-WA09
Congressional District: 4

Project Summary

The General Services Administration (GSA) proposes a new lease for up to 266,000 rentable square feet lease of flex/warehouse space for the Department of Defense (DoD), Defense Intelligence Agency (DIA). DoD DIA is currently housed at 3300 75th Street, Landover, MD.

DoD DIA's current space was obtained under a service contract effective March 16, 2004 and will expire on August 31, 2009. The DoD DIA warehouse supports DIA personnel deploying overseas to Iraq and Afghanistan. As such, DoD DIA has a continuing need for space and has requested that GSA acquire and administer a new lease in the Prince Georges County, MD area to replace the service contract.

GSA will solicit for a facility that is compliant with the mandatory DoD Minimum Antiterrorism Standards for Buildings in effect for all leases that expire in FY 2007 and beyond. These requirements include but are not limited to: progressive collapse, DoD full building occupancy, 82 foot setback from the curb, and control of underground parking.

Description

Occupants:	DoD DIA
Delineated Area:	Prince Georges County, MD I-95 Proximate
Lease Type:	New Lease
Justification:	Expiring DoD Contract
Expansion Space:	None
Number of Parking Spaces[1]:	350 Outdoor Spaces
Scoring:	Operating lease
Proposed Maximum Leasing Authority:	10 years
Maximum Rentable Square Feet:	266,000
Current Total Annual Cost:[2]	$4,180,858
Proposed Total Annual Cost:	$4,788,000
Maximum Proposed Rental Rate[3]:	$18.00 per rentable square foot

[1] The parking lot will be used as a ware yard to accommodate storage containers for sensitive items, trailers used to stage materials for specific jobs on a long-term basis, specialized military vehicles, and oversized items such as diesel generators. The parking lot will also be used for 10 official government vehicles.

[2] Current total annual cost is based on rent consistent with the terms of the non-government service contract.

[3] This estimate is for fiscal year 2009 and may be escalated by 2.0 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF DEFENSE
DEFENSE INTELLIGENCE AGENCY
PRINCE GEORGES COUNTY, MD

Prospectus Number: PMD-03-WA09
Congressional District: 4

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA will encourage offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.

- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on June 27, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

June 2008

Housing Plan
Department of Defense
Defense Intelligence Agency

Prince Georges County, MD
PMD-03-WA09

Locations	Current						Proposed					
	Personnel		Usable Square Feet (USF) *				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
Current Location	263	263	48,101		217,899	**266,000**						
		-				-		-				-
Proposed Location							263	263	48,101		217,899	**266,000**
Total	**263**	**263**	**48,101**	**-**	**217,899**	**266,000**	**263**	**263**	**48,101**	**-**	**217,899**	**266,000**

	Current	Proposed
Utilization		
Rate	143	143

Current UR excludes 10,582 USF of Office for support space
Proposed UR excludes 10,582 USF of office for support space

Special Space	USF
Warehouse	162,012
Adp	27,941
Armory	2,411
Library	3,908
Conference	21,627
Total	**217,899**

Usable square footage means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building (e.g.,auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g., craft shops, gear rooms, building supply rooms, rest rooms and lobbies).

* With Flex space, there is no difference between the usable and rentable square footage.

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
FEDERAL AVIATION ADMINISTRATION
901 LOCUST STREET
KANSAS CITY, MO
PMO-02-KA09

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. § 3307, appropriations are authorized for a succeeding lease of up to 204,607 rentable square feet for the Department of Transportation's Federal Aviation Administration, Federal Railroad Administration, Federal Transit Administration, National Highway Traffic Safety Administration, and Pipeline and Hazardous Materials Safety Administration, and the Social Security Administration, currently located at 901 Locust Street, Kansas City, MO, at a proposed total annual cost of $5,933,603 for a lease term of up to 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: September 24, 2008

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS - LEASE
FEDERAL AVIATION ADMINISTRATION
901 LOCUST STREET
KANSAS CITY, MO

Prospectus Number: PMO-02-KA09
Congressional District: 05

Project Summary

The General Services Administration (GSA) proposes a succeeding lease of up to 204,607 rentable square feet of space primarily for the Department of Transportation's (DOT) Federal Aviation Administration (FAA), as well as the Federal Railroad Administration (FRA), Federal Transit Administration (FTA), National Highway Traffic Safety Administration (NHTSA), the Pipeline and Hazardous Materials Safety Administration (PHMSA) agencies; and the Social Security Administration (SSA) located at 901 Locust Street in Kansas City, Missouri.

The current leased property was constructed for DOT in 1999. It consolidated seven dispersed FAA leased locations, and provided the security needed for the agency's sensitive operations.

Description

Occupants:	DOT-FAA, FRA, FTA, NHTSA, PHMSA, and SSA
Delineated Area:	901 Locust Street Kansas City, MO
Lease Type:	Succeeding
Justification:	Expiring lease (10/14/09)
Number of Parking Spaces:	104 (structured)
Expansion Space:	None
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	10 years
Maximum Rentable Square Feet:	204,607
Current Total Annual Cost:	$4,581,591
Proposed Total Annual Cost[1]:	$5,933,603
Maximum Proposed Rental Rate[2]:	$29.00 per rentable square foot

[1]Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.
[2]This estimate is for fiscal year 2010 and may be escalated by 2.0 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS - LEASE
FEDERAL AVIATION ADMINISTRATION
901 LOCUST STREET
KANSAS CITY, MO

Prospectus Number: PMO-02-KA09
Congressional District: 05

Authorizations

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required area.

- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on June 27, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

June [illegible] Hou[illegible] Plan PM[illegible]-KA09
Federal Aviat[illegible] Administration Kansas [illegible]ty, MO

Location	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
901 Locust												
DOT - Federal Aviation Administration	450	450	131,518	-	17,772	**149,290**	450	450	131,518	-	17,772	**149,290**
DOT - Federal Railroad Administration	18	18	4,604	-	-	**4,604**	18	18	4,604	-	-	**4,604**
DOT - Federal Transit Administration	12	12	3,940	-	194	**4,134**	12	12	3,940	-	194	**4,134**
DOT - National Highway Traffic Safety Administration	9	9	3,573	-	-	**3,573**	9	9	3,573	-	-	**3,573**
Social Security Administration	12	12	3,617	-	-	**3,617**	12	12	3,617	-	-	**3,617**
DOT - Pipeline & Hazardous Materials	11	11	3,672	-	-	**3,672**	11	11	3,672	-	-	**3,672**
Total	**512**	**512**	**150,924**	-	**17,966**	**168,890**	**512**	**512**	**150,924**	-	**17,966**	**168,890**

Utilization (UR)		
	Current	Proposed
Rate	230	230

Current UR excludes 33,203 usf of office support
Proposed UR excludes 33,203 usf of office support

Special Space	
Type	USF
Laboratory	271
Clinic	144
Physical Fitness	2,830
Conference	8,534
ADP	2,833
Food Service	3,354
Total	17,966

USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
DEPARTMENT OF DEFENSE
MISSILE DEFENSE AGENCY
NORTHERN VIRGINIA
PVA-07-WA09

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. § 3307, appropriations are authorized for a new lease of up to 132,516 rentable square feet for the Department of Defense Missile Defense Agency, currently located at 5611 Columbia Pike, Falls Church, VA, at a proposed total annual cost of $4,505,544 for a lease term of up to four years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: September 24, 2008

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF DEFENSE
MISSILE DEFENSE AGENCY
NORTHERN VIRGINIA

Prospectus Number: PVA-07-WA09
Congressional District: 8

Project Summary

The General Services Administration (GSA) proposes a new lease for continuing occupancy of up to 132,516 rentable square feet (rsf) for the Department of Defense (DOD) Missile Defense Agency (MDA), currently located at the Suffolk Building, 5611 Columbia Pike, Falls Church, VA.

The current space was obtained by MDA through a service contract on July 1, 2004 and expires on June 30, 2009. MDA has a continuing need for the space until 2011, when they are required to relocate to owned space in accordance with the 2005 Base Realignment and Closure (BRAC) Act. DoD has requested that a lease to succeed the service contract be acquired and administered through GSA effective July 1, 2009.

The 2005 BRAC Act requires MDA to relocate to DoD owned space by September 2011. Since this is a short-term requirement, GSA has determined that it is not practical to consider relocating MDA prior to their BRAC relocation date. GSA will negotiate with the lessor for termination rights in the new lease to align with the final relocation date, once it is established.

MDA occupies an additional 144,551 rsf under a GSA lease in the Suffolk building that expires December 15, 2013. It was acquired in accordance with prospectus number PVA-11W03 approved by the House Committee on Transportation and Infrastructure on April 9, 2003 and the Senate Committee on Environment and Public Works on February 24, 2003. This MDA requirement is also affected by the BRAC requirement to move to a new location by September 2011. The lease can be terminated with 60 days notice after December 16, 2010.

Description

Occupants:	DOD
Delineated Area:	5611 Columbia Pike, Falls Church VA
Lease Type:	New lease to succeed MDA service contract
Justification:	Expiring service contract (6/30/2009); Continuing need for the space until 2011 when they will relocate to owned space in accordance with the 2005 Base Realignment and Closure Act.
Expansion Space:	None

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF DEFENSE
MISSILE DEFENSE AGENCY
NORTHERN VIRGINIA

Prospectus Number: PVA-07-WA09
Congressional District: 8

Number of Parking Spaces[1]:	0
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	4 years with termination rights to align with final relocation date
Maximum Rentable Square Feet:	132,516
Current Total Annual Cost:	$2,763,019
Proposed Total Annual Cost[2]:	$4,505,544
Maximum Proposed Rental Rate[3]:	$34.00

Authorization

Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.

[1] The Department of Defense security requirements may necessitate control of the parking garage at the leased location. This may be accomplished as a lessor-furnished service, as a separate operating agreement with the lessor, or as part of the Government's leasehold interest in the building.

[2] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

[3] This estimate is for fiscal year 2009 and may be escalated by 2.0 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF DEFENSE
MISSILE DEFENSE AGENCY
NORTHERN VIRGINIA

Prospectus Number: PVA-07-WA09
Congressional District: 8

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on June 27, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

October 2007

Housing Plan
Missile Defense Agency
Northern VA

PVA-07-WA09

Locations	Current						Proposed					
	Personnel		Usable Square Feet (USF)				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
Suffolk Building	575	575	110,430			**110,430**	575	575	110,430			**110,430**
		-				-		-				-
Total	**575**	**575**	**110,430**	-	-	**110,430**	**575**	**575**	**110,430**	-	-	**110,430**

	Current	Proposed
Utilization Rate	150	150

Current UR excludes 24,295 USF of Office for support space
Proposed UR excludes 24,295 USF of office for support space

Usable square footage means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building (e.g.,auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g., craft shops, gear rooms, building supply rooms, rest rooms and lobbies).

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
U.S. ATTORNEYS
HOUSTON, TX
PTX-01-HO09

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. § 3307, appropriations are authorized for a replacement and expansion lease of up to 132,539 rentable square feet for the U.S. Attorneys, currently located at 910 Travis Street, Houston, TX, at a proposed total annual cost of $4,638,865 for a lease term of up to 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: September 24, 2008

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS - LEASE
U.S. ATTORNEYS
HOUSTON, TX

Prospectus Number: PTX-01-HO09
Congressional District: 18

Project Summary

The General Services Administration (GSA) proposes a replacement and expansion lease of up to 132,539 rentable square feet of space and 31 secured parking spaces for the U.S. Attorneys in Houston, TX. The U.S. Attorneys currently occupies 104,528 rentable square feet in the Bank One Center at 910 Travis Street. Due to increases in caseload and resulting personnel growth, they have requested expansion space of 28,011 rentable square feet.

Description

Occupants:	U.S. Attorneys
Delineated Area:	Congress Street on the North, Main Street on the East, Dallas Street on the South, and I-45 on the West
Lease Type:	Replacement/Expansion
Justification:	Expiring Lease (May 26, 2009)
Number of Parking Spaces:	31 secure spaces
Expansion Space:	28,011 rsf
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	10 years
Maximum Rentable Square Feet:	132,539
Current Total Annual Cost:	$2,083,588
Proposed Total Annual Cost[1]:	$4,638,865
Maximum Proposed Rental Rate[2]:	$35.00 per rentable square foot

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

[1]Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.
[2]This estimate is for fiscal year 2009 and may be escalated by 2.0 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS - LEASE
U.S. ATTORNEYS
HOUSTON, TX

Prospectus Number: PTX-01-HO09
Congressional District: 18

Authorizations

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required area.

- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on June 27, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

November 2007

Housing Plan
U.S. Attorneys

Houston, TX
PTX-01-HO09

Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	**Total**	**Office**	**Storage**	**Special**	**Total**	**Office**	**Total**	**Office**	**Storage**	**Special**	**Total**
BANK ONE CENTER												
Justice - Office of U.S. Attorneys	288	288	74,087	6,571	10,236	90,894	0	0	0	0	0	0
Replacement Lease	0	0	0	0	0	0	330	330	94,502	8,400	12,350	115,252
Total:	**288**	**288**	**74,087**	**6,571**	**10,236**	**90,894**	**330**	**330**	**94,502**	**8,400**	**12,350**	**115,252**

	Current	Proposed
	Utilization	
Rate	201	223

Current UR excludes 16,299 USF of office support space
Proposed UR excludes 20,790 USF of office support space

Special Space	
Restroom	150
Conference	9,000
Auditorium	1,700
ADP	850
Food Service	650
Total:	**12,350**

USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
DEPARTMENT OF DEFENSE
MISSILE DEFENSE AGENCY
HUNTSVILLE, AL
PAL-01-HU09

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. § 3307, appropriations are authorized for a succeeding lease of up to 386,821 rentable square feet for the Department of Defense, including the Missile Defense Agency, currently located at 106 Wynn Drive, Huntsville, AL, at a proposed total annual cost of $7,736,420 for a lease term of up to 4 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: September 24, 2008

James L. Oberstar

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF DEFENSE
MISSILE DEFENSE AGENCY
HUNTSVILLE, AL

Prospectus Number: PAL-01-HU09
Congressional District: 05

Project Summary

The General Services Administration (GSA) proposes a succeeding lease for up to 386,821 rsf for Department of Defense (DOD) agencies including the Missile Defense Agency (MDA), Lower Tier Project Office (LTOI) and Rapid Aerostat Initial Deployment (RAID) currently located at 106 Wynn Drive in Huntsville, AL.

The 2005 Base Realignment and Closure Act mandates that many of the DOD occupants relocate to DOD owned space. According to DOD move plans, they are scheduled to relocate to facilities at the Redstone Arsenal, between 2010 and 2011. The current lease expires 6/15/09 and will need to be extended on a short term basis until the projected final move date of 2011.

Before the move to the Redstone Arsenal occurs, MDA will temporarily consolidate its GSA lease with a service contractor, Systems Planning, Analysis, Research and Technology Association (SPARTA) who currently occupy space in 106 Wynn Drive under their own lease. Therefore, the increase in the proposed total annual cost of the lease is due to this increase in rsf as well as an increase in rental rates.

Description

Occupants:	DOD – MDA
Delineated Area:	Huntsville, AL
Lease Type:	Succeeding
Justification:	Expiring Lease 6/15/09
Number of Parking Spaces:	1,180
Expansion Space:	None
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	4 years with termination rights
Maximum Rentable Square Feet:	386,821
Current Total Annual Cost:	$4,963,446
Proposed Total Annual Cost[1]:	$7,736,420
Maximum Proposed Rental Rate[2]:	$20.00 per rentable square foot

[1]Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.
[2]This estimate is for fiscal year 2009 and may be escalated by 2.0 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF DEFENSE
MISSILE DEFENSE AGENCY
HUNTSVILLE, AL

Prospectus Number: PAL-01-HU09
Congressional District: 05

Authorizations

Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required area.

Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on August 20, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
106 WYNN DRIVE BLDG.												
Army - Ballistic Missile Defense	534	534	160,662	0	0	**160,662**	534	534	145,386	0	0	**145,386**
Army - LTPO	318	318	75,028			**75,028**	445	445	77,300	1,200	19,650	**98,150**
Army - RAID	38	38	5,799	0		**5,799**	38	38	5,402		1,124	**6,526**
SPARTA-(Contractor)	375	375	70,000	0	0	**70,000**	375	375	70,000			**70,000**
GSA - PBS, Field Offices	1	1	518	0	0	**518**	1	1	518	0	0	**518**
Joint Use	0	0	0	0	7,192	**7,192**	0	0	0	0	7,192	**7,192**
Vacant	0	0	8,573	0	0	**8,573**	0	0	0	0	0	**0**
Sub Total:	**1,266**	**1,266**	**320,580**	**0**	**7,192**	**327,772**	**1,393**	**1,393**	**298,606**	**1,200**	**27,966**	**327,772**
Total:	**1,266**	**1,266**	**320,580**	**0**	**7,192**	**327,772**	**1,393**	**1,393**	**298,606**	**1,200**	**27,966**	**327,772**

	Current	Proposed
	Utilization	
Rate	198	167

Current UR excludes 70,527 USF of office support space
Proposed UR excludes 65,693 USF of office support space

Special Space	
Conference	8,060
ADP	4,114
Food Service	7,192
Vaults	4,300
Secured Room	4,300
Total:	**27,966**

USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

AMENDED LEASE
ENVIRONMENTAL PROTECTION AGENCY
SAN FRANCISCO, CA
PCA-09-SF09

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. § 3307, appropriations are authorized for a replacement lease of up to 290,950 rentable square feet for the Environmental Protection Agency, currently located at 75-95 Hawthorne Street, San Francisco, CA, at a proposed total annual cost of $17,457,000 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution. This resolution amends the Committee resolution of January 16, 2008, which authorized prospectus PCA-02-SF08, a lease of up to 275,135 of rentable square feet, at a proposed annual cost of $13,756,750 for a lease term of up to 15 years.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: September 24, 2008

James L. Oberstar

James L. Oberstar, M.C.
Chairman

GSA PBS

AMENDED PROSPECTUS - LEASE
ENVIRONMENTAL PROTECTION AGENCY
SAN FRANCISCO, CA

Prospectus Number:	PCA-09-SF09
Congressional District:	08

Project Summary

The General Services Administration (GSA) proposes a replacement lease for up to 290,950 rentable square feet and eight parking spaces for the Environmental Protection Agency (EPA), currently located at the Hawthorne Center, 75-95 Hawthorne Street, San Francisco, CA. The current lease for 268,761 rentable square feet (rsf) expires on September 30, 2009. EPA's space requirements, as proposed in this prospectus, include an additional 19,832 rentable square feet for workplace productivity to meet current standards for space and furniture.

At the beginning of 2008, GSA was notified that the Hawthorne Center had changed ownership. GSA had proposed in Prospectus Number PCA-02-SF08 (approved by the Senate Committee on Environment and Public Works and the House Committee on Transportation and Infrastructure on December 18, 2007, and January 16, 2008, respectively) a succeeding lease at $50.00 per rsf based on the previous owners' proposal to partly re-locate EPA's space to the less costly lower floors of the building. The new ownership does not support this proposal and would have EPA remain on the upper view floors under any new lease agreement. Consequently, GSA has developed a new rental rate of $60.00 per rsf that allows the current lessor and other offerors to provide that space that meets EPA's needs under a competitive, replacement lease procurement.

Description

Occupants:	EPA
Delineated Area (if competitive):	San Francisco, CA Central Business District
Lease Type:	Replacement/Expansion
Justification:	Expiring Lease 9/30/09
Number of Parking Spaces:	8 structured
Expansion Space:	19,832 rsf
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	15 years
Maximum Rentable Square Feet:	290,950
Current Total Annual Cost:	$7,276,386
Proposed Total Annual Cost[1]:	$17,457,000
Maximum Proposed Rental Rate[2]:	$60.00 per rentable square foot

[1]Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

[2]This estimate is for fiscal year 2010 and may be escalated by 2.00 percent annually to the effective date of the lease to account for inflation.

GSA PBS

AMENDED PROSPECTUS - LEASE
ENVIRONMENTAL PROTECTION AGENCY
SAN FRANCISCO, CA

Prospectus Number: PCA-09-SF09
Congressional District: 08

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

Authorizations

Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required area.

Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on August 20, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

July 2008 Housing Plan PCA-09-SF09

E ›se

San F ɔo, CA

Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	**Total**	**Office**	**Storage**	**Special**	**Total**	**Office**	**Total**	**Office**	**Storage**	**Special**	**Total**
The Hawthorne Center												
EPA	1,095	1,095	161,989	4,615	68,299	**234,903**	1,095	1,095	173,793	4,615	74,592	**253,000**
HHS - Center for Disease Control	6	6	852	0	0	**852**	0	0	0	0	0	**0**
Total:	**1,101**	**1,101**	**162,841**	**4,615**	**68,299**	**235,755**	**1,095**	**1,095**	**173,793**	**4,615**	**74,592**	**253,000**

	Current	Proposed
Utilization Rate	130	140

Current UR excludes 35,825 USF of office support space
Proposed UR excludes 38,234 USF of office support space

Special Space	
Conference	10,845
Library	8,748
ADP	1,902
Archives	11,570
Break Rooms	1,749
File Storage	5,682
Evidence Room/SCIF	1,276
Mail Rooms	3,455
Control Booth - Reg. Response	3,500
Control Booth - Security	1,455
Copy Room	1,710
Physical Fitness	5,974
Child Care	13,830
Food Service	2,896
Total:	**74,592**

Note. 1) Current EPA total usf is greater than the 228,961 usf shown on Prospectus Number PCA-02-SF08 and is due to re-measurement by existing lessor. The increase of 6,794 usf is a new baseline and not expansion space.
2) Total proposed space shown above represents expansion of 17,245 usf in relation to current total.

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
DEPARTMENT OF STATE
WASHINGTON, DC
PDC-17-WA09

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. § 3307, appropriations are authorized for a consolidation lease of up to 288,000 rentable square feet for the Department of State in the American Red Cross building at 2025 E Street NW, Washington, DC, at a proposed total annual cost of $13,248,000 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: **September 24, 2008**

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF STATE
WASHINGTON, DC

Prospectus Number: PDC-17-WA09

Project Summary

The General Services Administration (GSA) proposes a consolidation lease of up to 288,000 rentable square feet of space for the Department of State (DoS) in the American Red Cross (ARC) building at 2025 E Street NW, Washington DC.

The ARC building is on federal land under the administrative control and jurisdiction of GSA. As directed by P.L. 100-637, GSA entered into a ground-lease with ARC for 99-years. Through the ground-lease GSA has the right of first refusal for space not used by the ARC at a price that is reduced by the value of the land, which provides for a lower than market rent rate for GSA. Space will soon be available in the ARC building and authority is requested in order to execute a lease with ARC.

Time is of the essence to authorize this prospectus. Once notice is provided by ARC, GSA has 30 days to confirm its interest in leasing the space.

The proposed lease will allow DoS to consolidate multiple bureaus and substantially improve its mission of providing services to American citizens in an effective and timely manner. The proposed consolidation includes the following bureaus: Information Resource Management (IRM); International Narcotics and Law Enforcement (INL); International Border Commission (IBC); Oceans, International Environmental, and Scientific Affairs (OES); and African Affairs (AF). Due to the limited time to plan, DoS needs the flexibility to consolidate these and/or other bureaus into the Red Cross building. In order to manage the vacancy created by the moves to the ARC building, the vacated space will be either backfilled by DoS or other agencies or GSA will negotiate termination rights.

The consolidation will allow the DoS to co-locate most of its staff, which are currently dispersed primarily in Washington, DC and to a lesser extent, Northern Virginia, improve operational costs by eliminating space redundancies, reduce costs related to servicing multiple locations, and optimize Information Technology (IT) infrastructure.

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF STATE
WASHINGTON, DC

Prospectus Number: PDC-17-WA09

Description

Occupants:	Department of State
Delineated Area:	2025 E Street, NW
Lease Type:	Consolidation
Justification:	Consolidation
Expansion Space:	32,953 rsf
Number of Parking Spaces[1]:	25 inside
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	15 years
Maximum Rentable Square Feet:	288,000
Current Total Annual Cost:	$7,241,807
Proposed Total Annual Cost[2]	$13,248,000
Maximum Proposed Rental Rate[3]:	$46.00

[1] Security requirements may necessitate denying public access to parking at the location(s) leased. If this is the case, the lease will include additional parking over and above those for official vehicles. Parking, including parking for official vehicles if need be, will be made a part of the leasehold interest at a market cost outside the parameters of the prospectus rent limitation.

[2] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

[3] This is an estimated rental rate based on the terms in the ground lease. As stipulated in the ground lease this rental rate has been decreased by the imputed value of the ground rent payments. The final rental rate will be negotiated in accordance with the terms of the ground lease.

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF STATE
WASHINGTON, DC

Prospectus Number: PDC-17-WA09

Authorization

Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environmental and Public Works will constitute authority to lease space in one or more facilities that will yield the required rentable area.

Approval of this prospectus will constitute authority to provide interim leases, if necessary, prior to the execution of the new lease(s).

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on August 20, 2008

Recommended _____
Commissioner, Public Buildings Service

Approved _____
Acting Administrator, General Services Administration

May ..8

HOU...G PLAN
DEPARTMENT OF STATE

Wash...on DC
PDC-17-WA09

Locations	Current						Proposed					
	Personnel		Usable Square Feet (USF)				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
IRM - 2401 E Street NW	194	194	25,105	-	3,138	28,243						
IRM - 1800 N Kent Street	120	120	21,138	-	1,351	22,489						
IRM - 7500 Boston Blvd	110	110	21,816	-	3,492	25,308						
IRM - 1000 Wilson Blvd	114	114	15,715	-	659	16,374						
IRM - 400 C Street SW	217	217	31,967	-	6,060	38,027						
IRM - 2201 C Street NW	115	115	18,360	-	4,590	22,950						
INL - 2430 E Street NW	109	109	20,599	-	990	21,589						
INL - 1800 G Street NW	42	42	5,969	-	-	5,969						
INL - 2201 C Street NW	70	70	9,028	-	74	9,102						
IBC - 2401 Pennsylvannia NW	50	50	10,000	-	500	10,500						
OES & AF - 1990 K Street NW	90	90	18,588	-	-	18,588						
Subtotal	**1,231**	**1,231**	**198,285**	**-**	**20,854**	**219,139**						
Proposed Lease												
2025 E Street NW, Washington DC							**1,231**	**1,231**	**223,216**	**-**	**23,572**	**246,788**

	Current	Proposed
Utilization		
Rate	126	141

Special Space	USF
Computer Lab	23,114
Conference	458
Total	23,572

Current UR excludes 43,623 USF of Office for support space
Proposed UR excludes 49,108 USF of office for support space

Usable square footage means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building (e.g ,auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g., craft shops, gear rooms, building supply rooms, rest rooms and lobbies).

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
DEPARTMENT OF HOMELAND SECURITY
OFFICE OF THE INSPECTOR GENERAL
WASHINGTON, DC
PDC-05-WA09

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. § 3307, appropriations are authorized for a replacement lease of up to 121,700 rentable square feet for the Office of the Inspector General, a unit of the Department of Homeland Security, currently located at 1120 Vermont Avenue NW, Washington, DC, at a proposed total annual cost of $5,963,300 for a lease term of up to 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: September 24, 2008

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF HOMELAND SECURITY
OFFICE OF THE INSPECTOR GENERAL
WASHINGTON, DC

Prospectus Number: PDC-05-WA09

Project Summary

The General Services Administration (GSA) proposes a replacement lease of up to 121,700 rentable square feet of space for the Office of the Inspector General (OIG), a unit of the Department of Homeland Security (DHS), currently located at 1120 Vermont Avenue, NW, Washington, DC.

Description

Occupants:	DHS / OIG
Delineated Area:	Washington, DC Central Employment Area (CEA), North of Massachusetts Avenue and Waterfront
Lease Type:	Replacement
Justification:	Expiring Leases 1/21/09 and 3/31/09
Expansion Space:	None
Number of Parking Spaces:	None
Scoring:	Operating lease
Proposed Maximum Leasing Authority:	10 years
Maximum Rentable Square Feet:	121,700
Current Total Annual Cost: [1]	$4,402,422
Proposed Total Annual Cost: [2]	$5,963,300
Maximum Proposed Rental Rate:	$49.00 per rentable square foot

Project Description/Justification

The OIG expansion is not part of the overall DHS headquarters consolidation into mission execution and mission support elements. In the case of OIG, the office will remain separate from other DHS components that are moving to St. Elizabeths West Campus (mission execution) and other locations in the NCR (mission support). This stems from the office's mandated independence from the department that it audits, inspects, and investigates and is reflected in the DHS Program of Requirements.

When DHS was created, the OIG focus initially shifted from disaster programs to other program areas. In the wake of Hurricane Katrina and subsequent natural disasters, the OIG redirected resources to create an Office of Emergency Management Oversight. The OIG has also requested additional full time positions to staff this office and handle the increased workload since

[1] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

[2] This estimate is for fiscal year 2009 and may be escalated by 2.0 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF HOMELAND SECURITY
OFFICE OF THE INSPECTOR GENERAL
WASHINGTON, DC

Prospectus Number: PDC-05-WA09

Hurricane Katrina. The additional staff will backfill space vacated by the Federal Railroad Administration at 1120 Vermont Avenue.

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required area.

- Approval of this prospectus will constitute authority to provide interim leases, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on August 20, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

June 2008

HOUSING PLAN
Department of Homeland Security
Office of the Inspector General

Washington, DC
PDC-05-WA09

Location(s) / Leased Space	Current						Proposed					
	Personnel *		Usable Square Feet (USF)				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
1120 Vt Ave, NW	350	350	70,041	3,795	27,514	101,350		-				
Replacement Lease							433	433	70,041	3,795	27,514	101,350
TOTALS	350	350	70,041	3,795	27,514	101,350	433	433	70,041	3,795	27,514	101,350

Utilization Rate		
	Current	Proposed
	156	126

Current UR excludes 15,409 usf of office support space
Proposed UR excludes 15,409 usf of office support space

Special Space	
ADP	2,895
Conference /Training	9,993
Private Toilet	120
Library	1,743
Food Service	1,707
Equipment Rooms	4,403
Public Reception Areas	1,632
File Rooms	1,400
Supply / Distribution	1,485
SCIF	2,136
Total	27,514

*The personnel number will increase as OIG backfills space vacated by the Federal Railroad Administration

Usable square footage means the portion of the building available for use by the tenant's personnel and furnishings and space available jointly to the occupants of the building (e.g auditorium, health units, and snack bars).

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

AMENDED LEASE
DEPARTMENT OF HOMELAND SECURITY
U.S. COAST GUARD
WASHINGTON, DC
PDC-19WA09

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. § 3307, appropriations are authorized for a succeeding lease of up to 592,378 rentable square feet for the Department of Homeland Security – U.S. Coast Guard, currently located at 2100 2nd Street SW, Washington, DC, at a proposed total annual cost of $21,917,986 for a lease term of up to 10 years, a prospectus for which is attached to and included in this resolution. This resolution amends the Committee resolution of October 26, 2005, which authorized prospectus PDC-11WA06, a lease of up to 577,000 of rentable square feet, at a proposed annual cost of $17,310,000 for a lease term of up to 5 years.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: September 24, 2008

James L. Oberstar, M.C.

GSA PBS

AMENDED PROSPECTUS –LEASE
DEPARTMENT OF HOMELAND SECURITY – U.S. COAST GUARD
WASHINGTON, DC

Prospectus Number: PDC-19WA09

Project Summary

The General Services Administration (GSA) proposes to amend Prospectus Number PDC-11-WA06, which requested authority to lease up to 577,000 rentable square feet (rsf) plus 40 official parking spaces for up to five years at a maximum proposed rental rate of $30.00 per rsf. This prospectus was approved by the Senate Committee on Environment and Public Works and the House Committee on Transportation and Infrastructure on July 20 and October 26, 2005, respectively. This amended prospectus requests authority for a succeeding lease of up to 592,378 rsf for the U.S. Coast Guard (USCG) currently located in the Transpoint Building at 2100 2nd Street, SW, Washington, DC. GSA proposes to extend the current lease at Transpoint to coincide with the occupancy of Coast Guard's new headquarters space at St. Elizabeths. Design funding for a consolidated USCG facility at St. Elizabeths was appropriated in fiscal year 2006. Construction funding has been requested in fiscal year 2009 to commence construction of the new USCG headquarters. Occupancy is currently planned for 2013. GSA will negotiate cancellation options with the current landlord to provide flexibility needed as the occupancy date for St. Elizabeths approaches.

Description

Occupants:	USCG
Delineated Area:	2100 2nd Street, SW, Washington, DC
Lease Type:	Succeeding
Justification:	Expiring lease (August 31, 2008)
Expansion Space:	None
Parking: [1]	40 official vehicles
Scoring:	Operating lease
Proposed Maximum Leasing Authority:	10 years
Maximum Rentable Square Feet:	592,378
Current Total Annual Cost:	$11,207,469
Proposed Total Annual Cost: [2]	$21,917,986
Maximum Proposed Rental Rate: [3]	$37.00 per rentable square foot

[1] Security requirements will necessitate control of parking at the location(s) leased. This may be accomplished as a lessor-furnished service under an operating agreement with the lessor, or as part of the Government's leasehold interest in the building.

[2] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

[3] This estimate is for fiscal year 2008 and may be escalated by 2.1 percent annually to the effective date of the lease to account for inflation.

GSA PBS

AMENDED PROSPECTUS –LEASE
DEPARTMENT OF HOMELAND SECURITY – U.S. COAST GUARD
WASHINGTON, DC

Prospectus Number: PDC-19WA09

Authorization

Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.

Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on August 20, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

August 2008

HOUSING PLAN
Department of Homeland Security -- U.S. Coast Guard

Washington, DC
PDC-19WA09

Locations	Current						Proposed					
	Personnel		Usable Square Feet (USF)				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
Transpoint	2,664	2,664	394,571		99,077	493,648	2,664	2,664	394,571		99,077	493,648
TOTALS	2,664	2,664	394,571	-	99,077	493,648	2,664	2,664	394,571	-	99,077	493,648

Since the original prospectus was prepared, Transpoint has been remeasured and the space occupied by USCG was determined to be 592,378 RSF or 493,648 USF using a conversion factor of 1.2

Current	Proposed	
Utilization Rate		
116	116	

Note. Current and Proposed UR exclude 86,806 usf of support space.

Usable square footage means the portion of the building available for use by tenants' personnel and furnishings and space available jointly to the occupants of the building (e.g. auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g. craft shops, gear rooms, building supply rooms, rest rooms and lobbies).

Special Space	USF
ADP/Communications Center	3,149
Auditorium/Chapel	21,645
Conference/Training/Board Rooms	11,108
Food Service/Flag Mess	1,448
Health Unit/Clinic	61,727
Total	**99,077**

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
DEPARTMENT OF JUSTICE
1301 NEW YORK AVENUE, NW
WASHINGTON, DC
PDC-06-WA09

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. § 3307, appropriations are authorized for a succeeding lease of up to 214,398 rentable square feet for the Department of Justice's Criminal Division and smaller elements of other DOJ Offices, currently located at 1301 New York Avenue NW, Washington, DC, at a proposed total annual cost of $10,505,502 for a lease term of up to 5 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: September 24, 2008

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF JUSTICE
1301 NEW YORK AVENUE, NW
WASHINGTON, DC

Prospectus Number: PDC-06-WA09

Project Summary

The General Services Administration (GSA) proposes succeeding leases of up to 214,398 rentable square feet of space for the Department of Justice's (DOJ) Criminal Division (CRM) and smaller elements of other DOJ Offices Boards and Divisions, currently located at 1301 New York Avenue NW, Washington, DC.

The Senate Committee on Environment and Public Works and the House Committee on Transportation and Infrastructure approved prospectus PDC-06-WA07 on May 23 and July 19, 2006, respectively. That prospectus proposed the second phase of what had been planned as a three-phase Department of Justice (DOJ) lease consolidation in Washington, DC. It would have consolidated three separate leased locations into one location. Upon further review, DOJ determined that there was a greater need to consolidate the more fragmented main elements of Justice Management Division (JMD) than to consolidate CRM, and the committees were notified accordingly of the change in housing plan. A lease to accomplish this JMD consolidation was subsequently awarded. Maintaining several facilities for CRM now is preferred for continuity of operations purposes.

While DOJ and GSA are still working on finalizing the long-term requirements for CRM, GSA plans to perform short-term extensions of up to five years at the current locations to address the expiring leases.

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF JUSTICE
1301 NEW YORK AVENUE, NW
WASHINGTON, DC

Prospectus Number: PDC-06-WA09

Description

Occupant:	DOJ
Lease Type:	Succeeding lease authority to extend
Delineated Area:	leases expiring at following location: 1301 New York Ave., NW
Justification:	Expiring Leases (3/12/09)
Expansion Space:	None
Number of Parking Spaces:[1]	(See footnote below)
Scoring:	Operating lease
Proposed Maximum Leasing Authority:	5 years
Maximum Rentable Square Feet:	214,398
Current Total Annual Cost:	$6,209,258
Proposed Total Annual Cost:[2]	$10,505,502
Maximum Proposed Rental Rate:[3]	$49.00 per rentable square foot

Authorization

Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space that will yield the required rentable area.

Approval of this prospectus will constitute authority to provide interim leases, if necessary, prior to the execution of the new leases.

[1] DOJ security requirements may necessitate control of the parking garage at the leased locations. This may be accomplished as a lessor-furnished service, as a separate operating agreement with the lessor, or as part of the Government's leasehold interest in the building.

[2] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

[3] This estimate is for fiscal year 2009 and may be escalated by 2.0 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF JUSTICE
1301 NEW YORK AVENUE, NW
WASHINGTON, DC

Prospectus Number: PDC-06-WA09

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on August 20, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

August 2008

HOUSING PLAN
DEPAR[T] OF JUSTICE

Washington, DC
WA09

Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
1301 New York Ave, NW	511	511	147,184	1,787	29,694	178,665		-				-
								-				-
								-				-
		-						-				-
New Lease		-					511	511	147,184	1,787	29,694	178,665
Total:	511	511	147,184	1,787	29,694	178,665	511	511	147,184	1,787	29,694	178,665

	Current	Proposed
	Utilization	
Rate	225	225

Current UR excludes 69,531 USF of office support space
Proposed UR excludes 69,350 USF of office support space

High UR due to a large number of senior graded employeess, private offices for attorneys, and need for file, trial preparation and other legal support areas.

Special Space	
Conference/Training	11,728
ADP	3,460
File Rooms	6,609
Break Rooms	2,948
Fitness Rooms	1,072
Toilet/Showers	1,715
SCIFS	1,590
Security	286
Copy Rooms	286
Total	29,694

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
DEPARTMENT OF JUSTICE
1400 NEW YORK AVENUE, NW
WASHINGTON, DC
PDC-10-WA09

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. § 3307, appropriations are authorized for a succeeding lease of up to 176,822 rentable square feet for the Department of Justice's Criminal Division and smaller elements of other DOJ Offices, currently located at 1400 New York Avenue NW, Washington, DC, at a proposed total annual cost of $8,664,278 for a lease term of up to 5 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: September 24, 2008

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF JUSTICE
1400 NEW YORK AVENUE, NW
WASHINGTON, DC

Prospectus Number: PDC-10-WA09

Project Summary

The General Services Administration (GSA) proposes a succeeding lease of up to 176,822 rentable square feet of space for the Department of Justice's (DOJ) Criminal Division (CRM) and smaller elements of other DOJ Offices Boards and Divisions, currently located at 1400 New York Avenue, NW, Washington, DC.

The Senate Committee on Environment and Public Works and the House Committee on Transportation and Infrastructure approved prospectus PDC-06-WA07 on May 23 and July 19, 2006, respectively. That prospectus proposed the second phase of what had been planned as a three-phase Department of Justice (DOJ) lease consolidation in Washington, DC. It would have consolidated three separate leased locations into one location. Upon further review, DOJ determined that there was a greater need to consolidate the more fragmented main elements of Justice Management Division (JMD) than to consolidate CRM, and the committees were notified accordingly of the change in housing plan. A lease to accomplish this JMD consolidation was subsequently awarded. Maintaining several facilities for CRM now is preferred for continuity of operations purposes.

While DOJ and GSA are still working on finalizing the long-term requirements for CRM, GSA plans to perform short-term extensions of up to five years at the current locations to address the expiring leases.

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF JUSTICE
1400 NEW YORK AVENUE, NW
WASHINGTON, DC

Prospectus Number: PDC-10-WA09

Description

Occupant:	DOJ
Lease Type:	Succeeding lease authority to extend the
Delineated Area:	lease expiring at following location: 1400 New York Ave., NW
Justification:	Expiring Lease (8/31/09)
Expansion Space:	None
Number of Parking Spaces:[1]	(See footnote below)
Scoring:	Operating lease
Proposed Maximum Leasing Authority:	5 years
Maximum Rentable Square Feet:	176,822
Current Total Annual Cost:	$7,970,698
Proposed Total Annual Cost:[2]	$8,664,278
Maximum Proposed Rental Rate:[3]	$49.00 per rentable square foot

Authorization

Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space that will yield the required rentable area.

Approval of this prospectus will constitute authority to provide interim leases, if necessary, prior to the execution of the new lease.

[1] DOJ security requirements may necessitate control of the parking garage at the leased locations. This may be accomplished as a lessor-furnished service, as a separate operating agreement with the lessor, or as part of the Government's leasehold interest in the building.

[2] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

[3] This estimate is for fiscal year 2009 and may be escalated by 2.0 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF JUSTICE
1400 NEW YORK AVENUE, NW
WASHINGTON, DC

Prospectus Number: PDC-10-WA09

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on August 20, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

August 2008

HOUSING PLAN
DEPAR[illegible]OF JUSTICE

Washington, DC
-WA09

Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
1400 New York Ave, NW	479	479	121,388	1,474	24,490	147,352		-				
								-				
								-				
		-						-				
New Lease		-					479	479	121,388	1,474	24,490	147,352
Total:	479	479	121,388	1,474	24,490	147,352	479	479	121,388	1,474	24,490	147,352

	Current	Proposed
	Utilization	
Rate	198	198

Current UR excludes 69,531 USF of office support space
Proposed UR excludes 69,350 USF of office support space

High UR due to a large number of senior graded employeess, private offices for attorneys, and need for file, trial preparation and other legal support areas.

Special Space	
Conference/Training	9,701
ADP	2,829
File Rooms	5,452
Break Rooms	2,432
Fitness Rooms	884
Toilet/Showers	1,410
SCIFS	1,310
Security	236
Copy Rooms	236
Total	24,490

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
DEPARTMENT OF JUSTICE
DRUG ENFORCEMENT ADMINISTRATION
MIAMI/DADE & BROWARD COUNTIES, FL
PFL-02-MI08

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. § 3307, appropriations are authorized for a consolidation and expansion lease of up to 150,273 rentable square feet for the Department of Justice's Drug Enforcement Administration, currently located in five separate leased locations throughout Miami and South Florida, at a proposed total annual cost of $5,259,555 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: September 24, 2008

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF JUSTICE
DRUG ENFORCEMENT ADMINISTRATION
MIAMI/DADE & BROWARD COUNTIES, FL

Prospectus Number: PFL-02-MI08
Congressional District: 21

Project Summary

The General Services Administration (GSA) proposes consolidation and expansion lease for up to 150,273 rentable square feet (rsf), 360 structured and 190 surface parking spaces for the Department of Justice (DOJ), Drug Enforcement Administration (DEA). This agency is currently housed in five separate leased locations throughout Miami and South Florida. The proposed lease will consolidate all of these locations and meet the long-term housing needs of DEA for the Miami Field Division and support space in Miami and Dade County, FL.

The requirement for DEA's consolidated Miami Field Division was to be included in Miami-Miramar, FL, DOJ lease consolidation (Prospectus No. PFL-01-MI06), along with the Federal Bureau of Investigation (FBI) and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). This prospectus was authorized by the Senate Committee on Environment & Public Works on November 17, 2005, and the House Committee on Transportation & Infrastructure on February 16, 2006. Due to extenuating circumstances in the Miami area and the existing leased locations for DEA and ATF in Doral, FL, it was determined by DOJ that the original consolidated campus strategy is no longer logistically or financially feasible for DEA. Therefore, GSA is planning to procure space separately to meet the requirements of the three agencies.

Justification

GSA has a critical need to relocate both DEA and ATF from their current leased locations. DEA and ATF currently occupy five buildings within the Doral Center Office Park (the Columbus Building, Covington Building, Phoenix Building, Portland Building, and Miami Trans Financial Building). The owner of this office park has plans with the City of Doral to demolish these buildings and redevelop the entire property as a downtown district for the City. Due to this planned redevelopment, GSA cannot retain DEA and ATF space in the Doral Center during the interim period while long-term space to house these tenants is procured. The owner of Doral Center has granted extensions for these leases until December 31, 2008. If DEA and ATF do not relocate by this date, the Government will be faced with an estimated $34 million condemnation risk.

DEA is planning to relocate to Weston Pointe in Weston, FL on a temporary basis prior to the expiration of the lease. This relocation will be conducted using the interim leasing authority of the approved DOJ consolidation prospectus. A longer term lease for DEA will be based on the approval of this current DEA lease prospectus and a competitive procurement involving the lessor of the temporary space as well as other offerors. ATF's requirements will be met under a separate below prospectus procurement.

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF JUSTICE
DRUG ENFORCEMENT ADMINISTRATION
MIAMI/DADE & BROWARD COUNTIES, FL

Prospectus Number: PFL-02-MI08
Congressional District: 21

Description

Occupants:	DOJ – DEA
Delineated Area:	NORTH: Interstate 595 WEST: Highway 27 SOUTH: Highway 826 (Palmetto Expressway) EAST: Interstate 95
Lease Type:	Replacement
Justification:	Expiring leases December 31, 2008
Expansion Space:	27,807 rsf
Number of Parking Spaces:	360 structured; 190 surface
Scoring:	Operating lease
Proposed Maximum Leasing Authority:	15 years
Maximum Rentable Square Feet:	150,273 rsf
Current Total Annual Cost:	$3,729,992
Proposed Total Annual Cost:[1]	$5,259,555
Maximum Proposed Rental Rate:[2]	$35.00 per rsf

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

[1] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

[2] This estimate is for fiscal year 2009 and may be escalated by 2.05 percent annually to the effective date of the lease to account for inflation

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF JUSTICE
DRUG ENFORCEMENT ADMINISTRATION
MIAMI/DADE & BROWARD COUNTIES, FL

Prospectus Number: PFL-02-MI08
Congressional District: 21

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.

- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on August 20, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

Feb. ..y 2008 — Housing Plan — ...ami, FL

Department of Justice

DEA — PFL-02-MI08

Locations	Current						Proposed					
	Personnel		Usable Square Feet (USF)				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
DEA- Miami, FL												
5205 NW 84th Ave (Columbus Building)	12	12	3,961	-	-	3,961						
8070 NW 53rd St. (Covington Building)	69	69	11,765	-	3,980	15,745						
5225 NW 87th Ave. (Miami Trans Financial Bldg)	66	66	11,920	-	-	11,920						
8400 53rd St. (Phoenix Building)	134	134	29,538	900	6,020	36,458						
5200 NW 84th Ave. (Portland Building)	119	119	29,538	670	8,200	38,408						
Proposed Lease							563	563	99,072	6,800	24,800	**130,672**
Total:	**400**	**400**	**86,722**	**1,570**	**18,200**	**106,492**	**563**	**563**	**99,072**	**6,800**	**24,800**	**130,672**

Utilization			
	Current	Proposed	
Rate	169	137	

Current UR excludes 19,079 usf of office support space
Proposed UR excludes 21,796 usf of office support space

Special Space	USF
Food Service	800
ADP	8,700
Conference/Training	7,100
Physical Fitness	3,000
Locker Rooms	1,600
Holding Cells	300
Special/Secure Storage	3,300
Total:	**24,800**

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
ENVIRONMENTAL PROTECTION ADMINISTRATION
KANSAS CITY, KS
PKS-01-KC09

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. § 3307, appropriations are authorized for a succeeding lease of up to 203,475 rentable square feet for the Environmental Protection Agency, currently located at 901 North 5th Street, Kansas City, KS, at a proposed total annual cost of $6,205,987 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: September 24, 2008

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS – LEASE
ENVIRONMENTAL PROTECTION AGENCY
901 NORTH 5TH STREET
KANSAS CITY, KS

Prospectus Number: PKS-01-KC09
Congressional District: 03

Project Summary

The General Services Administration (GSA) proposes a succeeding lease of 203,475 rentable square feet (rsf) for the Region VII office of the Environmental Protection Agency (EPA) located at 901 North 5th Street, Kansas City, Kansas.

The regional office is responsible for environmental programs in Iowa, Kansas, Missouri, and Nebraska and is located in a build-to-suit lease facility that was constructed in 1999. The facility consolidated the inefficient and difficult to manage dispersion of EPA operations among eight different buildings. Built on a brownfield site and constructed with large amounts of recycled and sustainable building materials, the regional office building exemplifies the redevelopment model that the EPA encourages.

Although the building was built with green principles in mind, there are numerous improvements that can be made to the sustainability of the ongoing operation of the building. To demonstrate the seriousness of EPA's commitment to the long term stewardship and sustainability of the environment, the operations and maintenance of the building will be improved to achieve the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED) Existing Buildings Silver Rating.

Description

Occupants:	EPA
Delineated Area:	901 North 5th Street, Kansas City, KS
Lease Type:	Succeeding
Justification:	Expiring lease (6/14/09)
Number of Parking Spaces:	450 (50 structured, 400 surface)
Expansion Space:	None
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	20 years
Maximum Rentable Square Feet:	203,475
Current Total Annual Cost:	$5,643,780
Proposed Total Annual Cost[1]:	$6,205,987
Maximum Proposed Rental Rate[2]:	$30.50 per rentable square foot

[1]Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

[2]This estimate is for fiscal year 2009 and may be escalated by 2.1 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
ENVIRONMENTAL PROTECTION AGENCY
901 NORTH 5TH STREET
KANSAS CITY, KS

Prospectus Number: PKS-01-KC09
Congressional District: 03

Authorizations

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required area.

- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on August 20, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

June 2008

Housing Plan
Environmental Protection Agency

PKS-01-KA09
Kansas City, KS

Locations	Current						Proposed					
	Personnel		Usable Square Feet (USF)				Personnel		Usable Square Feet (USF)			
	Office	*Total*	*Office*	*Storage*	*Special*	*Total*	*Office*	*Total*	*Office*	*Storage*	*Special*	*Total*
EPA - Regional Office	600	600	143,402	18,651	20,501	**182,554**	600	600	143,402	18,651	20,501	**182,554**
Total	**600**	**600**	**143,402**	**18,651**	**20,501**	**182,554**	**600**	**600**	**143,402**	**18,651**	**20,501**	**182,554**

	Current	Proposed
Utilization (UR)		
Rate	186	186

Current UR excludes 31,548 usf of office support space
Proposed UR excludes 31,548 usf of office support space

Special Space	USF
Clinic	321
Physical Fitness	1,838
Conference	12,818
ADP	2,337
Food Service	3,187
Total	**20,501**

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
DEPARTMENT OF DEFENSE
DEFENSE INTELLIGENCE AGENCY
NORTHERN VIRGINIA
PVA-06-VA09

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. § 3307, appropriations are authorized for a new, consolidated lease of up to 523,482 rentable square feet for the Department of Defense Defense Intelligence Agency, currently located at multiple locations including 3100 Clarendon Boulevard in Arlington, VA, Bolling Air Force Base in Washington, DC, and in several classified locations in Northern Virginia, at a proposed total annual cost of $20,939,280 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: **September 24, 2008**

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF DEFENSE
DEFENSE INTELLIGENCE AGENCY
NORTHERN VIRGINIA

Prospectus Number: PVA-06-VA09
Congressional Districts: 8,10,11

Project Summary

The General Services Administration (GSA) proposes a new, consolidated lease of up to 523,482 rsf and 100 parking spaces for the Department of Defense (DoD) Defense Intelligence Agency (DIA) currently located at multiple locations including 3100 Clarendon Boulevard, Arlington, VA, Bolling Air Force Base, Washington, DC and in several classified locations in Northern Virginia.

DIA's current leased location is not compliant with DoD Minimum Anti-Terrorism Standards for Buildings effective for all leases that expire in FY 2007 and beyond. These requirements include but are not limited to: progressive collapse, DoD full building occupancy, 82 foot setback from the curb, and control of underground parking. The new leased location will be compliant with the DoD Minimum Antiterrorism Standards for Buildings.

In anticipation of a May 31, 2008 lease expiration at 3100 Clarendon Boulevard, GSA sought and received authorization for a replacement lease for 3100 Clarendon Boulevard as part of its FY2007 Capital Investment and Leasing Program (PVA-01-NO07). The request for a 10 year, 221,084 rentable square foot lease was authorized by both the House Committee on Transportation and Infrastructure and the Senate Committee on Public Works on April 5, and May 23, 2006 respectively. Subsequent to this authorization, however, DoD DIA decided to consolidate several of its existing operations, including Clarendon Boulevard into one location. Included in the consolidation were operations housed at Bolling Air Force Base, and several other classified locations. In addition to accommodating its consolidated operations, DoD needs a facility that will accommodate anticipated personnel growth that is set to occur over the next three years.

GSA has used the interim leasing authority granted by prospectus number PVA-01-NO07 to enter into a short standstill agreement with the current lessor at 3100 Clarendon Boulevard. However, a longer interim leasing solution is required, given the anticipated delivery of the proposed consolidated leased facility in 2013.

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF DEFENSE
DEFENSE INTELLIGENCE AGENCY
NORTHERN VIRGINIA

Prospectus Number: PVA-06-VA09
Congressional Districts: 8,10,11

Description

Occupants:	DoD DIA
Delineated Area:	Northern Virginia
Lease Type:	Consolidation
Justification:	Expansion, Consolidation Compliance with DoD Anti-Terrorism Standards
Expansion Space:	Not Available
Number of Parking Spaces[1]:	100 (Official Government vehicles)
Scoring:	Operating lease
Proposed Maximum Leasing Authority:	20 years
Maximum Rentable Square Feet:	523,482
Current Total Annual Cost[2]:	$7,478,537
Proposed Total Annual Cost[3]:	$20,939,280
Maximum Proposed Rental Rate[4]:	$40.00

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

[1] The Department of Defense security requirements may necessitate control of the parking garage at the leased location. This may be accomplished as a lessor-furnished service, as a separate operating agreement with the lessor, or as part of the Government's leasehold interest in the building.
[2] Current Total Annual Cost of 3100 Clarendon Boulevard only.
[3] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.
[4] This estimate is for fiscal year 2013 and may be escalated by 2.05 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF DEFENSE
DEFENSE INTELLIGENCE AGENCY
NORTHERN VIRGINIA

Prospectus Number: PVA-06-VA09
Congressional Districts: 8,10,11

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.

- Approval of this prospectus will also constitute authority to enter into an interim lease at the current location or, if necessary, at an alternative location, until occupancy of the space provided by the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on August 20, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

June 2008

Housing Plan
Department of Defense
Defense Intelligence Agency

Northern Virginia
PVA-06-VA09

Locations	Current					Proposed SCIF				
	Personnel	Usable Square Feet (USF)				Personnel	Usable Square Feet (USF)			
	Office	Office	Storage	Special	Total	Office	Office	Storage	Special	Total
3100 Clarendon Blvd	1,603	184,237	-	-	**184,237**					
Bolling Air Force Base	-	-	-	-	**N/A***					
Classified Locations	-	-	-	-	**N/A***					
New Lease						2,940	436,235	-	-	**436,235**
Total	**1,603**	**184,237**	-	-	**184,237**	**2,940**	**436,235**	-	-	**436,235**

* Not Available

Usable square footage means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building (e.g.,auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g., craft shops, gear rooms, building supply rooms, rest rooms and lobbies).

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
GENERAL SERVICES ADMINISTRATION
NORTHERN VIRGINIA
PVA-09-WA09

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. § 3307, appropriations are authorized for a succeeding lease of up to 92,992 rentable square feet for the General Services Administration, currently located at 10304 Eaton Place, Fairfax, VA, at a proposed total annual cost of $3,533,696 for a lease term of up to 3 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: **September 24, 2008**

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS – LEASE
GENERAL SERVICES ADMINISTRATION
NORTHERN VIRGINIA

Prospectus Number: PVA-09-WA09
Congressional District: 11

Project Summary

The General Services Administration (GSA) proposes a succeeding lease of up to 92,992 rentable square feet for the GSA Federal Acquisition Service (FAS) currently located at the WillowWood Plaza 3 Building, 10304 Eaton Place in Fairfax, VA. GSA is preparing a consolidation plan for FAS elements located in leased space in Northern, VA, and will submit a prospectus for the consolidation requirements in a future fiscal year. GSA will negotiate with the current lessor for a lease term consistent with planned occupancy under the consolidation plan. The current lease for FAS expires in May 2009 and a succeeding lease will provide continued housing until FAS can relocate to a consolidated facility.

Description

Occupants:	GSA-FAS
Delineated Area:	10304 Eaton Place, Fairfax VA
Lease Type:	Succeeding
Justification:	Expiring lease (5/3/09)
Expansion Space:	None
Number of Parking Spaces:	None
Scoring:	Operating lease
Proposed Maximum Leasing Authority:	3 years
Maximum Rentable Square Feet:	92,992
Current Total Annual Cost:	$2,545,116
Proposed Total Annual Cost:[1]	$3,533,696
Maximum Proposed Rental Rate:[2]	$38 per rentable square foot

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.

- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

[1] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

[2] This estimate is for fiscal year 2009 and may be escalated by 2.0 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
GENERAL SERVICES ADMINISTRATION
NORTHERN VIRGINIA

Prospectus Number: PVA-09-WA09
Congressional District: 11

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on August 20, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

July 2008 Housing Plan Northern Virginia
I WA09

Location	Current						Proposed					
	Personnel		Usable Square Feet (USF)*				Personnel		Usable Square Feet (USF)*			
	Office	*Total*	*Office*	*Storage*	*Special*	*Total*	*Office*	*Total*	*Office*	*Storage*	*Special*	*Total*
WillowWood Plaza	390	390	76,528	5,856	1,375	83,759	390	390	76,528	5,856	1,375	83,759
Total	390	390	76,528	5,856	1,375	83,759	390	390	76,528	5,856	1,375	83,759

Utilization Rate (UR)		
	Current	Proposed
Rate	153	153

Current UR excludes 16,836 USF of office support space.
Proposed UR excludes 16,836 USF of office support space.

Special Space	USF*
Copy Room	150
ADP	1,025
Break Room	200
Total	1,375

*Usable square footage means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building (e.g.,auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g., craft shops, gear rooms, building supply rooms, rest rooms and lobbies).

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
FEDERAL BUREAU OF INVESTIGATION
1110 THIRD AVENUE
SEATTLE, WA
PWA-02-SE09

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. § 3307, appropriations are authorized to exercise two five-year options of an existing lease of up to 130,876 rentable square feet for the Federal Bureau Investigation, currently located at 1110 Third Avenue, Seattle, WA, at a proposed total annual cost of $4,589,821 for a lease term of up to 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: September 24, 2008

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS – LEASE
FEDERAL BUREAU OF INVESTIGATION
1110 3RD AVE., SEATTLE, WA

Prospectus Number: PWA 02 SE09
Congressional District: 7th

Project Summary

The General Services Administration proposes to exercise two (2) five (5) year options for 130,876 rentable square feet (RSF) currently leased at 1110 Third Avenue in Seattle, WA, for the Federal Bureau of Investigation (FBI). In 1999, GSA leased 98,507 RSF for FBI for a 10 year term, and negotiated two 5-year options with an escalating rate structure. Subsequent growth in FBI needs led to adjusting the lease to the current 130,876 RSF.

The initial negotiated lease was below the prospectus threshold, but subsequent expansion and rent escalation now require prospectus approval.

Description

Occupants:	FBI
Location:	1110 Third Ave., Seattle, WA 98101
Lease Type:	Existing/Exercise of Renewal Option
Justification:	Expiration of existing lease on 10/31/09, client determination of ongoing need and favorable option terms
Expansion Space:	None
Number of Parking Spaces:	75 inside
Scoring:	Operating lease
Proposed Maximum Leasing Authority:	10 years
Maximum Rentable Square Feet:	130,876
Current Annual Cost:	$3,624,181
Proposed Total Annual Cost:[1,3]	$4,589,821
Maximum Proposed Rental Rate:[2]	$31.47
Maximum Proposed Rental Rate: [3]	$35.07

[1] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

[2] Last year of the initial 5-year extension.

[3] Last year of the initial 5-year extension.

GSA PBS

PROSPECTUS – LEASE
FEDERAL BUREAU OF INVESTIGATION
1110 3RD AVE., SEATTLE, WA

Prospectus Number: PWA 02 SE09
Congressional District: 7th

Justification

The space continues to satisfy the FBI's location and security needs. The renewal option rates are dramatically lower than the cost of alternative space in Seattle's Central Business District.

Authorization

Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to exercise the first of two five-year options, and authority in the future to exercise the second five year option should client needs at that time so warrant.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on August 20, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

Mar[illegible] Ho[illegible] Plan PW[illegible] 03-SE09
FB Office e, WA

Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
1110 Third Ave Building	309	309	100,422	10,248	0	110,690	309	309	100,422	10,248	0	110,690
Total	309	309	100,422	10,248	0	110,690	309	309	100,422	10,248	0	110,690

	Current	Proposed
	Utilization	
Rate	253	253

Current UR excludes 22,093 USF of office support
Proposed UR excludes 22,093 USF of office support

[illegible] of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
SOCIAL SECURITY ADMINISTRATION
SEATTLE, WA
PWA-01-SE09

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. § 3307, appropriations are authorized for a replacement lease of up to 104,841 rentable square feet for the Social Security Administration, currently located at 701 Fifth Avenue, Seattle, WA, at a proposed total annual cost of $5,032,368 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: **September 24, 2008**

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS - LEASE
SOCIAL SECURITY ADMINISTRATION
SEATTLE, WA

Prospectus Number: PWA-01-SE09
Congressional District: 07

Project Summary

The General Services Administration (GSA) proposes a replacement lease of 104,841 rentable square feet (rsf) of space for the Social Security Administration (SSA) currently located at 701 Fifth Avenue, Seattle, Washington.

Description

Occupants:	Social Security Administration
Delineated Area:	Seattle CBD
Lease Type:	Replacement
Justification:	Expiring lease (October 31, 2009)
Number of Parking Spaces:	48 inside
Expansion Space:	None
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	15 years
Maximum Rentable Square Feet:	104,841
Current Total Annual Cost:	$2,227,232
Proposed Total Annual Cost[1]:	$5,032,368
Maximum Proposed Rental Rate[2]:	$48.00 per rentable square foot

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

[1]Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.
[2]This estimate is for fiscal year 2010 and may be escalated by 2.05 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS - LEASE
SOCIAL SECURITY ADMINISTRATION
SEATTLE, WA

Prospectus Number: PWA-01-SE09
Congressional District: 07

Authorizations

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required area.

- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on August 20, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
701 5th Avenue	295	295	91,166	0	0	**91,166**	0	0	0	0	0	**0**
Proposed Lease	0	0	0	0	0	**0**	295	295	59,141	9,005	23,020	**91,166**
Total:	**295**	**295**	**91,166**	**0**	**0**	**91,166**	**295**	**295**	**59,141**	**9,005**	**23,020**	**91,166**

	Current	Proposed
Utilization		
Rate	241	156

Current UR excludes 20,056 USF of office support space
Proposed UR excludes 13,011 USF of office support space

Special Space	
Restroom	2,100
Clinic	950
Conference	16,770
ADP	3,200
Total:	**23,020**

USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 6049. An act to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate had passed with an amendment a bill of the House of the following title:

H.R. 6849. An act 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.

□ 1430

DESIGNATING THE JOHN W. WARNER RAPIDS

Mr. RAHALL. Madam Speaker, I ask unanimous consent that the Committee on Natural Resources be discharged from further consideration of the Senate bill (S. 3550) to designate a portion of the Rappahannock River in the Commonwealth of Virginia as the ''John W. Warner Rapids,'' and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Ms. CLARKE). Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The text of the Senate bill is as follows:

S. 3550

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

SECTION 1. JOHN W. WARNER RAPIDS, FREDERICKSBURG, VIRGINIA.

(a) DESIGNATION.—The portion of the Rappahannock River comprised of the manmade rapids located at the site of the former Embrey Dam in Fredericksburg, Virginia, and centered at the coordinates of N. 38.3225 latitude, W. 077.4900 longitude, shall be known and designated as the ''John W. Warner Rapids''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the portion of the Rappahannock River referred to in subsection (a) shall be deemed to be a reference to the John W. Warner Rapids.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WHITE MOUNTAIN APACHE TRIBE RURAL WATER SYSTEM LOAN AUTHORIZATION ACT

Mr. RAHALL. Madam Speaker, I ask unanimous consent that the Committee on Natural Resources be discharged from further consideration of the Senate bill (S. 3128) to direct the Secretary of the Interior to provide a loan to the White Mountain Apache Tribe for use in planning, engineering, and designing a certain water system project, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The text of the Senate bill is as follows:

S. 3128

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 ''White Mountain Apache Tribe Rural Water System Loan Authorization Act''.

SEC. 2. DEFINITIONS.

(a) MINER FLAT PROJECT.—The term ''Miner Flat Project'' means the White Mountain Apache Rural Water System, comprised of the Miner Flat Dam and associated domestic water supply components, as described in the project extension report dated February 2007.

(b) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation (or any other designee of the Secretary).

(c) TRIBE.—The term ''Tribe'' means the White Mountain Apache Tribe, a federally recognized Indian tribe organized pursuant to section 16 of the Indian Reorganization Act of 1934 (25 U.S.C. 476 et seq.).

SEC. 3. MINER FLAT PROJECT LOAN.

(a) LOAN.—Subject to the availability of appropriations and the condition that the Tribe and the Secretary have executed a cooperative agreement under section 4(a), not later than 90 days after the date on which amounts are made available to carry out this section and the cooperative agreement has been executed, the Secretary shall provide to the Tribe a loan in an amount equal to $9,800,000, adjusted, as appropriate, based on ordinary fluctuations in engineering cost indices applicable to the Miner Flat Project during the period beginning on October 1, 2007, and ending on the date on which the loan is provided, as determined by the Secretary, to carry out planning, engineering, and design of the Miner Flat Project in accordance with section 4.

(b) TERMS AND CONDITIONS OF LOAN.—The loan provided under subsection (a) shall—

(1) be at a rate of interest of 0 percent; and

(2) be repaid over a term of 25 years, beginning on January 1, 2013.

(c) ADMINISTRATION.—Subject to section 4, the Secretary shall administer the planning, engineering, and design of the Miner Flat Project.

SEC. 4. PLANNING, ENGINEERING, AND DESIGN.

(a) COOPERATIVE AGREEMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall offer to enter into a cooperative agreement with the Tribe for the planning, engineering, and design of the Miner Flat Project in accordance with this Act.

(2) MANDATORY PROVISIONS.—A cooperative agreement under paragraph (1) shall—

(A) specify, in a manner that is acceptable to the Secretary and the Tribe, the rights, responsibilities, and liabilities of each party to the agreement; and

(B) require that the planning, engineering, design, and construction of the Miner Flat Project be in accordance with all applicable Federal environmental laws.

(b) APPLICABILITY OF INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.—Each activity for the planning, engineering, or design of the Miner Flat Project shall be subject to the requirements of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PECHANGA BAND OF LUISENO MISSION INDIANS LAND TRANSFER ACT OF 2007

Mr. RAHALL. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2963) to transfer certain land in Riverside County, California, and San Diego County, California, from the Bureau of Land Management to the United States to be held in trust for the Pechanga Band of Luiseno Mission Indians, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

On page 3, line 12, strike ''and the United States Fish and Wildlife Service,'' and insert ''the Bureau of Land Management, and the United States Fish and Wildlife Service on November 11, 2005, which shall remain in effect until the date on which the Western Riverside County Multiple Species Habitat Conservation Plan expires.

''(3) NOTIFICATION.—At least 45 days before terminating the memorandum of understanding entered into under paragraph (2)(B), the Director of the Bureau of Land Management, the Director of the United States Fish and Wildlife Service, or the Pechanga Band of Luiseno Mission Indians, as applicable, shall submit notice of the termination to—

''(A) the Committee on Natural Resources of the House of Representatives;

''(B) the Committee on Indian Affairs of the Senate;

''(C) the Assistant Secretary for Indian Affairs; and

''(D) the members of Congress representing the area subject to the memorandum of understanding.

''(4) TERMINATION OR VIOLATION OF THE MEMORANDUM OF UNDERSTANDING.—The Director of the Bureau of Land Management and the Pechanga Band of Luiseno Mission Indians shall submit to Congress notice of the termination or a violation of the memorandum of understanding entered into under paragraph (2)(B) unless the purpose for the termination or violation is the expiration or

cancellation of the Western Riverside County Multiple Species Habitat Conservation Plan.''

On page 3, line 18, strike ''January 12'' and insert ''May 2, 2007''.

On page 7, line 11, after ''only'' insert: ''as open space and''.

On page 7, after line 16, insert:

''(3) DEVELOPMENT PROHIBITED.—

''(A) IN GENERAL.—There shall be no development of infrastructure or buildings on the land transferred under subsection (a).

''(B) OPEN SPACE.—The land transferred under subsection (a) shall be—

''(i) maintained as open space; and

''(ii) used only for—

''(I) purposes consistent with the maintenance of the land as open space; and

''(II) the protection, preservation, and maintenance of the archaeological, cultural, and wildlife resources on the land transferred.

''(C) EFFECT.—Nothing in this paragraph prohibits the construction or maintenance of utilities or structures that are—

''(i) consistent with the maintenance of the land transferred under subsection (a) as open space; and

''(ii) constructed for the protection, preservation, and maintenance of the archaeological, cultural, and wildlife resources on the land transferred.

''(4) GAMING PROHIBITED.—The Pechanga Band of Luiseno Mission Indians may not conduct, on any land acquired by the Pechanga Band of Luiseno Mission Indians pursuant to this Act, gaming activities or activities conducted in conjunction with the operation of a casino—

''(A) as a matter of claimed inherent authority; or

''(B) under any Federal law (including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) (including any regulations promulgated by the Secretary or the National Indian Gaming Commission under that Act)).''

Mr. RAHALL (during the reading). Madam Speaker, I ask unanimous consent that the reading be dispensed with.

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

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from West Virginia?

There was no objection.

A motion to reconsider was laid on the table.

ALBUQUERQUE INDIAN SCHOOL ACT

Mr. RAHALL. Madam Speaker, I ask unanimous consent that the Committee on Natural Resources be discharged from further consideration of the Senate bill (S. 1193) to direct the Secretary of the Interior to take into trust 2 parcels of Federal land for the benefit of certain Indian Pueblos in the State of New Mexico, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The text of the Senate bill is as follows:

S. 1193

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 ''Albuquerque Indian School Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) 19 PUEBLOS.—The term ''19 Pueblos'' means the New Mexico Indian Pueblos of—

(A) Acoma;
(B) Cochiti;
(C) Isleta;
(D) Jemez;
(E) Laguna;
(F) Nambe;
(G) Ohkay Owingeh (San Juan);
(H) Picuris;
(I) Pojoaque;
(J) San Felipe;
(K) San Ildefonso;
(L) Sandia;
(M) Santa Ana;
(N) Santa Clara;
(O) Santo Domingo;
(P) Taos;
(Q) Tesuque;
(R) Zia; and
(S) Zuni.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior (or a designee).

(3) SURVEY.—The term ''survey'' means the survey plat entitled ''Department of the Interior, Bureau of Indian Affairs, Southern Pueblos Agency, BIA Property Survey'' (prepared by John Paisano, Jr., Registered Land Surveyor Certificate No. 5708), and dated March 7, 1977.

SEC. 3. LAND TAKEN INTO TRUST FOR BENEFIT OF 19 PUEBLOS.

(a) ACTION BY SECRETARY.—

(1) IN GENERAL.—The Secretary shall take into trust all right, title, and interest of the United States in and to the land described in subsection (b) (including any improvements and appurtenances to the land) for the benefit of the 19 Pueblos.

(2) ADMINISTRATION.—The Secretary shall—

(A) take such action as the Secretary determines to be necessary to document the transfer under paragraph (1); and

(B) appropriately assign each applicable private and municipal utility and service right or agreement.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a)(1) is the 2 tracts of Federal land, the combined acreage of which is approximately 18.3 acres, that were historically part of the Albuquerque Indian School, more particularly described as follows:

(1) TRACT B.—The approximately 5.9211 acres located in sec. 7 and sec. 8 of T. 10 N., R. 3 E., of the New Mexico Principal Meridian in the city of Albuquerque, New Mexico, as identified on the survey.

(2) TRACT D.—The approximately 12.3835 acres located in sec. 7 and sec. 8 of T. 10 N., R. 3 E., of the New Mexico Principal Meridian in the city of Albuquerque, New Mexico, as identified on the survey.

(c) SURVEY.—The Secretary may make minor corrections to the survey and legal description of the Federal land described in subsection (b) as the Secretary determines to be necessary to correct clerical, typographical, and surveying errors.

(d) USE OF LAND.—The land taken into trust under subsection (a) shall be used for the educational, health, cultural, business, and economic development of the 19 Pueblos.

(e) LIMITATIONS AND CONDITIONS.—The land taken into trust under subsection (a) shall remain subject to any private or municipal encumbrance, right-of-way, restriction, easement of record, or utility agreement in effect on the date of enactment of this Act.

SEC. 4. EFFECT OF OTHER LAWS.

(a) IN GENERAL.—Except as otherwise provided in this section, land taken into trust under section 3(a) shall be subject to Federal laws relating to Indian land.

(b) GAMING.—No gaming activity (within the meaning of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.)) shall be carried out on land taken into trust under section 3(a).

AMENDMENT OFFERED BY MR. RAHALL

Mr. RAHALL. Madam Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RAHALL:

Strike all after the enacting clause and insert the following:

TITLE I—ALBUQUERQUE INDIAN SCHOOL ACT

SEC. 101. SHORT TITLE.

This title may be cited as the ''Albuquerque Indian School Act''.

SEC. 102. DEFINITIONS.

In this title:

(1) 19 PUEBLOS.—The term ''19 Pueblos'' means the New Mexico Indian Pueblos of—

(A) Acoma;
(B) Cochiti;
(C) Isleta;
(D) Jemez;
(E) Laguna;
(F) Nambe;
(G) Ohkay Owingeh (San Juan);
(H) Picuris;
(I) Pojoaque;
(J) San Felipe;
(K) San Ildefonso;
(L) Sandia;
(M) Santa Ana;
(N) Santa Clara;
(O) Santo Domingo;
(P) Taos;
(Q) Tesuque;
(R) Zia; and
(S) Zuni.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior (or a designee).

(3) Survey.—The term ''survey'' means the survey plat entitled ''Department of the Interior, Bureau of Indian Affairs, Southern Pueblos Agency, BIA Property Survey'' (prepared by John Paisano, Jr., Registered Land Surveyor Certificate No. 5708), and dated March 7, 1977.

SEC. 103. LAND TAKEN INTO TRUST FOR BENEFIT OF 19 PUEBLOS.

(a) ACTION BY SECRETARY.—

(1) IN GENERAL.—The Secretary shall take into trust all right, title, and interest of the United States in and to the land described in subsection (h) for the benefit of the 19 Pueblos immediately after the Secretary has confirmed that the National Environmental Policy Act of 1969 has been complied with regarding the trust acquisition of these Federal lands.

(2) ADMINISTRATION.—The Secretary shall—

(A) take such action as the Secretary determines to be necessary to document the transfer under paragraph (1); and

(B) appropriately assign each applicable private and municipal utility and service right or agreement.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a)(1) is the 2 tracts of Federal land, the combined acreage of which is approximately 8.4759 acres, that were historically part of the Albuquerque Indian School, more particularly described as follows:

(1) EASTERN PART TRACT B.—The approximately 2.2699 acres located in sec. 7 and sec.

8 of T. 10 N., R. 3 E., of the New Mexico Principal Meridian in the city of Albuquerque, New Mexico, as identified on the survey and does not include the Western Part of Tract B containing 3.6512 acres,

(2) NORTHERN PART TRACT D.—The approximately 6.2060 acres located in sec. 7 and sec. 8 of T. 10 N., R. 3 E., of the New Mexico Principal Meridian in the city of Albuquerque, New Mexico, as identified on the survey and does not include the Southern Part of Tract D containing 6.1775 acres.

(c) SURVEY.—The Secretary shall perform a survey of the land to be transferred consistent with subsection (b), and may make minor corrections to the survey and legal description of the Federal land described in subsection (b) as the Secretary determines to be necessary to correct clerical, typographical, and surveying errors.

(d) USE OF LAND.—The land taken into trust under subsection (a) shall he used for the educational, health, cultural, business, and economic development of the 19 Pueblos.

(e) LIMITATIONS AND CONDITIONS.—The land taken into trust under subsection (a) shall remain subject to any private or municipal encumbrance, right-of-way, restriction, easement of record, or utility service agreement in effect on the date of enactment of this Act.

SEC. 104. EFFECT OF OTHER LAWS.

(a) IN GENERAL.—Except as otherwise provided in this section, land taken into trust under section 103(a) shall be subject to Federal laws relating to Indian land.

(b) GAMING.—No gaming activity (within the meaning of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.)) shall be carried out on land taken into trust under section 103(a).

TITLE II—NATIVE AMERICAN TECHNICAL CORRECTIONS

SEC. 201. COLORADO RIVER INDIAN TRIBES.

The Secretary of the Interior may make, subject to amounts provided in subsequent appropriations Acts, an annual disbursement to the Colorado River Indian Tribes. Funds disbursed under this section shall be used to fund the Office of the Colorado River Indian Tribes Reservation Energy Development and shall not be less than $200,000 and not to exceed $350,000 annually.

SEC. 202. GILA RIVER INDIAN COMMUNITY CONTRACTS.

Subsection (f) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(f)), is amended by striking ''lease, affecting'' and inserting ''lease or construction contract, affecting''.

SEC. 203. LAND AND INTERESTS OF THE SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS OF MICHIGAN.

(a) IN GENERAL.—Subject to subsections (b) and (c), notwithstanding any other provision of law (including regulations), the Sault Ste. Marie Tribe of Chippewa Indians of Michigan (including any agent or instrumentality of the Tribe) (referred to in this section as the ''Tribe''), may transfer, lease, encumber, or otherwise convey, without further authorization or approval, all or any part of the Tribe's interest in any real property that is not held in trust by the United States for the benefit of the Tribe.

(b) EFFECT OF SECTION.—Nothing in this section is intended to authorize the Tribe to transfer, lease, encumber, or otherwise convey, any lands, or any interest in any lands, that are held in trust by the United States for the benefit of the Tribe.

(c) LIABILITY.—The Unites States shall not be held liable to any party (including the Tribe or any agent or instrumentality of the Tribe) for any term of, or any loss resulting from the term of any transfer, lease, encumbrance, or conveyance of land made pursuant to this Act unless the United States or an agent or instrumentality of the United States is a party to the transaction or the United States would be liable pursuant to any other provision of law. This subsection shall not apply to land transferred or conveyed by the Tribe to the United States to be held in trust for the benefit of the Tribe.

(d) EFFECTIVE DATE.—This section shall be deemed to have taken effect on January 1, 2005.

SEC. 204. MORONGO BAND OF MISSION INDIANS LEASE EXTENSION.

Subsection (a) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(a)) is amended in the second sentence by inserting ''and except leases of land held in trust for the Morongo Band of Mission Indians which may be for a term of not to exceed 50 years,'' before ''and except leases of land for grazing purposes which may be for a term of not to exceed ten years''.

SEC. 205. COW CREEK BAND OF UMPQUA TRIBE OF INDIANS LEASING AUTHORITY.

(a) AUTHORIZATION FOR 99-YEAR LEASES.—Subsection (a) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(a)), is amended in the second sentence by inserting ''and lands held in trust for the Cow Creek Band of Umpqua Tribe of Indians,'' after ''lands held in trust for the Confederated Tribes of the Warm Springs Reservation of Oregon,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any lease entered into or renewed after the date of the enactment of this Act.

SEC. 206. NEW SETTLEMENT COMMON STOCK ISSUED TO DESCENDANTS, LEFT-OUTS, AND ELDERS.

Section 7(g)(1)(B) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(g)(1)(B)) is amended by striking clause (iii) and inserting the following:

''(iii) CONDITIONS ON CERTAIN STOCK.—

''(I) IN GENERAL.—An amendment under clause (i) may provide that Settlement Common Stock issued to a Native pursuant to the amendment (or stock issued in exchange for that Settlement Common Stock pursuant to subsection (h)(3) or section 29(c)(3)(D)) shall be subject to 1 or more of the conditions described in subclause (H).

''(H) CONDITIONS.—A condition referred to in subclause (I) is a condition that—

''(aa) the stock described in that subclause shall be deemed to be canceled on the death of the Native to whom the stock is issued, and no compensation for the cancellation shall be paid to the estate of the deceased Native or any person holding the stock;

''(bb) the stock shall carry limited or no voting rights; and

''(cc) the stock shall not be transferred by gift under subsection (h)(1)(C)(iii).''.

SEC. 207. INDIAN LAND CONSOLIDATION ACT.

(a) DEFINITIONS.—Section 202 of the Indian Land Consolidation Act (25 U.S.C. 2201) is amended—

(1) in paragraph (4)—

(A) by inserting ''(i)'' after ''(4)'';

(B) by striking '' 'trust or restricted interest in land' or'' and inserting the following: ''(ii) 'trust or restricted interest in land' or''; and

(C) in clause (ii) (as designated by subparagraph (B)), by striking 'an interest in land, title to which'' and inserting ''an interest in land, the title to which interest''; and

(2) by striking paragraph (7) and inserting the following: ''(7) the term 'land' means any real property,''.

(b) PARTITION OF HIGHLY FRACTIONATED INDIAN LANDS.—Section 205(c)(2)(D)(i) of the Indian Land Consolidation Act (25 U.S.C. 2204(c)(2)(D)(i)) is amended in the matter following subclause (III) by striking ''by Secretary'' and inserting ''by the Secretary''.

(c) DESCENT AND DISTRIBUTION.—Section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) is amended—

(1) in subsection (a)—

(A) in paragraph (2)(D)—

(i) in clause (i), by striking ''clauses (ii) through (iv)'' and inserting ''clauses (ii) through (v)'';

(ii in clause (iv)(II), by striking ''decedent'' and inserting ''descent''; and

(iii) by striking clause (v) and inserting the following:

''(v) EFFECT OF SUBPARAGRAPH.—Nothing in this subparagraph limits the right of any person to devise any trust or restricted interest in pursuant to a valid will in accordance with subsection (b).''; and

(B) by adding at the end the following:

''(2) INTESTATE DESCENT OF PERMANENT IMPROVEMENTS.—

''(A) DEFINITION OF COVERED PERMANENT IMPROVEMENT.—In this paragraph, the term 'covered permanent improvement' means a permanent improvement (including an interest in such an improvement) that is—

''(i) included in the estate of a decedent; and

''(ii) attached to a parcel of trust or restricted land that is also, in whole or in part, included in the estate of that decedent.

''(B) RULE OF DESCENT.—Except as otherwise provided in a tribal probate code approved under section 206 or consolidation agreement approved under subsection (j)(9), a covered permanent improvement in the estate of a decedent shall—

''(i) descend to each eligible heir to whom the trust, or restricted interest in land in the estate descends pursuant to this subsection; or

''(ii) pass to the recipient of the trust or restricted interest in land in the estate pursuant to a renunciation under subsection (j)(8).

''(C) APPLICATION AND EFFECT.—The provisions of this paragraph apply to a covered permanent improvement—

''(i) even though that covered permanent improvement is not held in trust; and

''(ii) without altering or otherwise affecting the non-trust status of such a covered permanent improvement.'';

(2) in subsection (b)(2)(B)—

(A) by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively, and indenting the subclauses appropriately;

(B) by striking ''Any interest'' and inserting the following:

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), any interest'';'';

(C) in subclause (III) of clause (i) (as designated by subparagraphs (A) and (B)), by striking the semicolon and inserting a period;

(D) by striking ''provided that nothing'' and inserting the following:

''(iii) EFFECT.—Except as provided in clause (ii), nothing; and''.

(E) by inserting after clause (i) (as designated by subparagraph (B)) the following:

''(ii) EXCEPTION.—

''(I) IN GENERAL.—Notwithstanding clause (i), in any case in which a resolution, law, or other duly adopted enactment of the Indian tribe with jurisdiction over the land of which an interest described in clause (i) is a part requests the Secretary to apply subparagraph (A)(ii) to devises of trust or restricted land under the jurisdiction of the Indian tribe, the interest may be devised in fee in accordance with subparagraph (A)(ii).

''(II) EFFECT.—Subclause (I) shall apply with respect to a devise of a trust or restricted interest in land by any decedent who dies on or after the date on which the applicable Indian tribe adopts the resolution, law, or other enactment described in subclause

(I), regardless of the date on which the devise is made.

''(III) NOTICE OF REQUEST.—An Indian tribe shall provide to the Secretary a copy of any resolution, law, or other enactment of the Indian tribe that requests the Secretary to apply subparagraph (A)(ii) to devises of trust or restricted land under the jurisdiction of the Indian tribe.''

(3) in subsection (h)(1)—

(A) by striking ''A will'' and inserting the following:

''(A) IN GENERAL.—A will''; and

(B) by adding at the end the following:

''(B) PERMANENT IMPROVEMENTS.—Except as otherwise expressly provided in the will, a devise of a trust or restricted interest in a parcel of land shall be presumed to include the interest of the testator in any permanent improvements attached to the parcel of land.''(C) APPLICATION AND EFFECT.—The provisions of this paragraph apply to a covered permanent improvement—

''(i) even though that covered permanent improvement is not held in trust; and

''(ii) without altering or otherwise affecting the non-trust, status of such a covered permanent improvement.'';

(4) in subsection (i)(4)(C), by striking ''interest land'' and inserting ''interest in land'';

(5) in subsection (j)(2)(A)(ii), by striking ''interest land'' and inserting ''interest in land'';

(6) in subsection (k), in the matter preceding paragraph (1), by inserting ''a'' after ''receiving''; and

(7) in subsection (o)—

(A) in paragraph (3)—

(i) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii) and indenting the clauses appropriately;

(ii) by striking ''(3)'' and all that follows through ''No sale'' and inserting the following:

''(3) REQUEST TO PURCHASE; CONSENT REQUIREMENTS; MULTIPLE REQUESTS TO PURCHASE—

''(A) IN GENERAL.—No sale'';

(iii) by striking the last sentence and inserting the following:

''(B) MULTIPLE REQUESTS TO PURCHASE.—Except for interests purchased pursuant to paragraph (5), if the Secretary receives a request with respect to an interest from more than 1 eligible purchaser under paragraph (2), the Secretary shall sell the interest to the eligible purchaser that is selected by the applicable heir, devisee, or surviving spouse.'';

(B) in paragraph (4)—

(i) in subparagraph (A) by adding ''and'' at the end;

(ii) in subparagraph (B), by striking ''; and'' and inserting a period; and

(iii) by striking subparagraph (C); and

(C) in paragraph (5)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i)—

(aa) by inserting ''or surviving spouse'' after ''heir'';

(bb) by striking ''paragraph (3)(B)'' and inserting ''paragraph (3)(A)(ii)''; and

(cc) by striking ''auction and'';

(II) in clause (i), by striking ''and'' at the end;

(III) in clause (ii)—

(aa) by striking ''auction'' and inserting ''sale'';

(bb) by striking ''the interest passing to such heir represents'' and inserting '', at the time of death of the applicable decedent, the interest of the decedent in the land represented'; and

(cc) by striking the period at the end and inserting ''; and'';

(IV) by adding at the end the following:

''(iii)(I) the Secretary is purchasing the interest under the program authorized under section 213(a)(1); or

''(II) after receiving a, notice under paragraph (4)(B), the Indian tribe with jurisdiction over the interest is proposing to purchase the interest from an heir or surviving spouse who is not residing on the property in accordance with clause (i), and who is not a member, and is not eligible to become a member, of that Indian tribe.''; and

(ii) in subparagraph (B)—

(I) by inserting ''or surviving spouse'' after ''heir'' each place it, appears; and

(II) by striking ''heir's interest'' and inserting ''interest of the heir or surviving spouse''.

(d) CONFORMING AMENDMENT.—Section 213(a)(1) of the Indian Land Consolidation Act (25 U.S.C. 2212(a)(1)) is amended by striking ''section 207(p)'' and inserting ''section 207(o)''.

(e) OWNER-MANAGED INTERESTS.—Section 221(a) of the Indian Land Consolidation Act (25 U.S.C. 2220(a)) is amended by inserting ''owner or'' before ''co-owners''.

(f) EFFECTIVE DATES.—

(1) TESTAMENTARY DISPOSITION—The amendments made by subsection (c)(2) of his section to section 207(b) of the Indian Land Consolidation Act (25 U.S.C. 2206(b)) shall not apply to any will executed before the date that is 1 year after the date of enactment of this Act.

(2) SMALL UNDIVIDED INTERESTS IN INDIAN LANDS.——The amendments made by subsection (c)(7)(C) of this section to subsection (o)(5) of section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) shall not apply to or affect any sale of an interest under subsection (o)(5) of that section that was completed before the date of enactment of this Act.

TITLE III—REAUTHORIZATION OF MEMORIAL TO MARTIN LUTHER KING, JR.

SEC. 301. REAUTHORIZATION.

Section 508(b)(2) of the Omnibus Parks and Public Lands Management Act of 1996 (40 U.S.C. 8903 note; 110 Stat. 4157, 114 Stat. 26, 117 Stat. 1347, 119 Stat. 527) is amended by striking ''November 12, 2008'' and inserting ''November 12, 2009''.

Mr. RAHALL (during the reading). Madam Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: ''A bill to direct the Secretary of the Interior to take into trust 2 parcels of Federal land for the benefit of certain Indian Pueblos in the State of New Mexico, and for other purposes.''.

A motion to reconsider was laid on the table.

NATIONAL SEA GRANT COLLEGE PROGRAM AMENDMENTS ACT OF 2008

Mr. RAHALL. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5618) to reauthorize and amend the National Sea Grant College Program Act, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Sea Grant College Program Amendments Act of 2008''.

SEC. 2. REFERENCES.

Except as otherwise expressly provided therein, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.).

SEC. 3. FINDINGS AND PURPOSE.

(a) FINDINGS.—Section 202(a) (33 U.S.C. 1121(a)) is amended—

(1) by striking subparagraphs (D) and (E) of paragraph (1) and inserting the following:

''(D) encourage the development of preparation, forecast, analysis, mitigation, response, and recovery systems for coastal hazards;

''(E) understand global environmental processes and their impacts on ocean, coastal, and Great Lakes resources; and'';

(2) by striking ''program of research, education,'' in paragraph (2) and inserting ''program of integrated research, education, extension,''; and

(3) by striking paragraph (6) and inserting the following:

''(6) The National Oceanic and Atmospheric Administration, through the national sea grant college program, offers the most suitable locus and means for such commitment and engagement through the promotion of activities that will result in greater such understanding, assessment, development, management, utilization, and conservation of ocean, coastal, and Great Lakes resources. The most cost-effective way to promote such activities is through continued and increased Federal support of the establishment, development, and operation of programs and projects by sea grant colleges, sea grant institutes, and other institutions, including strong collaborations between Administration scientists and research and outreach personnel at academic institutions.''.

(b) PURPOSE.—Section 202(c) (33 U.S.C. 1121(c)) is amended by striking ''to promote research, education, training, and advisory service activities'' and inserting ''to promote integrated research, education, training, and extension services and activities''.

(c) TERMINOLOGY.—Subsections (a) and (b) of section 202 (15 U.S.C. 1121(a) and (b)) are amended by inserting ''management,'' after ''development,'' each place it appears.

SEC. 4. DEFINITIONS.

(a) IN GENERAL.—Section 203 (33 U.S.C. 1122) is amended—

(1) in paragraph (4) by inserting ''management,'' after ''development,'';

(2) in paragraph (11) by striking ''advisory services'' and inserting ''extension services''; and

(3) in each of paragraphs (12) and (13) by striking ''(33 U.S.C. 1126)''.

(b) REPEAL.—Section 307 of the Act entitled ''An Act to provide for the designation of the Flower Garden Banks National Marine Sanctuary'' (Public Law 102–251; 106 Stat. 66) is repealed.

SEC. 5. NATIONAL SEA GRANT COLLEGE PROGRAM.

(a) PROGRAM ELEMENTS.—Section 204(b) (33 U.S.C. 1123(b)) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) sea grant programs that comprise a national sea grant college program network, including international projects conducted within

such programs and regional and national projects conducted among such programs;'';

(2) by amending paragraph (2) to read as follows:

''(2) administration of the national sea grant college program and this title by the national sea grant office and the Administration;''; and

(3) by amending paragraph (4) to read as follows:

''(4) any regional or national strategic investments in fields relating to ocean, coastal, and Great Lakes resources developed in consultation with the Board and with the approval of the sea grant colleges and the sea grant institutes.''.

(b) TECHNICAL CORRECTION.—Section 204(c)(2) (33 U.S.C. 1123(c)(2)) is amended by striking ''Within 6 months of the date of enactment of the National Sea Grant College Program Reauthorization Act of 1998, the'' and inserting ''The''.

(c) FUNCTIONS OF DIRECTOR OF NATIONAL SEA GRANT COLLEGE PROGRAM.—Section 204(d) (33 U.S.C. 1123(d)) is amended—

(1) in paragraph (2)(A), by striking ''long range'';

(2) in paragraph (3)(A)—

(A) by striking ''(A)(i) evaluate'' and inserting ''(A) evaluate and assess'';

(B) by striking ''activities; and'' and inserting ''activities;''; and

(C) by striking clause (ii); and

(3) in paragraph (3)(B)—

(A) by redesignating clauses (ii) through (iv) as clauses (iii) through (v), respectively, and by inserting after clause (i) the following:

''(ii) encourage collaborations among sea grant colleges and sea grant institutes to address regional and national priorities established under subsection (c)(1);'';

(B) in clause (iii) (as so redesignated) by striking ''encourage'' and inserting ''ensure'';

(C) in clause (iv) (as so redesignated) by striking ''and'' after the semicolon;

(D) by inserting after clause (v) (as so redesignated) the following:

''(vi) encourage cooperation with Minority Serving Institutions to enhance collaborative research opportunities and increase the number of such students graduating in NOAA science areas; and''.

SEC. 6. PROGRAM OR PROJECT GRANTS AND CONTRACTS.

Section 205 (33 U.S.C. 1124) is amended—

(1) by striking ''204(c)(4)(F).'' in subsection (a) and inserting ''204(c)(4)(F) or that are appropriated under section 208(b).''; and

(2) by striking the matter following paragraph (3) in subsection (b) and inserting the following:

''The total amount that may be provided for grants under this subsection during any fiscal year shall not exceed an amount equal to 5 percent of the total funds appropriated for such year under section 212.''.

SEC. 7. EXTENSION SERVICES BY SEA GRANT COLLEGES AND SEA GRANT INSTITUTES.

Section 207(a) (33 U.S.C. 1126(a)) is amended in each of paragraphs (2)(B) and (3)(B) by striking ''advisory services'' and inserting ''extension services''.

SEC. 8. FELLOWSHIPS.

Section 208(a) (33 U.S.C. 1127) is amended—

(1) by striking ''Not later than 1 year after the date of the enactment of the National Sea Grant College Program Act Amendments of 2002, and every 2 years thereafter,'' in subsection (a) and inserting ''Every 2 years,''; and

(2) by adding at the end the following:

''(c) Restriction on Use of Funds.—Amounts available for fellowships under this section, including amounts accepted under section 204(c)(4)(F) or appropriated under section 212 to implement this section, shall be used only for award of such fellowships and administrative costs of implementing this section.''

SEC. 9. NATIONAL SEA GRANT ADVISORY BOARD.

(a) REDESIGNATION OF SEA GRANT REVIEW PANEL AS BOARD.—

(1) REDESIGNATION.—The sea grant review panel established by section 209 of the National Sea Grant College Program Act (33 U.S.C. 1128), as in effect before the date of the enactment of this Act, is redesignated as the National Sea Grant Advisory Board.

(2) MEMBERSHIP NOT AFFECTED.—An individual serving as a member of the sea grant review panel immediately before date of the enactment of this Act may continue to serve as a member of the National Sea Grant Advisory Board until the expiration of such member's term under section 209(c) of such Act (33 U.S.C. 1128(c)).

(3) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to such sea grant review panel is deemed to be a reference to the National Sea Grant Advisory Board.

(4) CONFORMING AMENDMENTS.—

(A) IN GENERAL.—Section 209 (33 U.S.C. 1128) is amended by striking so much as precedes subsection (b) and inserting the following:

''SEC. 209. NATIONAL SEA GRANT ADVISORY BOARD.

''(a) ESTABLISHMENT.—There shall be an independent committee to be known as the National Sea Grant Advisory Board.''.

(B) DEFINITION.—Section 203(9) (33 U.S.C. 1122(9)) is amended to read as follows:

''(9) The term 'Board' means the National Sea Grant Advisory Board established under section 209.'';

(C) OTHER PROVISIONS.—The following provisions are each amended by striking ''panel'' each place it appears and inserting ''Board'':

(i) Section 204 (33 U.S.C. 1123).

(ii) Section 207 (33 U.S.C. 1126).

(iii) Section 209 (33 U.S.C. 1128).

(b) DUTIES.—Section 209(b) (33 U.S.C. 1128(b)) is amended to read as follows:

''(b) DUTIES.—

''(1) IN GENERAL.—The Board shall advise the Secretary and the Director concerning—

''(A) strategies for utilizing the sea grant college program to address the Nation's highest priorities regarding the understanding, assessment, development, management, utilization, and conservation of ocean, coastal, and Great Lakes resources;

''(B) the designation of sea grant colleges and sea grant institutes; and

''(C) such other matters as the Secretary refers to the Board for review and advice.

''(2) BIENNIAL REPORT.—The Board shall report to the Congress every two years on the state of the national sea grant college program. The Board shall indicate in each such report the progress made toward meeting the priorities identified in the strategic plan in effect under section 204(c). The Secretary shall make available to the Board such information, personnel, and administrative services and assistance as it may reasonably require to carry out its duties under this title.''.

(c) MEMBERSHIP, TERMS, AND POWERS.—Section 209(c)(1) (33 U.S.C. 1128(c)(1)) is amended—

(1) by inserting ''coastal management,'' after ''resource management,''; and

(2) by inserting ''management,'' after ''development,''.

(d) EXTENSION OF TERM.—Section 209(c)(3) (33 U.S.C. 1128(c)(3)) is amended by striking the second sentence and inserting the following: ''The Director may extend the term of office of a voting member of the Board once by up to 1 year.''.

(e) ESTABLISHMENT OF SUBCOMMITTEES.—Section 209(c) (33 U.S.C. 1128(c)) is amended by adding at the end the following:

''(8) The Board may establish such subcommittees as are reasonably necessary to carry out its duties under subsection (b). Such subcommittees may include individuals who are not Board members.''.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

Section 212 of the National Sea Grant College Program Act (33 U.S.C. 1131) is amended—

(1) by striking subsection (a)(1) and inserting the following: ''

''(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this title—

''(A) $72,000,000 for fiscal year 2009;

''(B) $75,600,000 for fiscal year 2010;

''(C) $79,380,000 for fiscal year 2011;

''(D) $83,350,000 for fiscal year 2012;

''(E) $87,520,000 for fiscal year 2013; and

''(F) $91,900,000 for fiscal year 2014.'';

(2) in subsection (a)(2)—

(A) by striking ''fiscal years 2003 through 2008—'' and inserting ''fiscal years 2009 through 2014—'';

(B) by striking ''biology and control of zebra mussels and other important aquatic'' in subparagraph (A) and inserting ''biology, prevention, and control of aquatic''; and

(C) by striking ''blooms, including Pfiesteria piscicida; and'' in subparagraph (C) and inserting ''blooms; and'';

(3) in subsection (c)(1) by striking ''rating under section 204(d)(3)(A)'' and inserting ''performance assessments''; and

(4) by striking subsection (c)(2) and inserting the following:

''(2) regional or national strategic investments authorized under section 204(b)(4);''.

Mr. RAHALL (during the reading). Madam Speaker, I ask unanimous consent to dispense with the reading.

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

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from West Virginia?

There was no objection.

A motion to reconsider was laid on the table.

HYDROGRAPHIC SERVICES IMPROVEMENT ACT AMENDMENTS OF 2007

Mr. RAHALL. Madam Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1582) to reauthorize and amend the Hydrographic Services Improvement Act, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The text of the Senate bill is as follows:

S. 1582

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 ''Hydrographic Services Improvement Act Amendments of 2007''.

SEC. 2. FINDINGS AND PURPOSES.

The Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892 et seq.) is amended—

(1) by redesignating sections 302 through 306 as sections 303 through 307, respectively; and

(2) by inserting after section 301 the following:

''SEC. 302. FINDINGS AND PURPOSES.

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

''(1) In 2007, the Nation celebrates the 200th anniversary of its oldest scientific agency, the Survey of the Coast, which was authorized by Congress and created by President Thomas Jefferson in 1807 to conduct surveys of the coast and provide nautical charts for safe passage through the Nation's ports and along its extensive coastline.

''(2) These mission requirements and capabilities, which today are located in the National Oceanic and Atmospheric Administration, evolved over time to include—

''(A) research, development, operations, products, and services associated with hydrographic, geodetic, shoreline, and baseline surveying;

''(B) cartography, mapping, and charting;

''(C) tides, currents, and water level observations;

''(D) maintenance of a national spatial reference system; and

''(E) associated products and services.

''(3) There is a need to maintain Federal expertise and capability in hydrographic data and services to support a safe and efficient marine transportation system for the enhancement and promotion of international trade and interstate commerce vital to the Nation's economic prosperity and for myriad other commercial and recreational activities.

''(4) The Nation's marine transportation system is becoming increasingly congested, the volume of international maritime commerce is expected to double within the next 20 years, and nearly half of the cargo transiting United States waters is oil, refined petroleum products, or other hazardous substances.

''(5) In addition to commerce, hydrographic data and services support other national needs for the Great Lakes and coastal waters, the territorial sea, the Exclusive Economic Zone, and the continental shelf of the United States, including—

''(A) emergency response;

''(B) homeland security;

''(C) marine resource conservation;

''(D) coastal resiliency to sea-level rise, coastal inundation, and other hazards;

''(E) ocean and coastal science advancement; and

''(F) improved and integrated ocean and coastal mapping and observations for an integrated ocean observing system.

''(6) The National Oceanic and Atmospheric Administration, in cooperation with other agencies and the States, serves as the Nation's leading civil authority for establishing and maintaining national standards and datums for hydrographic data and services.

''(7) The Director of the National Oceanic and Atmospheric Administration's Office of Coast Survey serves as the National Hydrographer and the primary United States representative to the international hydrographic community, including the International Hydrographic Organization.

''(8) The hydrographic expertise, data, and services of the National Oceanic and Atmospheric Administration provide the underlying and authoritative basis for baseline and boundary demarcation, including the establishment of marine and coastal territorial limits and jurisdiction, such as the Exclusive Economic Zone.

''(9) Research, development and application of new technologies will further increase efficiency, promote the Nation's competitiveness, provide social and economic benefits, enhance safety and environmental protection, and reduce risks.

''(b) PURPOSES.—The purposes of this Act are—

''(1) to augment the ability of the National Oceanic and Atmospheric Administration to fulfill its responsibilities under this and other authorities;

''(2) to provide more accurate and up-to-date hydrographic data and services in support of safe and efficient international trade and interstate commerce, including—

''(A) hydrographic surveys;

''(B) electronic navigational charts;

''(C) real-time tide, water level, and current information and forecasting;

''(D) shoreline surveys; and

''(E) geodesy and 3-dimensional positioning data;

''(3) to support homeland security, emergency response, ecosystem approaches to marine management, and coastal resiliency by providing hydrographic data and services with many other useful operational, scientific, engineering, and management applications, including—

''(A) storm surge, tsunami, coastal flooding, erosion, and pollution trajectory monitoring, predictions, and warnings;

''(B) marine and coastal geographic information systems;

''(C) habitat restoration;

''(D) long-term sea-level trends; and

''(E) more accurate environmental assessments and monitoring;

''(4) to promote improved integrated ocean and coastal mapping and observations through increased coordination and cooperation;

''(5) to provide for and support research and development in hydrographic data, services and related technologies to enhance the efficiency, accuracy and availability of hydrographic data and services and thereby promote the Nation's scientific and technological competitiveness; and

''(6) to provide national and international leadership for hydrographic and related services, sciences, and technologies.''.

SEC. 3. DEFINITIONS.

Section 303 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892), as redesignated by section 2, is amended—

(1) by amending paragraph (3) to read as follows:

''(3) HYDROGRAPHIC DATA.—The term ''hydrographic data'' means information acquired through hydrographic, bathymetric, or shoreline surveying; geodetic, geospatial, or geomagnetic measurements; tide, water level, and current observations, or other methods, that is used in providing hydrographic services.'';

(2) by striking paragraph (4)(A) and inserting the following:

''(A) the management, maintenance, interpretation, certification, and dissemination of bathymetric, hydrographic, shoreline, geodetic, geospatial, geomagnetic, and tide, water level, and current information, including the production of nautical charts, nautical information databases, and other products derived from hydrographic data;''; and

(3) by striking paragraph (5) and inserting the following:

''(5) COAST AND GEODETIC SURVEY ACT.—The term 'Coast and Geodetic Survey Act' means the Act entitled 'An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes', approved August 6, 1947 (33 U.S.C. 883a et seq.).''.

SEC. 4. FUNCTIONS OF THE ADMINISTRATOR.

Section 304 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892a), as redesignated by section 2, is amended—

(1) by striking ''the Act of 1947,'' in subsection (a) and inserting ''the Coast and Geodetic Survey Act, promote safe, efficient, and environmentally sound marine transportation, and otherwise fulfill the purposes of this Act,'';

(2) by striking ''data;'' in subsection (a)1) and inserting ''data and provide hydrographic services;''; and

(3) by striking subsection (b) and inserting the following:

''(b) AUTHORITIES.—To fulfill the data gathering and dissemination duties of the Administration under the Coast and Geodetic Survey Act, promote safe, efficient, and environmentally sound marine transportation, and otherwise fulfill the purposes of this Act, subject to the availability of appropriations—

''(1) the Administrator may procure, lease, evaluate, test, develop, and operate vessels, equipment, and technologies necessary to ensure safe navigation and maintain operational expertise in hydrographic data acquisition and hydrographic services;

''(2) the Administrator shall design, install, maintain, and operate real-time hydrographic monitoring systems to enhance navigation safety and efficiency;

''(3) where appropriate and to the extent that it does not detract from the promotion of safe and efficient navigation, the Administrator may acquire hydrographic data and provide hydrographic services to support the conservation and management of coastal and ocean resources;

''(4) where appropriate, the Administrator may acquire hydrographic data and provide hydrographic services to save and protect life and property and support the resumption of commerce in response to emergencies, natural and man-made disasters, and homeland security and maritime domain awareness needs, including obtaining Mission Assignments as defined in section 641 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 741);

''(5) the Administrator may create, support, and maintain such joint centers, and enter into and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this Act; and

''(6) notwithstanding paragraph (5), the Administrator shall award contracts for the acquisition of hydrographic data in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 1101 et seq.).''.

SEC. 5. QUALITY ASSURANCE PROGRAM.

Subsection (b) of section 305 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892b), as redesignated by section 2, is amended by striking ''303(a)(3)'' each place it appears and inserting ''304(a)(3)''.

SEC. 6. HYDROGRAPHIC SERVICES REVIEW PANEL.

Section 306 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892c), as redesignated by section 2, is amended—

(1) by striking ''303'' in subsection (b)(1) and inserting ''304'';

(2) by striking subsection (c)(1)(A) and inserting ''(A) The panel shall consist of 15 voting members who shall be appointed by the Administrator. The Co-directors of the Joint Hydrographic Institute and no more than 2 employees of the National Oceanic and Atmospheric Administration appointed by the Administrator shall serve as nonvoting members of the panel. The voting members of the panel shall be individuals who, by reason of knowledge, experience, or training, are especially qualified in 1 or more of the disciplines and fields relating to hydrographic data and hydrographic services, and other disciplines as determined appropriate by the Administrator.'';

(3) by striking ''Secretary'' in subsections (c)(1)(C), (c)(3), and (e) and inserting ''Administrator''; and

(4) by striking subsection (d) and inserting the following:

''(d) COMPENSATION.—Voting members of the panel shall be reimbursed for actual and reasonable expenses, such as travel and per diem, incurred in the performance of such duties.''.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Section 307 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892d), as redesignated by section 2, is amended to read as follows:

''SEC. 307. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the Administrator sums as may be necessary for each of fiscal years 2008 through 2012 for the purposes of carrying out this Act.''.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NOAA LAND SALE

Mr. RAHALL. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5350) to authorize the Secretary of Commerce to sell or exchange certain National Oceanic and Atmospheric Administration property located Norfolk, Virginia, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

On page 4, after line 20, insert:

Notwithstanding any other provision of law, the Secretary of Commerce, through the Under Secretary and Administrator of the National Oceanic and Atmospheric Administration (NOAA), is authorized to enter into a land lease with Mobile County, Alabama for a period of not less than 40 years, on such terms and conditions as NOAA deems appropriate, for purposes of construction of a Gulf of Mexico Disaster Response Center facility, provided that the lease is at no cost to the government. NOAA may enter into agreements with state, local, or county governments for purposes of joint use, operations and occupancy of such facility.

Mr. RAHALL (during the reading). Madam Speaker, I ask unanimous consent to dispense with the reading.

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

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from West Virginia?

There was no objection.

A motion to reconsider was laid on the table.

50TH ANNIVERSARY OF THE FIRST VERTICAL ASCENT OF THE FACE OF EL CAPITAN IN YOSEMITE NATIONAL PARK

Mr. RAHALL. Madam Speaker, I ask unanimous consent that the Committee on Natural Resources be discharged from further consideration of the resolution (H. Res. 1474) recognizing the 50th anniversary of the first vertical ascent of the face of El Capitan in Yosemite National Park and honoring the historic climbing feat of the original climbing team, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

H. RES. 1474

Whereas November 12, 2008, will mark the 50th anniversary of the first vertical ascent of the face of El Capitan in Yosemite National Park;

Whereas in 1890 Yosemite National Park was established as the third National Park of the United States;

Whereas Yosemite National Park is commonly referred to as ''The Crown Jewel of the National Park System;''

Whereas Yosemite National Park is recognized as the ''Climbing Mecca'' of the world;

Whereas El Capitan is the world's tallest free-standing granite monolith, with a summit elevation of 7,569 feet above sea level;

Whereas Wayne Merry, George Whitmore, and Warren J. Harding, the original climbing team, with the assistance of Wally Reed, Allen Steck, Bill ''Dolt'' Feuerer, Mark Powell, John Whitmer, Rich Calderwood, and the ground support team of Bea Vogel and Ellen Searby, completed the first vertical ascent of the face of El Capitan on November 12, 1958;

Whereas the first vertical ascent of the face of El Capitan was accomplished on the Nose Route, recognized as one of the most famous climbing routes in the world;

Whereas November 8, 1958, marks the date when the final push towards the summit of El Capitan was spurred on due to deteriorating weather conditions;

Whereas the first vertical ascent of the face of El Capitan was accomplished in 47 days in expedition style;

Whereas the first vertical ascent of the face of El Capitan was accomplished by the original climbing team using fixed ropes that linked established camps along the way;

Whereas the original climbing team relied heavily on aid climbing, using rope, pitons, and expansion bolts to make it to the summit;

Whereas thousands of rock climbers have reached the summit of El Capitan since 1958 using the identical Nose Route; and

Whereas on November 8, 2008, there will be an event in Yosemite National Park celebrating the 50th anniversary of the first vertical assent of the face of El Capitan: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 50th anniversary of the momentous first vertical ascent of the face of El Capitan in Yosemite National Park; and

(2) honors the historic climbing feat of the original climbing team.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EXTENDING AUTHORIZATION OF DELAWARE WATER GAP NATIONAL RECREATION AREA CITIZEN ADVISORY COMMISSION

Mr. RAHALL. Madam Speaker, I ask unanimous consent that the Committee on Natural Resources be discharged from further consideration of the bill (H.R. 7017) to amend Public Law 100–573 to extend the authorization of the Delaware Water Gap National Recreation Area Citizen Advisory Commission, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 7017

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

SECTION 1. EXTENDED AUTHORIZATION OF DELAWARE WATER GAP NATIONAL RECREATION AREA CITIZEN ADVISORY COMMISSION.

Section 5 of Public Law 100–573 (16 U.S.C. 460o note) is amended to read as follows:

''SEC. 5. TERMINATION OF COMMISSION.

''The Commission shall terminate on the date that is 1 year after the date of the enactment of this Act.''.

AMENDMENT OFFERED BY MR. RAHALL

Mr. RAHALL. Madam Speaker, I have an amendment at the desk.

The Clerk read as follows:

Amendment offered by Mr. RAHALL:

On page 2, line 3, strike ''1 year'' and insert ''21 years''.

Mr. RAHALL (during the reading). Madam Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FEMA ACCOUNTABILITY ACT OF 2007

Mr. RAHALL. Madam Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the Senate bill (S. 2382) to require the Administrator of the Federal Emergency Management Agency to quickly and fairly address the abundance of surplus manufactured housing units stored by the Federal Government around the country at taxpayer expense, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The text of the Senate bill is as follows:

S. 2382

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 ''FEMA Accountability Act of 2007''.

SEC. 2. FINDINGS.

Congress finds that—

(1) more than 19,000 mobile homes and travel trailers sit unused at the storage site in Hope, Arkansas;

(2) the Federal Emergency Management Agency spends $25,000 each month to store the unused manufactured homes in Hope, Arkansas;

(3) the Federal Emergency Management Agency spends in excess of $3,000,000 each year to store unused manufactured homes at 15 storage sites across the country;

(4) these manufactured housing units were purchased to aid disaster victims during the 2005 hurricane season;

(5) it is anticipated that the number of unused mobile homes and trailers could continue to increase as residents find permanent housing;

(6) many of these manufactured homes are now severely damaged or may contain potentially harmful levels of formaldehyde; and

(7) the Federal Emergency Management Agency has had ample time to assess the need for on-hand manufactured housing.

SEC. 3. STORAGE, SALE, TRANSFER, AND DISPOSAL OF HOUSING UNITS.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency (in this section referred to as the ''Administrator'') shall complete an assessment of the number of manufactured housing units it finds necessary to stock to respond to disasters occurring after the date of enactment of this Act.

(b) PLAN.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 6 months after the date of enactment of this Act, the Administrator shall establish a well developed plan for permanently storing manufactured housing units necessary to stock, selling or transferring usable surplus units, and disposing of unusable units.

(2) EXCEPTION.—

(A) IN GENERAL.—If the Administrator submits to Congress a written certification that the Administrator is unable to determine the safe level of exposure to formaldehyde for purposes of travel trailers, the Administrator may exclude from the plan under paragraph (1) any travel trailer that the Administrator determines may contain formaldehyde.

(B) DURATION.—The authority to exclude travel trailers under this paragraph shall terminate on the date on which the Administrator of the Environmental Protection Agency promulgates regulations regarding exposure levels for formaldehyde that are applicable to travel trailers.

(c) IMPLEMENTATION.—Not later than 9 months after the date of enactment of this Act, the Administrator shall implement the plan described in subsection (b).

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to Congress a report on the status of the distribution, sale, transfer, or disposal of unused manufactured housing units.

AMENDMENT OFFERED BY MR. RAHALL

Mr. RAHALL. Madam Speaker, I have an amendment at the desk.

The Clerk read as follows:

Amendment offered by Mr. RAHALL:

Strike all after the enacting clause and insert the following:

SECTION 1. STORAGE, SALE, TRANSFER, AND DISPOSAL OF HOUSING UNITS.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of FEMA.

(2) EMERGENCY; MAJOR DISASTER.—The terms ''emergency'' and ''major disaster'' have the meanings given such terms in section 102 of the Stafford Act (42 U.S.C. 5122).

(3) FEMA.—The term ''FEMA'' means the Federal Emergency Management Agency.

(4) HAZARD.—The term ''hazard'' has the meaning given such term in section 602 of the Stafford Act (42 U.S.C. 5195a).

(5) USABLE CONDITION.—The term ''usable condition'' means, with respect to a temporary housing unit, a temporary housing unit that provides a safe and sanitary living condition.

(6) STAFFORD ACT.—The term ''Stafford Act'' means the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(b) NEEDS ASSESSMENT; ESTABLISHMENT OF CRITERIA.—Not later than 3 months after the date of enactment of this Act, the Administrator shall—

(1) complete an assessment to determine the number of temporary housing units purchased by FEMA that FEMA needs to maintain in stock to respond appropriately to emergencies or major disasters occurring after the date of enactment of this Act; and

(2) establish criteria for determining whether the individual temporary housing units stored by FEMA are in usable condition.

(c) PLAN.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator shall establish a plan for—

(A) storing the number of temporary housing units that the Administrator has determined under subsection (b)(1) that FEMA needs to maintain in stock;

(B) selling, transferring, donating, or otherwise disposing of the temporary housing units in the inventory of FEMA, as of the date of enactment of this Act, that—

(i) are in excess of the number of temporary housing units that the Administrator has determined under subsection (b)(1) that FEMA needs to maintain in stock; and

(ii) are in usable condition, based on the criteria established under subsection (b)(2); and

(C) disposing of the temporary housing units in the inventory of FEMA that the Administrator determines are not in usable condition, based on the criteria established under subsection (b)(2).

(2) IMPLEMENTATION.—Not later than 9 months after the date of enactment of this Act, the Administrator shall implement the plan established under paragraph (1).

(d) APPLICABILITY OF DISPOSAL REQUIREMENTS.—

(1) IN GENERAL.—Any sale, transfer, donation, or disposal of a temporary housing unit under the plan established under subsection (c)(1) shall be subject to the requirements of section 408(d)(2) of the Stafford Act (42 U.S.C. 5174(d)(2)) and other applicable provisions of law.

(2) EXCEPTION.—Notwithstanding paragraph (1), the Administrator may sell, transfer, donate, or otherwise make available temporary housing units in usable condition in the inventory of FEMA, as of the date of enactment of this Act, to States, other governmental entities, and voluntary organizations for the purpose of providing temporary housing to victims of incidents caused by hazards that do not result in a declaration of a major disaster or emergency by the President, if the Governor of the affected State certifies that there is an urgent need for the temporary housing units and that the State is unable to provide the temporary housing units in a timely manner.

(3) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect section 689k of the Post-Katrina Emergency Management Reform Act of 2006 (120 Stat. 1456). For purposes of that section, a disposal of a temporary housing unit under subsection (d)(2) shall be treated as a disposal to house individuals or households under section 408 of the Stafford Act (42 U.S.C. 5174).

(e) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Government Affairs of the Senate a report on the status of the distribution, sale, transfer, donation, or other disposal of the unused temporary housing units purchased by FEMA.

SEC. 2. SPECIAL RULES FOR COVERED HURRICANE DAMAGES.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) COVERED HURRICANE DAMAGES.—The term ''covered hurricane damages'' means damages suffered in the States of Louisiana and Mississippi as a result of Hurricanes Katrina and Rita.

(2) PRESIDENT.—The term ''President'' means the President acting through the Administrator of the Federal Emergency Management Agency.

(3) STAFFORD ACT.—The term ''Stafford Act'' means the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(b) IN LIEU CONTRIBUTIONS.—In providing contributions under section 406(c) of the Stafford Act (42 U.S.C. 5172(c)) for covered hurricane damages, the President shall substitute 90 percent for the otherwise applicable percentage specified in paragraphs (1)(A) and (2)(A) of such section.

(c) ALTERNATIVE DISPUTE RESOLUTION PROCEDURES.—

(1) IN GENERAL.—Notwithstanding section 423 of the Stafford Act (42 U.S.C. 5189a) or any regulation, the President is authorized and encouraged to use alternative dispute resolution procedures for appeals of decisions made under sections 403, 406, and 407 of the Stafford Act (42 U.S.C. 5179b, 5172, and 5173) regarding the award or denial of assistance, or the amount of assistance, provided to a State, local government, or owner or operator of a private facility for covered hurricane damages.

(2) DENIALS OF REQUESTS.—

(A) WRITTEN NOTICE.—If a State, local government, or owner or operator of a private facility requests the use of alternative dispute resolution procedures for an appeal pursuant to paragraph (1) and the President denies the request, the President shall provide to the State, local government, or owner or operator written notice of the denial, including the reasons for the denial.

(B) QUARTERLY REPORTS.—The President shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate, on at least a quarterly basis, a report containing information on any denial described in subparagraph (A) made by the President during the period covered by the report, including the reasons for the denial.

(3) APPLICABILITY.—Paragraph (1) shall apply to an appeal made by a State, local government, or owner or operator of a private facility within 60 days after the date on which the State, local government, or owner or operator is notified of the decision that is the subject of the appeal.

(4) REPORT TO CONGRESS.—Not later than one year after the date of enactment of this Act, the President shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the

Committee on Homeland Security and Governmental Affairs of the Senate a report containing a description of how alternative dispute resolution procedures are being used pursuant to this subsection and recommendations on whether the President should be given the authority to use such procedures under the Stafford Act on a permanent basis.

(d) USE OF SIMPLIFIED PROCEDURES.—For covered hurricane damages, the President may use, if requested by a State or local government or the owner or operator of a private nonprofit facility, section 422 of the Stafford Act (42 U.S.C. 5189) for a project for which the Federal estimate of the cost is less than $100,000.

(e) STATUS REPORT.—Not later than 180 days after the date of enactment of this Act, the President shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Government Affairs of the Senate a report regarding the status of recovery for the States of Louisiana and Mississippi from Hurricanes Katrina and Rita.

SEC. 3. CASE MANAGEMENT.

The President may provide services or assistance under section 426 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5189d) for victims of any major disaster relating to Hurricane Katrina or Hurricane Rita.

SEC. 4. INDIVIDUAL ASSISTANCE FACTORS.

In order to provide more objective criteria for evaluating the need for assistance to individuals and to speed a declaration of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), not later than one year after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency, in cooperation with representatives of State and local emergency management agencies, shall review, update, and revise through rulemaking the factors considered under section 206.48 of title 44, Code of Federal Regulations, to measure the severity, magnitude, and impact of a disaster.

Mr. RAHALL (during the reading). Madam Speaker, I ask unanimous consent to dispense with the reading of the amendment.

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

There was no objection.

The amendment was agreed to.

Mr. ROSS. Madam Speaker, I rise today to express my support for the passage of the House amendment to S. 2382, the FEMA Accountability Act of 2008.

I want to thank Chairman OBERSTAR and Ranking Member MICA of the Transportation and Infrastructure Committee for all of their hard work on this bill. I also want to thank Senator MARK PRYOR, who introduced the Senate version of this bill and whom I have worked tirelessly with to ensure that this critical legislation becomes law.

Last year, I introduced H.R. 4830, the House version of this legislation which would require FEMA to quickly and fairly address the abundance of surplus temporary housing units stored by the Federal Government across the Nation at taxpayer expense. My bill would require FEMA to devise a plan to distribute the excess temporary housing units being stored around the country that have been deemed safe and ready to be used.

The legislation specifically gives the agency 3 months to determine the number of housing it needs on hand to shelter future disaster victims; 6 months to provide a plan to permanently store the units it plans to keep, sell usable surplus units and dispose the rest; 9 months to implement its plan, and one year to report the status to Congress.

Families all over the Nation are in desperate need of housing. However, as many of you know many of the manufactured homes and travel trailers purchased by FEMA for use in Hurricane Katrina are still sitting unused in FEMA staging areas around the country. In my congressional district alone, FEMA is storing over 7,000 brand new, fully furnished, never before used manufactured homes in Hope, Arkansas.

These manufactured homes were originally purchased for Hurricane Katrina victims, but never made it to them. Instead, they have been sitting idly by in Hope since 2005. Since that time, many other natural disasters have occurred where temporary housing units were desperately needed by those who lost their homes.

However, it is my hope that the passage of this bill today will make FEMA recognize the continuing need to change this and deliver these homes to families all over the nation that desperately need them.

Mr. MICA. Madam Speaker, I rise in support of S. 2382, the FEMA Accountability Act of 2008, which would enable the Federal Emergency Management Agency (FEMA) to better manage the thousands of excess trailers in its inventory since Hurricane Katrina.

First, I would like to thank Chairman OBERSTAR and Subcommittee Chairwoman NORTON for working with me in a bipartisan manner to make an important revision to this bill.

I would also like to thank Congressman MIKE ROSS from Arkansas who has been working with me to cleanup FEMA's trailer mess for several years now.

In 2006 and 2007, several neighborhoods in our districts were devastated by tornados, and numerous families were left homeless.

After the Christmas Day 2006 tornados in my district it took almost 2 months to receive a federal disaster declaration and authorization for housing assistance. In the meantime my constituents had no place to turn for help after the temporary shelters closed.

At one point I had half a dozen of my congressional committee lawyers and FEMA lawyers on the telephone trying to figure out how FEMA could take a few of the hundreds of excess trailers it had stored near Orlando and use them to house these homeless tornado victims.

Ultimately we received a federal disaster declaration and several trailers before FEMA could figure out how to make some of its excess trailers available without a federal disaster declaration.

In Congressman ROSS's case, his district was never declared a federal disaster area after several tornados struck his district, and it took months for FEMA to come up with a way to transfer excess trailers to the State and help his homeless tornado victims.

The ridiculous part of this story is that FEMA had over 60,000 excess trailers at the time and it was spending over $3 million a year to store them in 17 storage areas across the country.

In typical government fashion, the taxpayer spent almost a billion dollars on trailers after Hurricane Katrina. Tens of thousands of them were never used. And FEMA was unable to provide them to states to house homeless tornado victims.

In response to this mess, Congressman ROSS and I introduced legislation to provide FEMA authority to transfer excess trailers to state and local governments and voluntary disaster relief organizations to house disaster victims even if a federal disaster has not been declared.

These are trailers that FEMA does not need for its own purposes and that FEMA is spending millions of dollars a year to store and maintain.

I am pleased we were able to include language addressing this problem in the bill we are approving today.

Again let me thank Chairman OBERSTAR and Subcommittee Chairwoman NORTON for working with me in a bipartisan manner, and I urge my colleagues to support this bill.

Mr. OBERSTAR. Madam Speaker, I rise in strong support of S. 2382, as amended, to require the Administrator of the Federal Emergency Management Agency (''FEMA'') to quickly and fairly address the abundance of surplus manufactured housing units stored by the Federal Government around the country.

S. 2382, as amended, addresses a number of critical disaster recovery issues related to FEMA. I thank the gentleman from Arkansas (Mr. ROSS), the sponsor of H.R. 4830, the House companion measure to S. 2382, for his critical support for this legislation.

S. 2382 addresses an ongoing consequence of the response to Hurricanes Katrina and Rita. As a result of stockpiling trailers in the aftermath of these devastating storms, FEMA owns a large number of trailers and other temporary housing units that the agency is not using and may never need. Some of these units have never been used.

S. 2382 requires FEMA to assess the number of temporary housing units necessary to meet requirements for major disasters and emergencies under the Stafford Act. FEMA is also required to establish a plan for storing the units that the agency needs, and disposing of those trailers that it does not need. S. 2382 provides FEMA with the flexibility to provide these excess trailers to state and local governments to house victims of incidents caused by hazards that do not result in a Federally-declared major disaster or emergency, provided that the Governor of an affected State certifies that there is an urgent need for the housing.

S. 2382, as amended, also includes some common-sense provisions from H.R. 3247, the ''Hurricanes Katrina and Rita Recovery Facilitation Act of 2007'', which passed by the House on October 29, 2007, and provides specific relief for problems associated with recovery efforts from Hurricanes Katrina and Rita. The bill authorizes changes made to the public assistance program under the Stafford Act that only apply retroactively to the recovery efforts from those devastating storms. These provisions include an increase in the Federal contribution for alternate projects from the current level of 75 percent to 90 percent, thereby allowing communities to rebuild their facilities in the most efficient manner possible. The bill also allows state and local governments to use alternate dispute resolution to solve some of the most difficult and lingering issues in the recovery from these storms. To help expedite the recovery, S. 2382 also allows FEMA to use a simplified procedure

under which small projects are permitted to proceed based on estimates. The bill increases the ceiling for small projects to $100,000, an increase from the current level of $55,000. Finally, S. 2382 requires FEMA to expeditiously report back to Congress on the status of its recovery efforts from these storms.

S. 2382, as amended, also includes a provision from H.R. 3247, as reported by the Senate Committee on Homeland Security and Government Affairs, that authorizes FEMA to provide case management services to citizens impacted by Hurricanes Katrina and Rita. It is unfortunate that some citizens still require these services as they struggle to recover three years after these storms.

The bill further requires FEMA to review, update, and revise, through rulemaking, the factors considered in making recommendations for the assistance to individuals and families under the Stafford Act as provided in 44 CFR 206.48. State and local governments have expressed concerns about the lack of clarity in these regulations, which they use to gauge when to seek assistance from the Federal Government.

I thank the gentleman from Florida (Mr. MICA), Ranking Member of the Committee on Transportation and Infrastructure, for working with me on this bipartisan amendment to S. 2382, and I strongly support its passage.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HONORING THE HERITAGE OF THE COAST GUARD

Mr. RAHALL. Madam Speaker, I ask unanimous consent to take from the Speaker's table House Resolution 1382 and ask for its immediate consideration.

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

H. RES. 1382

Whereas the Coast Guard, including its predecessor organizations, has a long and distinguished heritage dating back to the very first Congress in 1789;

Whereas the Coast Guard is now in its 219th year of protecting the coast, saving life and property, protecting the environment, and ensuring the safety of life and property at sea;

Whereas the Coast Guard and its predecessor organizations have been responsible for safe navigation since Congress—

(1) authorized ''the necessary support, maintenance and repairs of all lighthouse, beacons, buoys'', and specifically authorized the construction of the first Federal lighthouse at the mouth of the Chesapeake Bay, on August 7, 1789; and

(2) established the Lighthouse Board on October 9, 1852;

Whereas the Coast Guard and its predecessor organizations have, since September 1, 1789, been responsible for registering (documenting) vessels of the United States;

Whereas the Coast Guard and its predecessor organizations have protected the coast since Congress authorized the President to build and equip ten revenue cutters, on August 4, 1790, which were to be paid for from ''duties on goods, wares and merchandise, imported into the United States, and on the tonnage of ships or vessels'';

Whereas the Coast Guard and its predecessor organizations have inspected vessels since Congress adopted, on July 7, 1838, an Act ''to provide better security of the lives of passengers on board of vessels propelled in whole or in part by steam'', thus beginning the Steamboat Inspection Service;

Whereas the Coast Guard and its predecessor organizations have conducted lifesaving operations along our coasts since Congress first appropriated funding for lifesaving equipment for the use of volunteers on August 14, 1848, the first lifesaving stations were authorized on June 20, 1874, and the Life-Saving Service was established by Act of Congress on June 19, 1878;

Whereas the Coast Guard and its predecessor organizations have had ''superintendence of all commercial marine and merchant seamen of the United States . . .''; been ''charged with the supervision of the laws relating to the admeasurement of vessels, and the assigning of signal letters thereto, and designating their official number . . .''; and ''annually prepare and publish a list of vessels of the United States . . .'' since Congress established Shipping Commissioners on June 7, 1872, and established the Bureau of Navigation on July 5, 1884;

Whereas the Revenue Cutter Service and the Life-Saving Service were merged, by Act of Congress signed into law on January 28, 1915, to form the Coast Guard as an agency of the Department of the Treasury;

Whereas the Lighthouse Service became part of the Coast Guard on July 1, 1939, as part of a government reorganization plan adopted by Congress on April 3, 1939;

Whereas the Bureau of Marine Inspection and Navigation (a merger of the Steamboat Inspection Service and the Bureau of Navigation) became part of the Coast Guard in another reorganization in July 1946;

Whereas the Coast Guard was transferred from the Department of the Treasury to the newly established Department of Transportation on April 1, 1967; and

Whereas the Coast Guard was transferred to the newly established Department of Homeland Security in March 2003: Now, therefore, be it

Resolved, That the House of Representatives recognizes and honors all the men and women of the Coast Guard and its predecessor organizations since August 7, 1789.

The resolution was agreed to.

A motion to reconsider was laid on the table.

BROADBAND DATA IMPROVEMENT ACT

Mr. MARKEY. Madam Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the Senate bill (S. 1492) to improve the quality of Federal and State data regarding the availability and quality of broadband services and to promote the deployment of affordable broadband services to all parts of the Nation, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The text of the Senate bill is as follows:

S. 1492

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 ''Broadband Data Improvement Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The deployment and adoption of broadband technology has resulted in enhanced economic development and public safety for communities across the Nation, improved health care and educational opportunities, and a better quality of life for all Americans.

(2) Continued progress in the deployment and adoption of broadband technology is vital to ensuring that our Nation remains competitive and continues to create business and job growth.

(3) Improving Federal data on the deployment and adoption of broadband service will assist in the development of broadband technology across all regions of the Nation.

(4) The Federal Government should also recognize and encourage complementary state efforts to improve the quality and usefulness of broadband data and should encourage and support the partnership of the public and private sectors in the continued growth of broadband services and information technology for the residents and businesses of the Nation.

SEC. 3. IMPROVING FEDERAL DATA ON BROADBAND.

(a) IMPROVING FCC BROADBAND DATA.—Within 120 days after the date of enactment of this Act, the Federal Communications Commission shall issue an order in WC docket No. 07–38 which shall, at a minimum—

(1) revise or update, if determined necessary, the existing definitions of advanced telecommunications capability, or broadband;

(2) establish a new definition of second generation broadband to reflect a data rate that is not less than the data rate required to reliably transmit full-motion, high-definition video; and

(3) revise its Form 477 reporting requirements to require filing entities to report broadband connections and second generation broadband connections by 5-digit postal zip code plus 4-digit location.

(b) EXCEPTION.—The Commission shall exempt an entity from the reporting requirements of subsection (a)(3) if the Commission determines that a compliance by that entity with the requirements is cost prohibitive, as defined by the Commission.

(c) IMPROVING SECTION 706 INQUIRY.—Section 706 of the Telecommunications Act of 1996 (47 U.S.C. 157 nt) is amended—

(1) by striking ''regularly'' in subsection (b) and inserting ''annually'';

(2) by redesignating subsection (c) as subsection (e); and

(3) by inserting after subsection (b) the following:

''(c) MEASUREMENT OF EXTENT OF DEPLOYMENT.—In determining under subsection (b) whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion, the Commission shall consider data collected using 5-digit postal zip code plus 4-digit location.

''(d) DEMOGRAPHIC INFORMATION FOR UNSERVED AREAS.—As part of the inquiry required by subsection (b), the Commission shall, using 5-digit postal zip code plus 4-digit location information, compile a list of geographical areas that are not served by

any provider of advanced telecommunications capability (as defined by section 706(c)(1) of the Telecommunications Act of 1996 (47 U.S.C. 157 nt)) and to the extent that data from the Census Bureau is available, determine, for each such unserved area—

''(1) the population;

''(2) the population density; and

''(3) the average per capita income.'';

(4) by inserting ''an evolving level of'' after ''technology,'' in paragraph (1) of subsection (e), as redesignated.

(d) IMPROVING CENSUS DATA ON BROADBAND.—The Secretary of Commerce, in consultation with the Federal Communications Commission, shall expand the American Community Survey conducted by the Bureau of the Census to elicit information for residential households, including those located on native lands, to determine whether persons at such households own or use a computer at that address, whether persons at that address subscribe to Internet service and, if so, whether such persons subscribe to dial-up or broadband Internet service at that address.

SEC. 4. STUDY ON ADDITIONAL BROADBAND METRICS AND STANDARDS.

(a) IN GENERAL.—The Comptroller General shall conduct a study to consider and evaluate additional broadband metrics or standards that may be used by industry and the Federal Government to provide users with more accurate information about the cost and capability of their broadband connection, and to better compare the deployment and penetration of broadband in the United States with other countries. At a minimum, such study shall consider potential standards or metrics that may be used—

(1) to calculate the average price per megabyte of broadband offerings;

(2) to reflect the average actual speed of broadband offerings compared to advertised potential speeds;

(3) to compare the availability and quality of broadband offerings in the United States with the availability and quality of broadband offerings in other industrialized nations, including countries that are members of the Organization for Economic Cooperation and Development; and

(4) to distinguish between complementary and substitutable broadband offerings in evaluating deployment and penetration.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce on the results of the study, with recommendations for how industry and the Federal Communications Commission can use such metrics and comparisons to improve the quality of broadband data and to better evaluate the deployment and penetration of comparable broadband service at comparable rates across all regions of the Nation.

SEC. 5. STUDY ON THE IMPACT OF BROADBAND SPEED AND PRICE ON SMALL BUSINESSES.

(a) IN GENERAL.—The Small Business Administration Office of Advocacy shall conduct a study evaluating the impact of broadband speed and price on small businesses.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Office shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Small Business and Entrepreneurship, the House of Representatives Committee on Energy and Commerce, and the House of Representatives Committee on Small Business on the results of the study, including—

(1) a survey of broadband speeds available to small businesses;

(2) a survey of the cost of broadband speeds available to small businesses;

(3) a survey of the type of broadband technology used by small businesses; and

(4) any policy recommendations that may improve small businesses access to comparable broadband services at comparable rates in all regions of the Nation.

SEC. 6. ENCOURAGING STATE INITIATIVES TO IMPROVE BROADBAND.

(a) PURPOSES.—The purposes of any grant under subsection (b) are—

(1) to ensure that all citizens and businesses in a State have access to affordable and reliable broadband service;

(2) to achieve improved technology literacy, increased computer ownership, and home broadband use among such citizens and businesses;

(3) to establish and empower local grassroots technology teams in each State to plan for improved technology use across multiple community sectors; and

(4) to establish and sustain an environment ripe for broadband services and information technology investment.

(b) ESTABLISHMENT OF STATE BROADBAND DATA AND DEVELOPMENT GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary of Commerce shall award grants, taking into account the results of the peer review process under subsection (d), to eligible entities for the development and implementation of statewide initiatives to identify and track the availability and adoption of broadband services within each State.

(2) COMPETITIVE BASIS.—Any grant under subsection (b) shall be awarded on a competitive basis.

(c) ELIGIBILITY.—To be eligible to receive a grant under subsection (b), an eligible entity shall—

(1) submit an application to the Secretary of Commerce, at such time, in such manner, and containing such information as the Secretary may require; and

(2) contribute matching non-Federal funds in an amount equal to not less than 20 percent of the total amount of the grant.

(d) PEER REVIEW; NONDISCLOSURE.—

(1) IN GENERAL.—The Secretary shall by regulation require appropriate technical and scientific peer review of applications made for grants under this section.

(2) REVIEW PROCEDURES.—The regulations required under paragraph (1) shall require that any technical and scientific peer review group—

(A) be provided a written description of the grant to be reviewed;

(B) provide the results of any review by such group to the Secretary of Commerce; and

(C) certify that such group will enter into voluntary nondisclosure agreements as necessary to prevent the unauthorized disclosure of confidential and proprietary information provided by broadband service providers in connection with projects funded by any such grant.

(e) USE OF FUNDS.—A grant awarded to an eligible entity under subsection (b) shall be used—

(1) to provide a baseline assessment of broadband service deployment in each State;

(2) to identify and track—

(A) areas in each State that have low levels of broadband service deployment;

(B) the rate at which residential and business users adopt broadband service and other related information technology services; and

(C) possible suppliers of such services;

(3) to identify barriers to the adoption by individuals and businesses of broadband service and related information technology services, including whether or not—

(A) the demand for such services is absent; and

(B) the supply for such services is capable of meeting the demand for such services;

(4) to identify the speeds of broadband connections made available to individuals and businesses within the State, and, at a minimum, to rely on the data rate benchmarks for broadband and second generation broadband identified by the Federal Communications Commission to promote greater consistency of data among the States;

(5) to create and facilitate in each county or designated region in a State a local technology planning team—

(A) with members representing a cross section of the community, including representatives of business, telecommunications labor organizations, K–12 education, health care, libraries, higher education, community-based organizations, local government, tourism, parks and recreation, and agriculture; and

(B) which shall—

(i) benchmark technology use across relevant community sectors;

(ii) set goals for improved technology use within each sector; and

(iii) develop a tactical business plan for achieving its goals, with specific recommendations for online application development and demand creation;

(6) to work collaboratively with broadband service providers and information technology companies to encourage deployment and use, especially in unserved and underserved areas, through the use of local demand aggregation, mapping analysis, and the creation of market intelligence to improve the business case for providers to deploy;

(7) to establish programs to improve computer ownership and Internet access for unserved and underserved populations;

(8) to collect and analyze detailed market data concerning the use and demand for broadband service and related information technology services;

(9) to facilitate information exchange regarding the use and demand for broadband services between public and private sectors; and

(10) to create within each State a geographic inventory map of broadband service, and where feasible second generation broadband service, which shall—

(A) identify gaps in such service through a method of geographic information system mapping of service availability at the census block level; and

(B) provide a baseline assessment of statewide broadband deployment in terms of households with high-speed availability.

(f) PARTICIPATION LIMIT.—For each State, an eligible entity may not receive a new grant under this section to fund the activities described in subsection (d) within such State if such organization obtained prior grant awards under this section to fund the same activities in that State in each of the previous 4 consecutive years.

(g) REPORTING.—The Secretary of Commerce shall—

(1) require each recipient of a grant under subsection (b) to submit a report on the use of the funds provided by the grant; and

(2) create a web page on the Department of Commerce web site that aggregates relevant information made available to the public by grant recipients, including, where appropriate, hypertext links to any geographic inventory maps created by grant recipients under subsection (e)(10).

(h) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means a non-profit organization that is selected by a State to work in partnership

with State agencies and private sector partners in identifying and tracking the availability and adoption of broadband services within each State.

(2) NONPROFIT ORGANIZATION.—The term ''nonprofit organization'' means an organization—

(A) described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(B) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

(C) that has an established competency and proven record of working with public and private sectors to accomplish widescale deployment and adoption of broadband services and information technology; and

(D) the board of directors of which is not composed of a majority of individuals who are also employed by, or otherwise associated with, any Federal, State, or local government or any Federal, State, or local agency.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $40,000,000 for each of fiscal years 2008 through 2012.

(j) NO REGULATORY AUTHORITY.—Nothing in this section shall be construed as giving any public or private entity established or affected by this Act any regulatory jurisdiction or oversight authority over providers of broadband services or information technology.

AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Madam Speaker, I have an amendment at the desk.

The Clerk read as follows:

Amendment offered by Mr. MARKEY:

In section 213, strike ''Senate Committee on Commerce, Science, and Transportation'' and insert ''Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives''.

In section 214(b), strike ''Assistant Secretary and the Senate Committee on Commerce, Science, and Transportation'' and insert ''Assistant Secretary, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Energy and Commerce of the House of Representatives''.

In the matter appearing immediately after section 216, strike ''**TITLE II**'' and insert ''**Subtitle B**''.

Mr. MARKEY (during the reading). Madam Speaker, I ask unanimous consent to dispense with the reading of the amendment.

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

There was no objection.

The amendment was agreed to.

Mr. DINGELL. Madam Speaker, I rise in support of S. 1492. Title I of S. 1492 is the Broadband Data Improvement Act. This Act puts the country further down the path toward universal broadband deployment, a goal we must achieve. It does so by improving the quality of data that the Federal Communications Commission collects concerning broadband deployment and adoption. It requires annual reports on the state of broadband deployment and also requires the Commission to conduct consumer surveys on broadband use, price, speed, and availability. Importantly, Title I requires a comparison of broadband deployment at home with broadband deployment abroad. Armed with this information, policy makers will be able to make more informed decisions to increase broadband penetration and drive its deployment.

Title I also directs the Secretary of Commerce to develop a grant program to help take stock of broadband availability in States. Unfortunately, Title I does not require the construction of a nationwide map depicting broadband deployment. I am hopeful that we can work toward that goal as this legislation is implemented. And while I am disappointed that Title I does not authorize funding for this crucial grant program, directing the Secretary of Commerce to establish it is a victory for American consumers.

Even though the Broadband Data Improvement Act does not include every provision from the similar bill that passed the House unanimously, it is a solid step in the right direction, and it deserves our full support.

Title II of S. 1492 is largely based on legislation authorized by Rep. MELISSA BEAN and aims to promote the safety of children on the Internet and protect them from online predators and cybercrimes. It directs the Federal Trade Commission, FTC, the Nation's foremost consumer protection agency, to carry out a nationwide educational campaign on the safe use of the Internet by children. This legislation will ensure that the FTC's educational efforts are both wide-ranging and inclusive of other governmental and private organizations that are dedicated to safe Internet use. It also ensures that the FTC keeps Congress apprised of its activities through submission of annual reports.

Title II also further promotes children's Internet safety by directing the Assistant Secretary of Commerce for Communications and Information to establish a working group of government, industry, and public interest. To keep Congress informed, the Assistant Secretary must submit a report 1 year after formation of the working group to the appropriate Committees.

Finally, Title II promotes online safety education in schools. It focuses in particular on appropriate behavior in networking sites and chat rooms and awareness of cyber bullying.

I congratulate Representatives MARKEY, BEAN, and others who worked on this fine bill. I urge my colleagues to support its passage.

Mr. MARKEY. Madam Speaker, I rise in support of S. 1492, the Broadband Data Improvement Act. This is companion legislation to H.R. 3919, the Broadband Census of America Act of 2007, which passed the House unanimously last November.

Madam Speaker, an overarching telecommunications policy goal for the United States is achieving ubiquitously available, competitive, high speed, affordable broadband service for all Americans. Such broadband service capability is indispensable to various aspects of the United States economy, including public safety, education, entrepreneurial investment, innovation, job creation, health care delivery and energy efficiency.

The ability of the United States to promote and achieve a competitive, high speed broadband infrastructure will also be a key factor in determining our nation's success in the fiercely competitive global economy. International competitors to the United States are achieving progress in broadband deployment and adoption. Many countries have broadband service capability superior to the United States in terms of choice, speed, and price.

For the United States, offering broadband service capability at ever higher transmission speeds could spur new growth and investment in cutting-edge applications, services, and technologies that utilize higher bandwidth functionality.

The Senate bill contains several provisions which directly stem from H.R. 3919, including the international comparison and the consumer survey. While I wish the Senate bill contained the more rigorous data collection and disclosure that was contained in the House-passed bill, I believe the Senate bill makes sorely-needed progress in bolstering the data collection needed for policymakers to have a better sense of America's progress, or lack thereof, in broadband deployment, speed, and affordability.

Without question, ascertaining whether the Nation is achieving its broadband policy, goals has been stymied by a significant lack of data about the nature and extent of broadband service deployment and adoption throughout the country. The Government Accountability Office, GAO, in a May 2006 report, assessed the available data about broadband deployment and concluded that while such deployment is present in some form across the Nation, it remains difficult to decipher which geographic areas are un-served or underserved. Also difficult to determine is the type of service, the speed, and the price of broadband service capability available in discrete urban, suburban, and rural areas of the country.

More and better data about the nature and extent of broadband deployment and adoption is clearly needed and this legislation is a first step in getting the better data policymakers need. Indeed, the dearth of basic information available to the public and policymakers concerning availability, speed, price, and type of broadband service technology is highly problematic for a nation which ostensibly has competitive, affordable broadband service for every citizen as its highest telecommunications policy goal.

The fact that such information has not been obtained and is not readily available adversely affects the ability of policymakers to make sound decisions. For instance, the Federal Government could achieve significantly better performance from its multibillion dollar grant and subsidy programs, and effectively reform them, if better and more comprehensive data were readily available. Discerning which parts of the country are served by broadband service capability and which parts are un-served has proven elusive to policymakers.

This goal of this legislative effort from the start was the creation of a nationwide map of broadband data. I believe the Secretary of Commerce should create a Web site through the National Telecommunications and Information Administration, NTIA, depicting broadband inventory maps of all the States as outlined in the House-passed bill. The House-passed bill provides a roadmap for the ideal type of searchable map and the mechanisms by which the NTIA could achieve this objective. NTIA has authority today to pursue this worthwhile endeavor and the Bush administration should have sought to implement this idea long ago, using information readily available from public sources, from the States, from the FCC, or from industry participants or organizations themselves. At a minimum, and as a first step, the pending legislation would require that the Secretary of Commerce should create a

Web site to depict such nationwide data by including those maps created by grant recipients where appropriate. Ideally, grant recipients for State-wide efforts will be found in all the States and much of the rudimentary data to begin creating a truly robust national map can be developed at the state level and simply uploaded or linked to the Web site map or maps that NTIA creates.

In addition, a concomitant goal of this legislative effort from the beginning was to improve the quantity and quality of broadband data collected by and available to the Federal Communications Commission. When we began this effort, the FCC's available data was woefully inadequate with respect to broadband deployment, availability, speed, price and other metrics. Worse, the data collected was in a form that often misrepresented the reality of broadband deployment in the country. The FCC took action this year to improve the data it collects but it did not go far enough in my opinion. This legislation also does not go far enough and certainly is not as thorough and complete with respect to the collection and reporting of data as the House-passed bill. Yet it does represent additional progress. Obviously nothing in this bill is designed or should be construed to in any way limit the ability of the FCC to collect better and more accurate data, or to utilize such data internally, or to publicly report such data in a way that is conducive to wise policymaking or otherwise consistent with its precedents for making non-proprietary data public.

Again, this bill represents an important step in developing an overarching blueprint for broadband policy in the United States. As such, it is worthy of passage. Enacting this bill will also avail lawmakers of the opportunity to jump right into developing broader legislation early next year. By not having to re-pass this measure all over again, we will be able to more immediately pursue additional concrete broadband policy proposals legislatively, including those to promote greater broadband and voice competition, to rekindle the prospects for broadband innovation, affordability, and consumer choice, and to ensure that architectural openness and consumer privacy are hallmarks of our Nation's broadband policy.

The legislation also includes language on Internet child safety. This is language that is similar to provisions spearheaded by our House colleague Representative MELISSA BEAN and we are pleased that her multi-year efforts have resulted in the inclusion of this language in the bill.

I again want to thank Mr. BARTON, Chairman DINGELL, Mr. STEARNS, and Mr. UPTON for their cooperation in working on this bill. I again want to commend Senator INOUYE and his staff, Jessica Rosenworcel, Margaret Cummisky, and Alex Hoehn-Saric, and the staff for the House Republican side, Neil Fried, David Cavicke, and Courtney Reinhard, and on the Democratic side I want to salute the excellent work of Amy Levine, Tim Powderly, Mark Seifert, and David Vogel. I urge members of the House to support the bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MARKEY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill just passed by the House.

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

There was no objection.

METHAMPHETAMINE PRODUCTION PREVENTION ACT OF 2007

Mr. MARKEY. Madam Speaker, I ask unanimous consent that the Committee on Energy and Commerce and the Committee on the Judiciary be discharged from further consideration of the Senate bill (S. 1276) to establish a grant program to facilitate the creation of methamphetamine precursor electronic logbook systems, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The text of the Senate bill is as follows:

S. 1276

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 ''Methamphetamine Production Prevention Act of 2007''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the manufacture, distribution and use of methamphetamine have inflicted damages on individuals, families, communities, businesses, the economy, and the environment throughout the United States;

(2) methamphetamine is unique among illicit drugs in that the harms relating to methamphetamine stem not only from its distribution and use, but also from the manufacture of the drug by ''cooks'' in clandestine labs throughout the United States;

(3) Federal and State restrictions limiting the sale of legal drug products that contain methamphetamine precursors have reduced the number and size of domestic methamphetamine labs;

(4) domestic methamphetamine cooks have managed to circumvent restrictions on the sale of methamphetamine precursors by ''smurfing'', or purchasing impermissibly large cumulative amounts of precursor products by traveling from retailer to retailer and buying permissible quantities at each retailer;

(5) although Federal and State laws require retailers of methamphetamine precursor products to keep written or electronic logbooks recording sales of precursor products, retailers are not always required to transmit this logbook information to appropriate law enforcement and regulatory agencies, except upon request;

(6) when retailers' logbook information regarding sales of methamphetamine precursor products is kept in a database in an electronic format and transmitted between retailers and appropriate law enforcement and regulatory agencies, such information can be used to further reduce the number of domestic methamphetamine labs by preventing the sale of methamphetamine precursors in excess of legal limits, and by identifying and prosecuting ''smurfs'' and others involved in methamphetamine manufacturing;

(7) States and local governments are already beginning to develop such electronic logbook database systems, but they are hindered by a lack of resources;

(8) efforts by States and local governments to develop such electronic logbook database systems may also be hindered by logbook recordkeeping requirements contained in section 310(e) of the Controlled Substances Act (21 U.S.C. 830(e)) that are tailored to written logbooks and not to electronic logbooks; and

(9) providing resources to States and localities and making technical corrections to the Combat Methamphetamine Epidemic Act of 2005 will allow more rapid and widespread development of such electronic logbook systems, thereby reducing the domestic manufacture of methamphetamine and its associated harms.

SEC. 3. DEFINITIONS.

In this Act—

(1) the term ''local'' means a county, city, town, township, parish, village, or other general purpose political subdivision of a State;

(2) the term ''methamphetamine precursor electronic logbook system'' means a system by which a regulated seller electronically records and transmits to an electronic database accessible to appropriate law enforcement and regulatory agencies information regarding the sale of a scheduled listed chemical product that is required to be maintained under section 310(e) of the Controlled Substances Act (21 U.S.C. 830(e)) (as amended by this Act), State law governing the distribution of a scheduled listed chemical product, or any other Federal, State, or local law;

(3) the terms ''regulated seller'' and ''scheduled listed chemical product'' have the meanings given such terms in section 102 of the Controlled Substances Act (21 U.S.C. 802); and

(4) the term ''State''—

(A) means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States; and

(B) includes an ''Indian tribe'', as that term is defined in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

SEC. 4. AUTHORIZATION FOR EFFECTIVE METHAMPHETAMINE PRECURSOR ELECTRONIC LOGBOOK SYSTEMS.

Section 310(e)(1) of the Controlled Substances Act (21 U.S.C. 830(e)(1)) is amended—

(1) in subparagraph (A)(iii), by striking ''a written or electronic list'' and inserting ''a written list or an electronic list that complies with subparagraph (H)''; and

(2) adding at the end the following:

''(H) ELECTRONIC LOGBOOKS.—

''(i) IN GENERAL.—A logbook maintained in electronic form shall include, for each sale to which the requirement of subparagraph (A)(iii) applies, the name of any product sold, the quantity of that product sold, the name and address of each purchaser, the date and time of the sale, and any other information required by State or local law.

''(ii) SELLERS.—In complying with the requirements of clause (i), a regulated seller may—

''(I) ask a prospective purchaser for the name and address, and enter such information into the electronic logbook, and if the seller enters the name and address of the prospective purchaser into the electronic logbook, the seller shall determine that the

name entered into the electronic logbook corresponds to the name provided on the identification presented by the purchaser under subparagraph (A)(iv)(I)(aa); and

''(II) use a software program that automatically and accurately records the date and time of each sale.

''(iii) PURCHASERS.—A prospective purchaser in a sale to which the requirement of subparagraph (A)(iii) applies that is being documented in an electronic logbook shall provide a signature in at least one of the following ways:

''(I) Signing a device presented by the seller that captures signatures in an electronic format.

''(II) Signing a bound paper book.

''(III) Signing a printed document that corresponds to the electronically-captured logbook information for such purchaser.

''(iv) ELECTRONIC SIGNATURES.—

''(I) DEVICE.—Any device used under clause (iii)(I) shall—

''(aa) preserve each signature in a manner that clearly links that signature to the other electronically-captured logbook information relating to the prospective purchaser providing that signature; and

''(bb) display information that complies with subparagraph (A)(v).

''(II) DOCUMENT RETENTION.—A regulated seller that uses a device under clause (iii)(I) to capture signatures shall maintain each such signature for not less than 2 years after the date on which that signature is captured.

''(v) PAPER BOOKS.—

''(I) IN GENERAL.—Any bound paper book used under clause (iii)(II) shall—

''(aa) ensure that the signature of the prospective purchaser is adjacent to a unique identifier number or a printed sticker that clearly links that signature to the electronically-captured logbook information relating to that prospective purchaser; and

''(bb) display information that complies with subparagraph (A)(v).

''(II) DOCUMENT RETENTION.—A regulated seller that uses bound paper books under clause (iii)(II) shall maintain any entry in such books for not less than 2 years after the date on which that entry is made.

''(vi) PRINTED DOCUMENTS.—

''(I) IN GENERAL.—Any printed document used under clause (iii)(III) shall—

''(aa) be printed by the seller at the time of the sale that document relates to;

''(bb) display information that complies with subparagraph (A)(v);

''(cc) for the relevant sale, list the name of each product sold, the quantity sold, the name and address of the purchaser, and the date and time of the sale;

''(dd) contain a clearly identified signature line for a purchaser to sign; and

''(ee) include a notice that the signer has read the printed information and agrees that it is accurate.

''(II) DOCUMENT RETENTION.—

''(aa) IN GENERAL.—A regulated seller that uses printed documents under clause (iii)(III) shall maintain each such document for not less than 2 years after the date on which that document is signed.

''(bb) SECURE STORAGE.—Each signed document shall be inserted into a binder or other secure means of document storage immediately after the purchaser signs the document.''.

SEC. 5. GRANTS FOR METHAMPHETAMINE PRECURSOR ELECTRONIC LOGBOOK SYSTEMS.

(a) ESTABLISHMENT.—The Attorney General of the United States, through the Office of Justice Programs of the Department of Justice, may make grants, in accordance with such regulations as the Attorney General may prescribe, to State and local governments to plan, develop, implement, or enhance methamphetamine precursor electronic logbook systems.

(b) USE OF FUNDS.—

(1) IN GENERAL.—A grant under this section may be used to enable a methamphetamine precursor electronic logbook system to—

(A) indicate to a regulated seller, upon the entry of information regarding a prospective purchaser into the methamphetamine precursor electronic logbook system, whether that prospective purchaser has been determined by appropriate law enforcement or regulatory agencies to be eligible, ineligible, or potentially ineligible to purchase a scheduled listed chemical product under Federal, State, or local law; and

(B) provide contact information for a prospective purchaser to use if the prospective purchaser wishes to question a determination by appropriate law enforcement or regulatory agencies that the prospective purchaser is ineligible or potentially ineligible to purchase a scheduled listed chemical product.

(2) ACCESS TO INFORMATION.—Any methamphetamine precursor electronic logbook system planned, developed, implemented, or enhanced with a grant under this section shall prohibit accessing, using, or sharing information entered into that system for any purpose other than to—

(A) ensure compliance with this Act, section 310(e) of the Controlled Substances Act (21 U.S.C. 830(e)) (as amended by this Act), State law governing the distribution of any scheduled listed chemical product, or other applicable Federal, State, or local law; or

(B) facilitate a product recall to protect public safety.

(c) GRANT REQUIREMENTS.—

(1) MAXIMUM AMOUNT.—The Attorney General shall not award a grant under this section in an amount that exceeds $300,000.

(2) DURATION.—The period of a grant made under this section shall not exceed 3 years.

(3) MATCHING REQUIREMENT.—Not less than 25 percent of the cost of a project for which a grant is made under this section shall be provided by non-Federal sources.

(4) PREFERENCE FOR GRANTS.—In awarding grants under this section, the Attorney General shall give priority to any grant application involving a proposed or ongoing methamphetamine precursor electronic logbook system that is—

(A) statewide in scope;

(B) capable of real-time capture and transmission of logbook information to appropriate law enforcement and regulatory agencies;

(C) designed in a manner that will facilitate the exchange of logbook information between appropriate law enforcement and regulatory agencies across jurisdictional boundaries, including State boundaries; and

(D) developed and operated, to the extent feasible, in consultation and ongoing coordination with the Drug Enforcement Administration, the Office of Justice Programs, the Office of National Drug Control Policy, the non-profit corporation described in section 1105 of the Office of National Drug Control Policy Reauthorization Act of 2006 (21 U.S.C. 1701 note), other Federal, State, and local law enforcement and regulatory agencies, and regulated sellers.

(5) ANNUAL REPORT.—

(A) IN GENERAL.—Not later than December 31 of each calendar year in which funds from a grant received under this section are expended, the Attorney General shall submit a report to Congress containing—

(i) a summary of the activities carried out with grant funds during that year;

(ii) an assessment of the effectiveness of the activities described in clause (i) on the planning, development, implementation or enhancement of methamphetamine precursor electronic logbook systems;

(iii) an assessment of the effect of the activities described in clause (i) on curtailing the manufacturing of methamphetamine in the United States and the harms associated with such manufacturing; and

(iv) a strategic plan for the year following the year of that report.

(B) ADDITIONAL INFORMATION.—The Attorney General may require the recipient of a grant under this section to provide information relevant to preparing any report under subparagraph (A) in a report that grant recipient is required to submit to the Office of Justice Programs of the Department of Justice.

SEC. 6. STUDY.

(a) IN GENERAL.—Not later than 1 year after the date on which grant funds under section 5 are first distributed, the Comptroller General of the United States shall conduct a study and submit to Congress a report regarding the effectiveness of methamphetamine precursor electronic logbook systems that receive funding under that section.

(b) CONTENTS.—The report submitted under subsection (a) shall include—

(1) a summary of the activities carried out with grant funds during the previous year;

(2) an assessment of the effectiveness of the activities described in paragraph (1) on the planning, development, implementation or enhancement of methamphetamine precursor electronic logbook systems in the United States;

(3) an assessment of the extent to which proposed or operational methamphetamine precursor electronic logbook systems in the United States, including those that receive funding under section 5, are—

(A) statewide in scope;

(B) capable of real-time capture and transmission of logbook information to appropriate law enforcement and regulatory agencies;

(C) designed in a manner that will facilitate the exchange of logbook information between appropriate law enforcement and regulatory agencies across jurisdictional boundaries, including State boundaries; and

(D) developed and operated, to the extent feasible, upon consultation with and in ongoing coordination with the Drug Enforcement Administration, the Office of Justice Programs, the Office of National Drug Control Policy, the non-profit corporation described in section 1105 of the Office of National Drug Control Policy Reauthorization Act of 2006 (21 U.S.C. 1701 note), other Federal, State, and local law enforcement and regulatory agencies, as appropriate, and regulated sellers;

(4) an assessment of the effect of methamphetamine precursor electronic logbook systems, including those that receive funding under this Act, on curtailing the manufacturing of methamphetamine in the United States and reducing its associated harms;

(5) recommendations for further curtailing the domestic manufacturing of methamphetamine and reducing its associated harms; and

(6) such other information as the Comptroller General determines appropriate.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act—

(1) $3,000,000 for fiscal year 2008; and

(2) such sums as may be necessary for each fiscal year thereafter.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1445

GENERAL LEAVE

Mr. MARKEY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill that just passed the House.

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

There was no objection.

REREFERRAL OF H.R. 3399, ATRAZINE PROHIBITION ACT

Mr. MARKEY. Madam Speaker, I ask unanimous consent that the bill (H.R. 3399) to prohibit the use, production, sale, importation, or exportation of any pesticide containing atrazine, be rereferred to the Committee on Agriculture, and in addition, to the Committees on Energy and Commerce, Ways and Means, and Foreign Affairs.

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

There was no objection.

AMENDING THE COMMODITY PROVISIONS OF THE FOOD, CONSERVATION, AND ENERGY ACT OF 2008

Mr. ETHERIDGE. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6849) 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, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. TREATMENT OF FARMS WITH LIMITED BASE ACRES.

(a) SUSPENSION OF PROHIBITION.—

(1) IN GENERAL.—Section 1101(d) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8711(d)) is amended by adding at the end the following:

''(4) SUSPENSION OF PROHIBITION.—Paragraphs (1) through (3) shall not apply during the 2008 crop year.''.

(2) PEANUTS.—Section 1302(d) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8752(d)) is amended by adding at the end the following:

''(4) SUSPENSION OF PROHIBITION.—Paragraphs (1) through (3) shall not apply during the 2008 crop year.''.

(b) EXTENSION OF 2008 SIGNUP FOR DIRECT PAYMENTS AND COUNTER-CYCLICAL PAYMENTS.—

(1) IN GENERAL.—Section 1106 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8716) is amended by adding at the end the following:

''(f) EXTENSION OF 2008 SIGNUP.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall extend the 2008 crop year deadline for the signup for benefits under this subtitle by producers on a farm with base acres of 10 acres or less until the later of—

''(A) November 14, 2008; or

''(B) the end of the 45-day period beginning on the date of the enactment of this subsection.

''(2) PENALTIES.—The Secretary shall ensure that no penalty with respect to benefits under this subtitle or subtitle B is assessed against producers on a farm described in paragraph (1) for failure to submit reports under this section or timely comply with other program requirements as a result of compliance with the extended signup deadline under that paragraph.''.

(2) PEANUTS.—Section 1305 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8755) is amended by adding at the end the following:

''(f) EXTENSION OF 2008 SIGNUP.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall extend the 2008 crop year deadline for the signup for benefits under this subtitle by producers on a farm with base acres of 10 acres or less until the later of—

''(A) November 14, 2008; or

''(B) the end of the 45-day period beginning on the date of the enactment of this subsection.

''(2) PENALTIES.—The Secretary shall ensure that no penalty with respect to benefits under this subtitle is assessed against producers on a farm described in paragraph (1) for failure to submit reports under this section or timely comply with other program requirements as a result of compliance with the extended signup deadline under that paragraph.''.

(c) OFFSETTING REDUCTION.—Section 515(k)(1) of the Federal Crop Insurance Act (7 U.S.C. 1515(k)(1)) is amended by striking ''2011'' and inserting ''2010, and not more than $9,000,000 for fiscal year 2011''.

SEC. 2. SUPPLEMENTAL REVENUE ASSISTANCE PROGRAM.

(a) FEDERAL CROP INSURANCE ACT.—

(1) DEFINITIONS.—Section 531(a) of the Federal Crop Insurance Act (7 U.S.C. 1531(a)) is amended—

(A) in paragraph (3)(B), by inserting ''has'' after ''on a farm that'';

(B) in paragraph (4), by striking ''section 1102 of the Farm Security and Rural Investment Act of 2002'' and all that follows through the end of the paragraph and inserting ''under—

''(i) section 1102 or 1302 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912, 7952);

''(ii) section 1102 or 1301(6) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8712, 8751(6)); or

''(iii) a successor section.'';

(C) in paragraph (5)(B)(ii), by striking '', the total loss'' and all that follows through the end of the paragraph and adding ''the actual production on the farm is less than 50 percent of the normal production on the farm.'';

(D) in paragraph (7)—

(i) in subparagraph (A), by inserting ''for sale or on-farm livestock feeding (including native grassland intended for haying)'' after ''harvest''; and

(ii) in subparagraph (C), by inserting ''for sale'' after ''crop'';

(E) by redesignating paragraphs (2) through (4), (5) through (12), and (13) through (18) as paragraphs (3) through (5), (7) through (14), and (16) through (21), respectively;

(F) by inserting after paragraph (1) the following:

''(2) ACTUAL PRODUCTION ON THE FARM.—The term 'actual production on the farm' means the sum of the value of all crops produced on the farm, as determined under subsection (b)(6)(B).'';

(G) by inserting after paragraph (5) (as redesignated by subparagraph (E)) the following:

''(6) CROP OF ECONOMIC SIGNIFICANCE.—The term 'crop of economic significance' shall have the uniform meaning given the term by the Secretary for purposes of subsections (b)(1)(B) and (g)(6).''; and

(H) by inserting after paragraph (14) (as redesignated by subparagraph (E)) the following:

''(15) NORMAL PRODUCTION ON THE FARM.—The term 'normal production on the farm' means the sum of the expected revenue for all crops on the farm, as determined under subsection (b)(6)(A).''.

(2) SUPPLEMENTAL REVENUE ASSISTANCE PAYMENTS.—Section 531(b) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)) is amended—

(A) in paragraph (1)—

(i) by striking ''(1) IN GENERAL.—The Secretary'' and inserting the following:

''(1) PAYMENTS.—

''(A) IN GENERAL.—The Secretary''; and

(ii) by adding at the end the following:

''(B) CROP LOSS.—To be eligible for crop loss assistance under this subsection, the actual production on the farm for at least 1 crop of economic significance shall be reduced by at least 10 percent due to disaster, adverse weather, or disaster-related conditions.'';

(B) in paragraph (2), by adding at the end the following:

''(C) EXCLUSION OF SUBSEQUENTLY PLANTED CROPS.—In calculating the disaster assistance program guarantee under paragraph (3) and the total farm revenue under paragraph (4), the Secretary shall not consider the value of any crop that—

''(i) is produced on land that is not eligible for a policy or plan of insurance under subtitle A or assistance under the noninsured crop assistance program; or

''(ii) is subsequently planted on the same land during the same crop year as the crop for which disaster assistance is provided under this subsection, except in areas in which double-cropping is a normal practice, as determined by the Secretary.'';

(C) in paragraph (3)(A)(ii)(III)—

(i) in the matter before item (aa), by inserting ''50 percent of'' before ''the higher of''; and

(ii) in item (aa), by striking ''guarantee'';

(D) in paragraph (4)—

(i) in subparagraph (A)(i)—

(I) by striking subclauses (I) and (II) and inserting the following:

''(I) the actual production by crop on a farm for purposes of determining losses under subtitle A or the noninsured crop assistance program; and''; and

(II) by redesignating subclause (III) as subclause (II);

(ii) in subparagraph (B)—

(I) in clause (i), by striking ''and'' at the end;

(II) in clause (ii), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(iii) as the Secretary determines appropriate, to reflect regional variations in a manner consistent with the operation of the crop insurance program under subtitle A and the noninsured crop assistance program.'';

(E) in paragraph (5)—

(i) in the matter preceding subparagraph (A), by striking ''the sum obtained by adding'';

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking ''the product'' and inserting ''for each insurable commodity, the product'';

(II) in clause (i), by striking ''greatest'' and inserting ''greater'';

(III) in clause (iii), by striking ''of the insurance price guarantee; and'' and inserting ''of the price election for the commodity used to calculate an indemnity for an applicable policy of insurance if an indemnity is triggered; and''; and

(iii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking ''the product'' and inserting ''for each noninsurable crop, the product'';

(II) in clause (i), by striking ''and'' at the end;

(III) by redesignating clause (ii) as clause (iii); and

(IV) by inserting after clause (i) the following:

''(ii) the acreage planted or prevented from being planted for each crop; and''; and

(F) by adding at the end the following:

''(6) PRODUCTION ON THE FARM.—

''(A) NORMAL PRODUCTION ON THE FARM.—The normal production on the farm shall equal the sum of the expected revenue for each crop on a farm as determined under paragraph (5).

''(B) ACTUAL PRODUCTION ON THE FARM.—The actual production on the farm shall equal the sum obtained by adding—

''(i) for each insurable commodity on the farm, the product obtained by multiplying—

''(I) 100 percent of the price election for the commodity used to calculate an indemnity for an applicable policy of insurance if an indemnity is triggered; and

''(II) the quantity of the commodity produced on the farm, adjusted for quality losses; and

''(ii) for each noninsurable commodity on a farm, the product obtained by multiplying—

''(I) 100 percent of the noninsured crop assistance program established price for the commodity; and

''(II) the quantity of the commodity produced on the farm, adjusted for quality losses.''.

(3) WAIVER FOR SOCIALLY DISADVANTAGED, LIMITED RESOURCE, OR BEGINNING FARMER OR RANCHER.—Section 531(d)(5)(B)(ii) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)(5)(B)(ii)) is amended by striking ''section'' and inserting ''subsection''.

(4) TREE ASSISTANCE PROGRAM.—Section 531(f)(2)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(f)(2)(A)) is amended by striking ''the Secretary shall provide'' and inserting ''the Secretary shall use such sums as are necessary from the Trust Fund to provide''.

(5) DE MINIMIS EXCEPTION TO RISK MANAGEMENT PURCHASE REQUIREMENT.—Section 531(g) of the Federal Crop Insurance Act (7 U.S.C. 1531(g)) is amended by adding at the end the following:

''(6) DE MINIMIS EXCEPTION.—

''(A) IN GENERAL.—For purposes of assistance under subsection (b), at the option of an eligible producer on a farm, the Secretary shall waive paragraph (1)—

''(i) in the case of a portion of the total acreage of a farm of the eligible producer that is not of economic significance on the farm, as established by the Secretary; or

''(ii) in the case of a crop for which the administrative fee required for the purchase of noninsured crop disaster assistance coverage exceeds 10 percent of the value of that coverage.

''(B) TREATMENT OF ACREAGE.—The Secretary shall not consider the value of any crop exempted under subparagraph (A) in calculating the supplemental revenue assistance program guarantee under subsection (b)(3) and the total farm revenue under subsection (b)(4).''.

(6) RISK MANAGEMENT PURCHASE REQUIREMENT WAIVER FOR 2009 CROP YEAR.—Section 531(g) of the Federal Crop Insurance Act (7 U.S.C. 1531(g)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''(other than subsection (c))'' and inserting ''(other than subsections (c) and (d))''; and

(ii) in subparagraph (A), by inserting '', excluding grazing land'' after ''producers on the farm'';

(B) in paragraph (2), by striking ''grazed, planted,'' and inserting ''planted'';

(C) in paragraph (4), by striking ''(4)'' and all that follows through ''In the case'' and inserting the following:

''(4) WAIVERS FOR CERTAIN CROP YEARS.—

''(A) 2008 CROP YEAR.—In the case''; and

(D) by adding at the end the following:

''(B) 2009 CROP YEAR.—In the case of an insurable commodity or noninsurable commodity for the 2009 crop year that does not meet the requirements of paragraph (1) and the relevant crop insurance program sales closing date or noninsured crop assistance program fee payment date was prior to August 14, 2008, the Secretary shall waive paragraph (1) if the eligible producer of the insurable commodity or noninsurable commodity pays a fee in an amount equal to the applicable noninsured crop assistance program fee or catastrophic risk protection plan fee required under paragraph (1) to the Secretary not later than 90 days after the date of enactment of this subparagraph.''.

(7) PAYMENT LIMITATIONS.—Section 531(h) of the Federal Crop Insurance Act (7 U.S.C. 1531) is amended by adding at the end the following:

''(5) TRANSITION RULE.—Sections 1001, 1001A, 1001B, and 1001D of the Food Security Act of 1985 (7 U.S.C. 1308 et seq.) as in effect on September 30, 2007, shall continue to apply with respect to 2008 crops.''.

(b) TRADE ACT OF 1974.—

(1) DEFINITIONS.—Section 901(a) of the Trade Act of 1974 (19 U.S.C. 2497(a)) is amended—

(A) in paragraph (3)(B), by inserting ''has'' after ''on a farm that'';

(B) in paragraph (4), by striking ''section 1102 of the Farm Security and Rural Investment Act of 2002'' and all that follows through the end of the paragraph and inserting ''under—

''(i) section 1102 or 1302 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912, 7952);

''(ii) section 1102 or 1301(6) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8712, 8751(6)); or

''(iii) a successor section.'';

(C) in paragraph (5)(B)(ii), by striking '', the total loss'' and all that follows through the end of the paragraph and adding ''the actual production on the farm is less than 50 percent of the normal production on the farm.'';

(D) in paragraph (7)—

(i) in subparagraph (A), by inserting ''for sale or on-farm livestock feeding (including native grassland intended for haying)'' after ''harvest''; and

(ii) in subparagraph (C), by inserting ''for sale'' after ''crop'';

(E) by redesignating paragraphs (2) through (4), (5) through (12), and (13) through (18) as paragraphs (3) through (5), (7) through (14), and (16) through (21), respectively;

(F) by inserting after paragraph (1) the following:

''(2) ACTUAL PRODUCTION ON THE FARM.—The term 'actual production on the farm' means the sum of the value of all crops produced on the farm, as determined under subsection (b)(6)(B).'';

(G) by inserting after paragraph (5) (as redesignated by subparagraph (E)) the following:

''(6) CROP OF ECONOMIC SIGNIFICANCE.—The term 'crop of economic significance' shall have the uniform meaning given the term by the Secretary for purposes of subsections (b)(1)(B) and (g)(6).''; and

(H) by inserting after paragraph (14) (as redesignated by subparagraph (E)) the following:

''(15) NORMAL PRODUCTION ON THE FARM.—The term 'normal production on the farm' means the sum of the expected revenue for all crops on the farm, as determined under subsection (b)(6)(A).''.

(2) SUPPLEMENTAL REVENUE ASSISTANCE PAYMENTS.—Section 901(b) of the Trade Act of 1974 (19 U.S.C. 2497(b)) is amended—

(A) in paragraph (1)—

(i) by striking ''(1) IN GENERAL.—The Secretary'' and inserting the following:

''(1) PAYMENTS.—

''(A) IN GENERAL.—The Secretary''; and

(ii) by adding at the end the following:

''(B) CROP LOSS.—To be eligible for crop loss assistance under this subsection, the actual production on the farm for at least 1 crop of economic significance shall be reduced by at least 10 percent due to disaster, adverse weather, or disaster-related conditions.'';

(B) in paragraph (2), by adding at the end the following:

''(C) EXCLUSION OF SUBSEQUENTLY PLANTED CROPS.—In calculating the disaster assistance program guarantee under paragraph (3) and the total farm revenue under paragraph (4), the Secretary shall not consider the value of any crop that—

''(i) is produced on land that is not eligible for a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or assistance under the noninsured crop assistance program; or

''(ii) is subsequently planted on the same land during the same crop year as the crop for which disaster assistance is provided under this subsection, except in areas in which double-cropping is a normal practice, as determined by the Secretary.'';

(C) in paragraph (3)(A)(ii)(III)—

(i) in the matter before item (aa), by inserting ''50 percent of'' before ''the higher of'';

(ii) in item (aa), by striking ''guarantee'';

(D) in paragraph (4)—

(i) in subparagraph (A)(i)—

(I) by striking subclauses (I) and (II) and inserting the following:

''(I) the actual production by crop on a farm for purposes of determining losses under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or the noninsured crop assistance program; and''; and

(II) by redesignating subclause (III) as subclause (II);

(ii) in subparagraph (B)—

(I) in clause (i), by striking ''and'' at the end;

(II) in clause (ii), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(iii) as the Secretary determines appropriate, to reflect regional variations in a manner consistent with the operation of the Federal crop insurance program under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) and the noninsured crop assistance program.'';

(E) in paragraph (5)—

(i) in the matter preceding subparagraph (A), by striking ''the sum obtained by adding'';

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking ''the product'' and inserting ''for each insurable commodity, the product'';

(II) in clause (i), by striking ''greatest'' and inserting ''greater'';

(III) in clause (iii), by striking ''of the insurance price guarantee; and'' and inserting ''of the price election for the commodity used to calculate an indemnity for an applicable policy of insurance if an indemnity is triggered; and''; and

(iii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking ''the product'' and inserting ''for each noninsurable crop, the product'';

(II) in clause (i), by striking ''and'' at the end;

(III) by redesignating clause (ii) as clause (iii); and

(IV) by inserting after clause (i) the following:

''(ii) the acreage planted or prevented from being planted for each crop; and''; and

(F) by adding at the end the following:

''(6) PRODUCTION ON THE FARM.—

''(A) NORMAL PRODUCTION ON THE FARM.—The normal production on the farm shall equal the sum of the expected revenue for each crop on a farm as determined under paragraph (5).

''(B) ACTUAL PRODUCTION ON THE FARM.—The actual production on the farm shall equal the sum obtained by adding—

''(i) for each insurable commodity on the farm, the product obtained by multiplying—

''(I) 100 percent of the price election for the commodity used to calculate an indemnity for an applicable policy of insurance if an indemnity is triggered; and

''(II) the quantity of the commodity produced on the farm, adjusted for quality losses; and

''(ii) for each noninsurable commodity on a farm, the product obtained by multiplying—

''(I) 100 percent of the noninsured crop assistance program established price for the commodity; and

''(II) the quantity of the commodity produced on the farm, adjusted for quality losses.''.

(3) WAIVER FOR SOCIALLY DISADVANTAGED, LIMITED RESOURCE, OR BEGINNING FARMER OR RANCHER.—Section 901(d)(5)(B)(ii) of the Trade Act of 1974 (19 U.S.C. 2497(d)(5)(B)(ii)) is amended by striking ''section'' and inserting ''subsection''.

(4) TREE ASSISTANCE PROGRAM.—Section 901(f)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2497(f)(2)(A)) is amended by striking ''the Secretary shall provide'' and inserting ''the Secretary shall use such sums as are necessary from the Trust Fund to provide''.

(5) DE MINIMIS EXCEPTION TO RISK MANAGEMENT PURCHASE REQUIREMENT.—Section 901(g) of the Trade Act of 1974 (19 U.S.C. 2497(g)) is amended by adding at the end the following:

''(6) DE MINIMIS EXCEPTION.—

''(A) IN GENERAL.—For purposes of assistance under subsection (b), at the option of an eligible producer on a farm, the Secretary shall waive paragraph (1)—

''(i) in the case of a portion of the total acreage of a farm of the eligible producer that is not of economic significance on the farm, as established by the Secretary; or

''(ii) in the case of a crop for which the administrative fee required for the purchase of noninsured crop disaster assistance coverage exceeds 10 percent of the value of that coverage.

''(B) TREATMENT OF ACREAGE.—The Secretary shall not consider the value of any crop exempted under subparagraph (A) in calculating the supplemental revenue assistance program guarantee under subsection (b)(3) and the total farm revenue under subsection (b)(4).''.

(6) RISK MANAGEMENT PURCHASE REQUIREMENT WAIVER FOR 2009 CROP YEAR.—Section 901(g) of the Trade Act of 1974 (19 U.S.C. 2497(g)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''(other than subsection (c))'' and inserting ''(other than subsections (c) and (d))''; and

(ii) in subparagraph (A), by inserting '', excluding grazing land'' after ''producers on the farm'';

(B) in paragraph (2), by striking ''grazed, planted,'' and inserting ''planted'';

(C) in paragraph (4), by striking ''(4)'' and all that follows through ''In the case'' and inserting the following:

''(4) WAIVERS FOR CERTAIN CROP YEARS.—

''(A) 2008 CROP YEAR.—In the case''; and

(D) by adding at the end the following:

''(B) 2009 CROP YEAR.—In the case of an insurable commodity or noninsurable commodity for the 2009 crop year that does not meet the requirements of paragraph (1) and the relevant crop insurance program sales closing date or noninsured crop assistance program fee payment date was prior to August 14, 2008, the Secretary shall waive paragraph (1) if the eligible producer of the insurable commodity or noninsurable commodity pays a fee in an amount equal to the applicable noninsured crop assistance program fee or catastrophic risk protection plan fee required under paragraph (1) to the Secretary not later than 90 days after the date of enactment of this subparagraph.''.

(7) PAYMENT LIMITATIONS.—Section 901(h) of the Trade Act of 1974 (19 U.S.C. 2497(h)) is amended by adding at the end the following:

''(5) TRANSITION RULE.—Sections 1001, 1001A, 1001B, and 1001D of the Food Security Act of 1985 (7 U.S.C. 1308 et seq.) as in effect on September 30, 2007, shall continue to apply with respect to 2008 crops.''.

Mr. ETHERIDGE (during the reading). Madam Speaker, I ask unanimous consent to dispense with the reading.

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

There was no objection.

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

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ETHERIDGE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill just considered.

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

There was no objection.

PRICE OF HOMELAND SECURITY ACT

Mr. ETHERIDGE. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6098) to amend the Homeland Security Act of 2002 to improve the financial assistance provided to State, local, and tribal governments for information sharing activities, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Personnel Reimbursement for Intelligence Cooperation and Enhancement of Homeland Security Act of 2008'' or the ''PRICE of Homeland Security Act''.

SEC. 2. CLARIFICATION ON USE OF FUNDS.

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

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''Grants'' and all that follows through ''used'' and inserting the following: ''The Administrator shall permit the recipient of a grant under section 2003 or 2004 to use grant funds''; and

(B) in paragraph (10), by inserting '', regardless of whether such analysts are current or new full-time employees or contract employees'' after ''analysts''; and

(2) in subsection (b)—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(B) by inserting after paragraph (2) the following:

''(3) LIMITATIONS ON DISCRETION.—

''(A) IN GENERAL.—With respect to the use of amounts awarded to a grant recipient under section 2003 or 2004 for personnel costs in accordance with paragraph (2) of this subsection, the Administrator may not—

''(i) impose a limit on the amount of the award that may be used to pay for personnel, or personnel-related, costs that is higher or lower than the percent limit imposed in paragraph (2)(A); or

''(ii) impose any additional limitation on the portion of the funds of a recipient that may be used for a specific type, purpose, or category of personnel, or personnel-related, costs.

''(B) ANALYSTS.—If amounts awarded to a grant recipient under section 2003 or 2004 are used for paying salary or benefits of a qualified intelligence analyst under subsection (a)(10), the Administrator shall make such amounts available without time limitations placed on the period of time that the analyst can serve under the grant.''.

Mr. ETHERIDGE (during the reading). Madam Speaker, I ask unanimous consent to dispense with the reading.

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

There was no objection.

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

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ETHERIDGE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill just considered.

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

There was no objection.

RELATING TO SELECTIVE SERVICE REGISTRATION

Mr. TOWNS. Madam Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the bill (H.R. 7216) to amend section 3328 of title 5, United States Code, relating to Selective Service registration, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 7216

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

SECTION 1. SELECTIVE SERVICE REGISTRATION.

(a) IN GENERAL.—Section 3328 of title 5, United States Code, is amended by striking subsection (b) and inserting the following:

''(b)(1) Except as provided in subsection (c), the Director of the Office of Personnel Management, in consultation with the Director of the Selective Service System, shall prescribe regulations to carry out this section.

''(2) Such regulations—

''(A) shall provide for exceptions to determinations of ineligibility under this section to allow for the appointment of an individual who was discharged or released from active duty in the armed forces under honorable conditions; and

''(B) may provide that determinations of eligibility under the requirements of this section shall be adjudicated by the Executive agency making the appointment for which the eligibility is determined.

''(c)(1) The Director of the Selective Service System, in consultation with the Director of the Office of Personnel Management, shall prescribe procedures—

''(A) for the adjudication of determinations of whether a failure to register was knowing and willful; and

''(B) under which such a determination may not be made if the individual concerned shows by a preponderance of the evidence that the failure to register was neither knowing nor willful.

''(2) The procedures under paragraph (1) may provide that determinations referred to in paragraph (1)(A) shall be adjudicated by the Executive agency making the appointment for which the eligibility is determined.''.

(b) REGULATIONS.—Not later than 60 days after the date of enactment of this Act, the Director of the Selective Service System, in consultation with the Director of the Office of Personnel Management, shall prescribe regulations under section 3328(c) of title 5, United States Code, as added by subsection (a) of this section.

(c) READJUDICATION OF DETERMINATIONS.—Any individual whose case was or is adjudicated under section 3328(b) of title 5, United States Code, during the period beginning on February 21, 2007, through the date on which the regulations are prescribed or amended under subsection (b) of this section are in effect, and whose case involve a determination of whether a failure to register was knowing and willful, may have his or her case readjudicated in accordance with such regulations as so prescribed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FEDERAL REAL PROPERTY DISPOSAL ENHANCEMENT ACT OF 2008

Mr. TOWNS. Madam Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the bill (H.R. 7217) to amend title 40, United States Code, to enhance authorities with regard to real property that has yet to be reported excess, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 7217

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 ''Federal Real Property Disposal Enhancement Act of 2008''.

SEC. 2. DUTIES OF THE GENERAL SERVICES ADMINISTRATION AND EXECUTIVE AGENCIES.

(a) IN GENERAL.—Section 524 of title 40, United States Code, is amended to read as follows:

''§ 524. Duties of the General Services Administration and executive agencies

''(a) DUTIES OF THE GENERAL SERVICES ADMINISTRATION.—

''(1) GUIDANCE.—The Administrator shall issue guidance for the development and implementation of agency real property plans. Such guidance shall include recommendations on—

''(A) how to identify excess properties;

''(B) how to evaluate the costs and benefits involved with disposing of real property;

''(C) how to prioritize disposal decisions based on agency missions and anticipated future need for holdings; and

''(D) how best to dispose of those properties identified as excess to the needs of the agency.

''(2) DATABASE.—The Administrator shall establish and maintain a single, comprehensive, and descriptive database of all Federal real property assets under the custody and control of all executive agencies, other than real property assets excluded for reasons of national security. The Administrator shall collect from each executive agency such descriptive information, except for classified information, as necessary in order to describe the nature, use, and extent of the real property holdings of the Federal government. The descriptive information for each piece of real property shall include—

''(A) geographic location with address and description;

''(B) total size including square footage and acreage;

''(C) mission criticality; and

''(D) the level of utilization of the property, including whether the real property is excess, surplus, underutilized, or unutilized.

''(3) USABILITY.—(A) The database established and maintained under this section shall be accessible by agencies through a searchable Web site.

''(B) A searchable Web site means a Web site that, at a minimum, allows agencies—

''(i) to search and aggregate Federal real property by constructed asset, facility/installation, agency, location, and level of utilization; and

''(ii) to download data from any such search.

''(C) To the extent consistent with national security, the database shall be accessible by the public at no cost through the Web site of the General Services Administration. The Administrator may withhold from public disclosure information included in the database if the Administrator determines that withholding such information would be in the best interest of the Government or the public. At a minimum, the Administrator shall make aggregate information contained in the database available to the public.

''(D) Nothing in this paragraph requires an agency to make available to the public information that is exempt from disclosure pursuant to section 552 of title 5, United States Code (popularly known as the Freedom of Information Act).

''(4) ANNUAL REPORT.—(A) The Administrator shall submit an annual report, for each of the first 5 years after 2008, to the congressional committees listed in subparagraph (C) based on data submitted from all executive agencies, detailing executive agency efforts to reduce their real property assets and the additional information described in subparagraph (B).

''(B) The report shall contain the following information for the year covered by the report:

''(i) The aggregated estimated market value and number of real property assets under the custody and control of all executive agencies, set forth government-wide and by agency, and for each at the constructed asset level and at the facility/installation level.

''(ii) The aggregated estimated market value and number of surplus real property assets under the custody and control of all executive agencies, set forth government-wide and by agency, and for each at the constructed asset level and at the facility/installation level.

''(iii)(I) The aggregated cost for maintaining all surplus real property under the custody and control of all executive agencies, set forth government-wide and by agency, and for each at the constructed asset level and at the facility/installation level.

''(II) For purposes of subclause (I), costs for real properties owned by the Federal government shall include recurring maintenance and repair costs, utilities, cleaning and janitorial costs, and roads and grounds expenses.

''(III) For purposes of subclause (I), costs for real properties leased by the Federal government shall include lease costs, including base and operating rent and any other relevant costs listed in subclause (II) not covered in the lease contract.

''(iv) The aggregated estimated deferred maintenance costs of all real property under the custody and control of all executive agencies, set forth government-wide and by agency, and for each at the constructed asset level and at the facility/installation level.

''(v) For each surplus real property facility/installation disposed of, an indication of—

''(I) its geographic location with address and description;

''(II) its size, including square footage and acreage;

''(III) the date and method of disposal; and

''(IV) its estimated market value.

''(vi) Such other information as the Administrator considers appropriate.

''(C) The congressional committees listed in this subparagraph are as follows:

''(i) The Committee on Oversight and Government Reform and the Committee on Transportation and Infrastructure of the House of Representatives.

''(ii) The Committee on Homeland Security and Governmental Affairs and the Committee on Environment and Public Works of the Senate.

''(5) ASSISTANCE.—The Administrator shall assist executive agencies in the identification and disposal of excess real property.

''(b) DUTIES OF EXECUTIVE AGENCIES.—

''(1) IN GENERAL.—Each executive agency shall—

''(A) maintain adequate inventory controls and accountability systems for property under its control;

''(B) continuously survey property under its control to identify excess property;

''(C) promptly report excess property to the Administrator;

''(D) perform the care and handling of excess property; and

''(E) transfer or dispose of excess property as promptly as possible in accordance with authority delegated and regulations prescribed by the Administrator.

''(2) SPECIFIC REQUIREMENTS WITH RESPECT TO REAL PROPERTY.—With respect to real property, each executive agency shall—

''(A) develop and implement a real property plan in order to identify properties to declare as excess using the guidance issued under subsection (a)(1);

''(B) identify and categorize all real property owned, leased, or otherwise managed by the agency;

''(C) establish adequate goals and incentives that lead the agency to reduce excess real property in its inventory;

''(D) when appropriate, use the authorities in section 572(a)(2)(B) of this title in order to identify and prepare real property to be reported as excess.

''(3) ADDITIONAL REQUIREMENTS.—Each executive agency, as far as practicable, shall—

''(A) reassign property to another activity within the agency when the property is no longer required for the purposes of the appropriation used to make the purchase;

''(B) transfer excess property under its control to other Federal agencies and to organizations specified in section 321(c)(2) of this title; and

''(C) obtain excess properties from other Federal agencies to meet mission needs before acquiring non-Federal property.''.

(b) CLERICAL AMENDMENT.—The item relating to section 524 in the table of sections at the beginning of chapter 5 of such title is amended to read as follows:

''524. Duties of the General Services Administration and executive agencies.''.

SEC. 3. ENHANCED AUTHORITIES WITH REGARD TO PREPARING PROPERTIES TO BE REPORTED AS EXCESS.

Section 572(a)(2) of title 40, United States Code, is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(2) by inserting after subparagraph (A) the following new subparagraph:

''(B) ADDITIONAL AUTHORITY.—(i) From the fund described in paragraph (1), subject to clause (iv), the Administrator may obligate an amount to pay the direct and indirect costs related to identifying and preparing properties to be reported excess by another agency.

''(ii) The General Services Administration shall be reimbursed from the proceeds of the sale of such properties for such costs.

''(iii) Net proceeds shall be dispersed pursuant to section 571 of this title.

''(iv) The authority under clause (i) to obligate funds to prepare properties to be reported excess does not include the authority to convey such properties by use, sale, lease, exchange, or otherwise, including through leaseback arrangements or service agreements.

''(v) Nothing in this subparagraph is intended to affect subparagraph (D).''.

SEC. 4. ENHANCED AUTHORITIES WITH REGARD TO REVERTED REAL PROPERTY.

(a) AUTHORITY TO PAY EXPENSES RELATED TO REVERTED REAL PROPERTY.—Section 572(a)(2)(A) of title 40, United States Code, is amended by adding at the end the following:

''(iv) The direct and indirect costs associated with the reversion, custody, and disposal of reverted real property.''.

(b) REQUIREMENTS RELATED TO SALES OF REVERTED PROPERTY UNDER SECTION 550.—Section 550(b)(1) of title 40, United States Code, is amended—

(1) by inserting ''(A)'' after ''(1) IN GENERAL.—''; and

(2) by adding at the end the following: ''If the official, in consultation with the Administrator, recommends reversion of the property, the Administrator shall take control of such property, and, subject to subparagraph (B), sell it at or above appraised fair market value for cash and not by lease, exchange, leaseback arrangements, or service agreements.

''(B) Prior to sale, the Administrator shall make such property available to State and local governments and certain non-profit institutions or organizations pursuant to this section and sections 553 and 554 of this title.''.

(c) REQUIREMENTS RELATED TO SALES OF REVERTED PROPERTY UNDER SECTION 553.—Section 553(e) of title 40, United States Code, is amended—

(1) by inserting ''(1)'' after ''THIS SECTION.—''; and

(2) by adding at the end the following: ''If the Administrator determines that reversion of the property is necessary to enforce compliance with the terms of the conveyance, the Administrator shall take control of such property and, subject to paragraph (2), sell it at or above appraised fair market value for cash and not by lease, exchange, leaseback arrangements, or service agreements.

''(2) Prior to sale, the Administrator shall make such property available to State and local governments and certain non-profit institutions or organizations pursuant to this section and sections 550 and 554 of this title.''.

(d) REQUIREMENTS RELATED TO SALES OF REVERTED PROPERTY UNDER SECTION 554.—Section 554(f) of title 40, United States Code, is amended—

(1) by inserting ''(1)'' after ''THIS SECTION.—''; and

(2) by adding at the end the following: ''If the Secretary, in consultation with the Administrator, recommends reversion of the property, the Administrator shall take control of such property and, subject to paragraph (2), sell it at or above appraised fair market value for cash and not by lease, exchange, leaseback arrangements, or service agreements.

''(b) Prior to sale, the Administrator shall make such property available to State and local governments and certain non-profit institutions or organizations pursuant to this section and sections 550 and 553 of this title.''.

SEC. 5. AGENCY RETENTION OF PROCEEDS.

The text of section 571 of title 40, United States Code, is amended to read as follows:

''(a) PROCEEDS FROM TRANSFER OR SALE OF REAL PROPERTY.—Net proceeds described in subsection (d) shall be deposited into the appropriate real property account of the agency that had custody and accountability for the real property at the time the real property is determined to be excess. Such funds shall be expended only as authorized in annual appropriations Acts and only for activities as described in section 524(b) of this title and disposal activities, including paying costs incurred by the General Services Administration for any disposal-related activity authorized by this title. Proceeds may also be expended by the agency for maintenance and repairs of the agency's real property necessary for its disposal or for the repair or alteration of the agency's other real property, provided that proceeds shall not be authorized for expenditure in an appropriations Act for any repair or alteration project that is subject to the requirements of section 3307 of this title without a prospectus submitted by the General Services Administration and approved by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

''(b) EFFECT ON OTHER SECTIONS.—Nothing in this section is intended to affect section 572(b), 573, or 574 of this title.

''(c) DISPOSAL AGENCY FOR REVERTED PROPERTY.—For the purposes of this section, for any real property that reverts to the United States under sections 550, 553, and 554 of this title, the General Services Administration, as the disposal agency, shall be treated as the agency with custody and accountability for the real property at the time the real property is determined to be excess.

''(d) NET PROCEEDS.—The net proceeds referred to in subsection (a) are proceeds under this chapter, less expenses of the transfer or disposition as provided in section 572(a) of this title, from a—

''(1) transfer of excess real property to a Federal agency for agency use; or

''(2) sale, lease, or other disposition of surplus real property.

''(e) PROCEEDS FROM TRANSFER OR SALE OF PERSONAL PROPERTY.—(1) Except as otherwise provided in this subchapter, proceeds described in paragraph (2) shall be deposited in the Treasury as miscellaneous receipts.

''(2) The proceeds described in this paragraph are proceeds under this chapter from—

''(A) a transfer of excess personal property to a Federal agency for agency use; or

''(B) a sale, lease, or other disposition of surplus personal property.

''(3) Subject to regulations under this subtitle, the expenses of the sale of personal property may be paid from the proceeds of sale so that only the net proceeds are deposited in the Treasury. This paragraph applies whether proceeds are deposited as miscellaneous receipts or to the credit of an appropriation as authorized by law.''.

SEC. 6. DEMONSTRATION AUTHORITY.

(a) IN GENERAL.—Subchapter II of chapter 5 of title 40, United States Code, is amended by adding at the end the following new section:

''§ 530. Demonstration program of inapplicability of certain requirements of law

''(a) AUTHORITY.—Effective for fiscal years 2009 and 2010, the requirements of section 501(a) of the McKinney Vento Homeless Assistance Act (42 U.S.C. 11411(a)) shall not apply to eligible properties.

''(b) ELIGIBLE PROPERTIES.—A property is eligible for purposes of subsection (a) if it meets both of the following requirements:

''(1) The property is selected for demolition by an agency and is a Federal building or other Federal real property located on land not determined to be excess, for which there is an ongoing Federal need, and not to be used in any lease, exchange, leaseback arrangement, or service agreement.

''(2) The property is—

''(A) located in an area to which the general public is denied access in the interest of national security and where alternative access cannot be provided for the public without compromising national security; or

''(B) the property is—

''(i) uninhabitable;

''(ii) not a housing unit; and

''(iii) selected for demolition by an agency because either—

''(I) the demolition is necessary to further an identified Federal need for which funds have been authorized and appropriated; or

''(II) the property poses risk to human health and safety or has become an attractive nuisance.

''(c) LIMITATIONS.—

''(1) No property of the Department of Veterans Affairs may be considered an eligible property for purposes of subsection (a).

''(2) With respect to an eligible property described in subsection (b), the land underlying the property remains subject to all public benefit requirements and notifications for disposal.

''(d) NOTIFICATION TO CONGRESS.—(1) A list of each eligible property described in subsection (b) that is demolished or scheduled for demolition, by date of demolition or projected demolition date, shall be sent to the congressional committees listed in paragraph (2) and published on the Web site of the General Services Administration biannually beginning 6 months after the date of the enactment of this section.

''(2) The congressional committees listed in this paragraph are as follows:

''(A) The Committee on Oversight and Government Reform and the Committee on Transportation and Infrastructure of the House of Representatives.

''(B) The Committee on Homeland Security and Governmental Affairs and the Committee on Environment and Public Works of the Senate.

''(e) RELATIONSHIP TO OTHER PROVISIONS OF LAW.—Nothing in this section may be construed as interfering with the requirement for the submission of a prospectus to Congress as established by section 3307 of this title or for all demolitions to be carried out pursuant to section 527 of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of title 40, United States Code, is amended by inserting after the item relating to section 529 the following new item:

''530. Demonstration program of inapplicability of certain requirements of law.''.

Mr. DUNCAN. Madam Speaker, for several Congresses, proposals have been introduced to address real property management issues within the Federal Government, but have failed to become law. Today, however, I am pleased to be part of the bipartisan effort that we are discussing, the Federal Real Property Disposal Act, and am hopeful that this bill will be able to clean up the federal real property inventory.

I would like to thank Representative MOORE, Chairman WAXMAN and Senators CARPER and COBURN for their work on this important issue. With all the talk of spending, this bill has the opportunity to bring about great savings for the American taxpayer.

The Government Accountability Office has listed federal real property as one of its high risk issues since 2003 due to incomplete data and the numbers of excess properties and aging facilities.

In 2004, President Bush issued an Executive Order to improve the management of federal real property. Since then $7 billion worth of unneeded assets and properties have been removed from the government inventory.

The Federal Government has a goal of disposing of $9 billion in unneeded real property by the end of fiscal year 2009. Jim Nussle, the Director of the Office of Management and Budget, sent me a letter last year endorsing a bill I introduced in the House and that Senators TOM CARPER and TOM COBURN introduced in the Senate.

Director Nussle wrote: ''To reach this objective, I believe we must improve and streamline the current process that Federal agencies face in disposing of real property assets.''

Some people never want the government to sell any property, and government at all levels continues to acquire more and more every year. But if we keep shrinking the tax base, schools and other agencies will have a much harder time in the future getting increases in their funding.

In June of 2007, the Office of Management and Budget reported that the Federal Government owned over 21,000 excess properties and assets with a total replacement value of nearly $18 billion. That is more than the gross domestic product of over half the countries in the world.

The bill that we are taking up today builds on a proposal that overwhelmingly passed the House earlier this year.

Under the Federal Real Property Disposal Enhancement Act, an agency would be able to retain a portion of the proceeds from a sale of a property deemed excess. This will provide agencies an incentive to get rid of unneeded properties and allow them to use the proceeds to maintain current property or prepare excess property for disposal.

The reporting requirements in H.R. 7217 will provide what I believe will be very useful and valuable information, not only on the numbers and values of Federal properties, but on the costs of maintaining properties, like utilities, repairs, and janitorial services.

Agencies spend well over $100 million dollars a year on the maintenance and upkeep of properties that are not even being used. H.R. 7217 will help agencies reduce these unnecessary costs.

Madam Speaker, in closing, I believe that H.R. 7217 gives additional resources to those agencies that might not otherwise be able to prepare and dispose of properties the ability to reap the benefits and apply them toward mission-critical properties. It also saves hard-earned taxpayer dollars that could definitely be used more appropriately.

Mr. WAXMAN. Madam Speaker, I stand in support of H.R. 7217, the Federal Real Property Disposal Enhancement Act. H.R. 7217 is the byproduct of bipartisan bicameral collaboration and I want to congratulate Representatives MOORE and DUNCAN for their commitment to federal real property reform. I also want to acknowledge Senators CARPER and COBURN for their dedication also. I must also recognize the hard work and efforts of Ranking Member DAVIS.

What we have before us is a sensible bill which will help move surplus real property out of the federal inventory. The bill allows the General Services Administration (GSA) to help pay the costs of other agencies' disposal activities. In particular, GSA will be able to help agencies pay costs with regard to properties that have yet to be declared excess. These costs include environmental cleanup, demolition, surveying, and life cycle costing.

In addition, this bill modifies existing law to make clear that when a property has been transferred to a nonprofit organization or a state or local government for a public purpose, and that public purpose is no longer being met, the property must revert to the Federal Government, which must dispose of it.

The bill also allows all agencies to retain the proceeds from the sale of federal surplus properties. These proceeds will be used for disposal activities and also may be used for maintenance and repairs.

Moreover, the bill includes a pilot program, under which agencies can, for certain properties scheduled for demolition, avoid the quarterly suitability canvas performed by Housing and Urban Development (HUD), allowing agencies to try and dispose of such properties on an accelerated timeframe.

Furthermore, this bill ensures strong data collection and reporting so the Federal Government can keep track of the real property in its inventory. Madam Speaker, passage of this bill, a work in progress for over six years, will make federal real property reform a reality. I urge passage.

Attached is an exchange of letters regarding jurisdiction.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, September 29, 2008.

Hon. HENRY A. WAXMAN,
Chairman, Committee on Oversight and Government Reform, House of Representatives, 2157 Rayburn House Office Building, Washington, DC

DEAR CHAIRMAN WAXMAN: I write to you regarding H.R. 7217, a bill to amend title 40, United States Code, to enhance authorities with regard to real property that has yet to be reported excess, and for other purposes. This bill is the product of negotiations between the House and Senate on provisions contained in H.R. 5787, the ''Federal Real Property Disposal Enhancement Act of 2008'', and S. 1667, a bill to establish a pilot program for the expedited disposal of Federal real property.

H.R. 7217 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 this 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, M.C.,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, September 29, 2008.

Hon. JAMES OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, 2165 Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN OBERSTAR: I write to you regarding H.R. 7217, a bill to amend title 40, United States Code, to enhance authorities with regard to real property that has yet to be reported excess, and for other purposes. This bill is the product of negotiations between the House and Senate on provisions contained in H.R. 5787, the ''Federal Real Property Disposal Enhancement Act of 2008'', and S. 1677, a bill to establish a pilot program for the expedited disposal of Federal real property.

I agree that provisions in H.R. 7217 are of jurisdictional interest to the Committee on Transportation and Infrastructure. I appreciate your willingness to waive rights to further consideration of H.R. 7217, and I acknowledge that through this waiver, your Committee is not relinquishing its jurisdiction over the relevant provisions of H.R. 7217.

This exchange of letters will be placed in the CONGRESSIONAL RECORD as part of the consideration of H.R. 7217 in the House.

I thank you for working with me to pass this important legislation.

Sincerely,

HENRY A. WAXMAN,
Chairman.

Mr. DAVIS of Virginia. Madam Speaker, today we take up the Federal Real Property Disposal Enhancement Act of 2008. This bill is a common sense reform that I have long supported.

The federal government is the largest landholder in the country. As such, it is essential for the federal government to manage its properties as efficiently and effectively as possible.

More importantly, property which is no longer of use to the federal government should be removed from the inventory.

Unfortunately, over the years, federal property disposal processes have become increasingly cumbersome and unwieldy, and agencies often decide it's easier to sit on a property than try to get rid of it.

In fact, OMB estimates a backlog of more than 21,000 in properties in need of maintenance and repair, carrying a price tag of more than $18 billion.

When I chaired the Oversight and Government Reform Committee, I spent a considerable amount of time working to reform the federal real property disposal system.

This bill does not go as far as I would like us to go in reforming our federal property laws.

But the databases and reporting requirements included in this legislation will at least allow us to know the extent of the problem.

Good government doesn't just mandate that we don't spend what we don't need to spend . . . it also mandates that we don't keep what we don't need to keep.

It's time the government does a better job at meeting that goal so I'll be supporting this legislation and I encourage my colleague to do the same.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TOWNS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the measures just considered.

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

There was no objection.

STEPHANIE TUBBS JONES GIFT OF LIFE MEDAL ACT OF 2008

Ms. MOORE of Wisconsin. Madam Speaker, I ask unanimous consent that the Committees on Financial Services and Energy and Commerce be discharged from further consideration of the bill (H.R. 7198) to establish the Stephanie Tubbs Jones Gift of Life Medal for organ donors and the family of organ donors, and ask for its immediate consideration.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 7198

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 ''Stephanie Tubbs Jones Gift of Life Medal Act of 2008''.

SEC. 2. ELIGIBILITY REQUIREMENTS FOR STEPHANIE TUBBS JONES GIFT OF LIFE MEDAL.

(a) IN GENERAL.—Subject to the provisions of this section and the availability of funds under this Act, any organ donor, or the family of any organ donor, shall be eligible for a Stephanie Tubbs Jones Gift of Life Medal (hereafter in this Act referred to as a ''medal'').

(b) DOCUMENTATION.—The Secretary of Health and Human Services shall direct the entity operating the Organ Procurement and Transplantation Network to—

(1) establish an application procedure requiring the relevant organ procurement organization through which an individual or family of the individual made an organ donation, to submit to such entity documentation supporting the eligibility of the individual or the family, respectively, to receive a medal;

(2) determine through the documentation provided and, if necessary, independent investigation whether the individual or family, respectively, is eligible to receive such a medal; and

(3) arrange for the presentation to the relevant organ procurement organization all medals struck pursuant to section 4 to individuals or families that are determined to be eligible to receive medals.

(c) LIMITATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), only 1 medal may be presented to a family under subsection (b). Such medal shall be presented to the donating family member, or in the case of a deceased donor, the family member who signed the consent form authorizing, or who otherwise authorized, the donation of the organ involved.

(2) EXCEPTION.—In the case of a family in which more than 1 member is an organ donor, a medal may be presented for each such organ donor.

SEC. 3. SOLICITATION OF DONATIONS; PROHIBITION ON USE OF FEDERAL FUNDS.

(a) IN GENERAL.—The Organ Procurement and Transplantation Network may collect funds to offset expenditures relating to the issuance of medals authorized under this Act.

(b) PAYMENT OF FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), all funds received by the Organ Procurement and Transplantation Network under subsection (a) shall be promptly paid by the Organ Procurement and Transplantation Network to the Secretary of Health and Human Services for purposes of purchasing medals under this Act for distribution and paying the administrative costs of the Secretary of Health and Human Services and the Secretary of the Treasury in carrying out this Act.

(2) LIMITATION.—Not more than 7 percent of any funds received under subsection (a) may be used to pay administrative costs, and fundraising costs to solicit funds under subsection (a), incurred by the Organ Procurement and Transplantation Network in carrying out this Act.

(c) PROHIBITION ON USE OF FEDERAL FUNDS.—No Federal funds (including amounts appropriated for use by the Organ Procurement and Transplantation Network) may be used for purposes of carrying out this Act, including purchasing medals under this Act or paying the administrative costs of the Secretary of Health and Human Services or the Secretary of the Treasury in carrying out this Act.

SEC. 4. DESIGN AND PRODUCTION OF MEDAL.

(a) IN GENERAL.—Subject to the provisions of this section, the Secretary of the Treasury shall design and strike the Stephanie Tubbs Jones Gift of Life Medals, each of which shall—

(1) weigh 250 grams;

(2) have a diameter of 3 inches; and

(3) consist of bronze.

(b) DESIGN.—

(1) IN GENERAL.—The design of the medals shall commemorate the compassion and courage manifested by and the sacrifices made by organ donors and their families, and the medals shall bear suitable emblems, devices, and inscriptions.

(2) SELECTION.—The design of medals struck under this section shall be—

(A) selected by the Secretary of the Treasury, in consultation with the Secretary of Health and Human Services, the Organ Procurement and Transplantation Network, interested members of the family of Stephanie Tubbs Jones, Dr. William H. Frist, and the Commission of Fine Arts; and

(B) reviewed by the Citizens Coin Advisory Committee.

(c) NATIONAL MEDALS.—The medals struck pursuant to this section are national medals for purposes of chapter 51 of title 31, United States Code.

(d) STRIKING AND DELIVERY OF MINIMUM-SIZED LOTS.—The Secretary of the Treasury shall strike and deliver to the Secretary of Health and Human Services no fewer than 100 medals at any time pursuant to an order by such Secretary.

(e) COST OF MEDALS.—Medals struck under this section and sold to the Secretary of Health and Human Services for distribution in accordance with this Act shall be sold to the Secretary of Health and Human Services at a price sufficient to cover the cost of designing and striking the medals, including labor, materials, dies, use of machinery, and overhead expenses.

(f) NO EXPENDITURES IN ADVANCE OF RECEIPT OF FUND.—

(1) IN GENERAL.—The Secretary of the Treasury shall not strike or distribute any medals under this Act until such time as the Secretary of Health and Human Services certifies that sufficient funds have been received by such Secretary to cover the cost of the medals ordered.

(2) DESIGN IN ADVANCE OF ORDER.—Notwithstanding paragraph (1), the Secretary of the Treasury may begin designing the medal at any time after the date of the enactment of this Act and take such other action as may be necessary to be prepared to strike such medals upon receiving the certification described in such paragraph, including preparing dies and striking test pieces.

SEC. 5. MEDALS NOT TREATED AS VALUABLE CONSIDERATION.

A medal under this Act shall not be treated as valuable consideration for purposes of section 301(a) of the National Organ Transplant Act (42 U.S.C. 274e(a)).

SEC. 6. DEFINITIONS.

For purposes of this Act:

(1) ORGAN.—The term ''organ'' has the meaning given such term in section 121.2 of title 42, Code of Federal Regulations.

(2) ORGAN PROCUREMENT ORGANIZATION.—The term ''organ procurement organization'' means a qualified organ procurement organization described in section 371(b)(1) of the Public Health Service Act (42 U.S.C. 273(b)(1)).

(3) ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK.— The term ''Organ Procurementand Transplantation Network'' means the Organ Procurement and Transplantation Network established under section 372 of the Public Health Service Act (42 U.S.C. 274).

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENDING THE ANDEAN TRADE PREFERENCE ACT

Ms. MOORE of Wisconsin. Madam Speaker, I ask unanimous consent that the Committee on Ways and Means be discharged from further consideration of the bill (H.R. 7222) to extend the Andean Trade Preference Act, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 7222

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

SECTION 1. EXTENSION OF ANDEAN TRADE PREFERENCE ACT.

(a) EXTENSION.—Section 208 of the Andean Trade Preference Act (19 U.S.C. 3206) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) TREATMENT OF CERTAIN APPAREL ARTICLES.—Section 204(b)(3) of such Act (19 U.S.C. 3203(b)(3)) is amended—

(1) in subparagraph (B)—

(A) in clause (iii)—

(i) in subclause (II), by striking ''6 succeeding 1-year periods'' and inserting ''7 succeeding 1-year periods''; and

(ii) in subclause (III)(bb), by striking ''and for the succeeding 1-year period'' and inserting ''and for the succeeding 2-year period''; and

(B) in clause (v)(II), by striking ''5 succeeding 1-year periods'' and inserting ''6 succeeding 1-year periods''; and

(2) in subparagraph (E)(ii)(II), by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 2. EARNED IMPORT ALLOWANCE PROGRAM.

(a) IN GENERAL.—Title IV of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (Public Law 109–53; 119 Stat. 495) is amended by adding at the end the following:

''SEC. 404. EARNED IMPORT ALLOWANCE PROGRAM.

''(a) PREFERENTIAL TREATMENT.—

''(1) IN GENERAL.—Eligible apparel articles wholly assembled in an eligible country and imported directly from an eligible country shall enter the United States free of duty, without regard to the source of the fabric or yarns from which the articles are made, if such apparel articles are accompanied by an earned import allowance certificate that reflects the amount of credits equal to the total square meter equivalents of fabric in such apparel articles, in accordance with the program established under subsection (b).

''(2) DETERMINATION OF QUANTITY OF SME.—For purposes of determining the quantity of square meter equivalents under paragraph (1), the conversion factors listed in 'Correlation: U.S. Textile and Apparel Industry Category System with the Harmonized Tariff Schedule of the United States of America, 2008', or its successor publications, of the United States Department of Commerce, shall apply.

''(b) EARNED IMPORT ALLOWANCE PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary of Commerce shall establish a program to provide earned import allowance certificates to any producer or entity controlling production of eligible apparel articles in an eligible country for purposes of subsection (a), based on the elements described in paragraph (2).

''(2) ELEMENTS.—The elements referred to in paragraph (1) are the following:

''(A) One credit shall be issued to a producer or an entity controlling production for every two square meter equivalents of qualifying fabric that the producer or entity controlling production can demonstrate that it has purchased for the manufacture in an eligible country of articles like or similar to any article eligible for preferential treatment under subsection (a). The Secretary of Commerce shall, if requested by a producer or entity controlling production, create and maintain an account for such producer or entity controlling production, into which such credits may be deposited.

''(B) Such producer or entity controlling production may redeem credits issued under subparagraph (A) for earned import allowance certificates reflecting such number of earned credits as the producer or entity may request and has available.

''(C) Any textile mill or other entity located in the United States that exports qualifying fabric to an eligible country may submit, upon such export or upon request, the Shipper's Export Declaration, or successor documentation, to the Secretary of Commerce—

''(i) verifying that the qualifying fabric was exported to a producer or entity controlling production in an eligible country; and

''(ii) identifying such producer or entity controlling production, and the quantity and description of qualifying fabric exported to such producer or entity controlling production.

''(D) The Secretary of Commerce may require that a producer or entity controlling production submit documentation to verify purchases of qualifying fabric.

''(E) The Secretary of Commerce may make available to each person or entity identified in the documentation submitted under subparagraph (C) or (D) information contained in such documentation that relates to the purchase of qualifying fabric involving such person or entity.

''(F) The program shall be established so as to allow, to the extent feasible, the submission, storage, retrieval, and disclosure of information in electronic format, including information with respect to the earned import allowance certificates required under subsection (a)(1).

''(G) The Secretary of Commerce may reconcile discrepancies in the information provided under subparagraph (C) or (D) and verify the accuracy of such information.

''(H) The Secretary of Commerce shall establish procedures to carry out the program under this section by September 30, 2008, and may establish additional requirements to carry out the program.

''(c) DEFINITIONS.—For purposes of this section—

''(1) the term 'appropriate congressional committees' means the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate;

''(2) the term 'eligible apparel articles' means the following articles classified in chapter 62 of the HTS (and meeting the requirements of the rules relating to chapter 62 of the HTS contained in general note 29(n) of the HTS) of cotton (but not of denim): trousers, bib and brace overalls, breeches and shorts, skirts and divided skirts, and pants;

''(3) the term 'eligible country' means the Dominican Republic; and

''(4) the term 'qualifying fabric' means woven fabric of cotton wholly formed in the United States from yarns wholly formed in the United States and certified by the producer or entity controlling production as being suitable for use in the manufacture of apparel items such as trousers, bib and brace overalls, breeches and shorts, skirts and divided skirts or pants, all the foregoing of cotton, except that—

''(A) fabric otherwise eligible as qualifying fabric shall not be ineligible as qualifying fabric because the fabric contains nylon filament yarn with respect to which section 213(b)(2)(A)(vii)(IV) of the Caribbean Basin Economic Recovery Act applies;

''(B) fabric that would otherwise be ineligible as qualifying fabric because the fabric contains yarns not wholly formed in the United States shall not be ineligible as qualifying fabric if the total weight of all such yarns is not more than 10 percent of the total weight of the fabric, except that any elastomeric yarn contained in an eligible apparel article must be wholly formed in the United States; and

''(C) fabric otherwise eligible as qualifying fabric shall not be ineligible as qualifying fabric because the fabric contains yarns or fibers that have been designated as not commercially available pursuant to—

''(i) article 3.25(4) or Annex 3.25 of the Agreement;

''(ii) Annex 401 of the North American Free Trade Agreement;

''(iii) section 112(b)(5) of the African Growth and Opportunity Act;

''(iv) section 204(b)(3)(B)(i)(III) or (ii) of the Andean Trade Preference Act;

''(v) section 213(b)(2)(A)(v) or 213A(b)(5)(A) of the Caribbean Basin Economic Recovery Act; or

''(vi) any other provision, relating to determining whether a textile or apparel article is an originating good eligible for preferential treatment, of a law that implements a free trade agreement entered into by the United States that is in effect at the time the claim for preferential treatment is made.

''(d) REVIEW AND REPORT.—

''(1) REVIEW.—The United States International Trade Commission shall carry out a review of the program under this section annually for the purpose of evaluating the effectiveness of, and making recommendations for improvements in, the program.

''(2) REPORT.—The United States International Trade Commission shall submit to the appropriate congressional committees annually a report on the results of the review carried out under paragraph (1).

''(e) EFFECTIVE DATE AND APPLICABILITY.—

''(1) EFFECTIVE DATE.—The program under this section shall be in effect for the 10-year period beginning on the date on which the President certifies to the appropriate congressional committees that sections A, B, C, and D of the Annex to Presidential Proclamation 8213 (December 20, 2007) have taken effect.

''(2) APPLICABILITY.—The program under this section shall apply with respect to qualifying fabric exported to an eligible country on or after August 1, 2007.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act is amended by inserting after the item relating to section 403 the following:

''Sec. 404. Earned import allowance program.''.

SEC. 3. AFRICAN GROWTH AND OPPORTUNITY ACT.

(a) IN GENERAL.—Section 112 of the African Growth and Opportunity Act (19 U.S.C. 3721) is amended—

(1) in subsection (b)(6)(A), by striking ''ethic'' in the second sentence and inserting ''ethnic''; and

(2) in subsection (c)—

(A) in paragraph (1), by striking '', and subject to paragraph (2),'';

(B) by striking paragraphs (2) and (3);

(C) in paragraph (4)—

(i) by striking ''Subsection (b)(3)(C)'' and inserting ''Subsection (b)(3)(B)''; and

(ii) by redesignating such paragraph (4) as paragraph (2); and

(D) by striking paragraph (5) and inserting the following:

''(3) DEFINITION.—In this subsection, the term 'lesser developed beneficiary sub-Saharan African country' means—

''(A) a beneficiary sub-Saharan African country that had a per capita gross national product of less than $1,500 in 1998, as measured by the International Bank for Reconstruction and Development;

''(B) Botswana;

''(C) Namibia; and

''(D) Mauritius.''.

(b) APPLICABILITY.—The amendments made by subsection (a) apply to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(c) REVIEW AND REPORTS.—

(1) ITC REVIEW AND REPORT.—

(A) REVIEW.—The United States International Trade Commission shall conduct a review to identify yarns, fabrics, and other textile and apparel inputs that through new or increased investment or other measures can be produced competitively in beneficiary sub-Saharan African countries.

(B) REPORT.—Not later than 7 months after the date of the enactment of this Act, the United States International Trade Commission shall submit to the appropriate congressional committees and the Comptroller General a report on the results of the review carried out under subparagraph (A).

(2) GAO REPORT.—Not later than 90 days after the submission of the report under paragraph (1)(B), the Comptroller General shall submit to the appropriate congressional committees a report that, based on the results of the report submitted under paragraph (1)(B) and other available information, contains recommendations for changes to United States trade preference programs, including the African Growth and Opportunity Act (19 U.S.C. 3701 et seq.) and the amendments made by that Act, to provide incentives to increase investment and other measures necessary to improve the competitiveness of beneficiary sub-Saharan African countries in the production of yarns, fabrics, and other textile and apparel inputs identified in the report submitted under paragraph (1)(B), including changes to requirements relating to rules of origin under such programs.

(3) DEFINITIONS.—In this subsection—

(A) the term ''appropriate congressional committees'' means the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate; and

(B) the term ''beneficiary sub-Saharan African countries'' has the meaning given the term in section 506A(c) of the Trade Act of 1974 (19 U.S.C. 2466a(c)).

(d) CLERICAL AMENDMENT.—Section 6002(a)(2)(B) of Public Law 109–432 is amended by striking ''(B) by striking'' and inserting ''(B) in paragraph (3), by striking''.

SEC. 4. GENERALIZED SYSTEM OF PREFERENCES.

Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 5. CUSTOMS USER FEES.

(a) IN GENERAL.—Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended—

(1) in subparagraph (A), by striking ''November 14, 2017'' and inserting ''February 21, 2018''; and

(2) in subparagraph (B)(i), by striking ''October 7, 2017'' and inserting ''January 31, 2018''.

(b) REPEAL.—Section 15201 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246) is amended by striking subsections (c) and (d).

SEC. 6. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under subparagraph (C) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 2.25 percentage points.

SEC. 7. TECHNICAL CORRECTIONS.

Section 15402 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246) is amended—

(1) in subsections (a) and (b), by striking ''Carribean'' each place it appears and inserting ''Caribbean''; and

(2) in subsection (d), by striking ''231A(b)'' and inserting ''213A(b)''.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION TO CONSIDER AS ADOPTED MOTIONS TO SUSPEND THE RULES

Mr. SCOTT of Virginia. Madam Speaker, I ask unanimous consent that the motions to suspend the rules relating to the following measures be considered as adopted in the form considered by the House on Saturday, September 27, 2008: House Resolution 1224, H.R. 4131, H.R. 6600, H.R. 6669, S. 3536, S. 3598, S. 3296, and S. 2304.

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

There was no objection.

The SPEAKER pro tempore. Without objection, respective motions to reconsider are laid on the table.

There was no objection.

THE DEFEAT OF THE EMERGENCY ECONOMIC STABILIZATION ACT OF 2008

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

Ms. KAPTUR. Madam Speaker, this was an amazing day in the Congress of the United States. The American people were actually heard, and fear was put on the shelf as we stopped hasty action that Wall Street powerhouses had attempted to ram through this Congress. It was a sobering day. It was an exhausting day. Now we have to get to work to create a new moment: to draft legislation on a bipartisan basis that is responsible, that is rigorous and that meets the real needs.

This includes securities and exchange reform legislation to expand credit flows. The SEC and bank regulators must act immediately to suspend the fair value accounting rules; they must clamp down on abuses by short sellers, and they must withdraw the Basel II capital rules. These will go a long way to expanding credit flows at the local level.

We have to stabilize our housing markets on Main Street, and we have to reform the regulatory process and investigate the wrongdoers who brought America and the American people to this juncture.

We have to fund the FBI to go after those who have exhibited malfeasance, accounting fraud, who have used abusive practices, and who have made billions doing it.

I want to thank the American people and this Congress for doing what was right, not what was hasty.

REGULATING WALL STREET

(By William M. Isaac)

The Fed's decision to open the discount window to Wall Street firms, and to subsidize the takeover of Bear Stearns, requires that we rethink the regulation of Wall Street. How we resolve the issues will have profound effect on our financial markets for years to come.

Before attempting to come up with answers, we need to make sure we know and understand the questions. I will try to identify the important ones.

A. Who Gets Access to the Safety Net? Under What Circumstances? What Price Do They Pay? The federal safety net (i.e., the ability to borrow from the Fed and to offer insured deposits) was created to promote stability in the banking and thrift industries, and the cost is borne by banks and thrifts. The deposit insurance fund now exceeds $50 billion, and each year the Fed pays to the Treasury billions of dollars of profits earned in part from interest-free reserves maintained by banks.

If we expand the safety net, which firms should be included—investment banks, hedge funds, leveraged buyout firms, insurance companies, others? How will we draw the line—size of firm, inter-connections to other firms, harm a failure would cause to consumers or businesses, the potential impact of a failure on financial stability?

If non-banks are granted access to the safety net, will they be required to help pay cost? Would it be fair to banks and thrifts to have invested billions per year in the safety net for much of the past century to suddenly allow non-banks to obtain the benefits of the safety net? What would be the competitive effects on banks and thrifts?

B. Who Will Regulate Our New Universe of Safety Net Firms? Treasury argues that we need to revamp the regulation of financial firms in view of the new world of finance in which commercial banks, thrifts, investment banks, insurance companies, and others perform many of the same functions. It is suggested that we need to consolidate the regulators while designating a single ''market stability'' regulator.

I would argue that the genius of the American system of government is the diffusion of government power. We do not believe in centralized planning, and we rely heavily on checks and balances.

One of the clearest lessons of the S&L crisis of the 1980s is that we must have an independent deposit insurance agency armed with the full array of examination and enforcement powers. The former FSLIC, which insured deposits at S&Ls, was a toothless agency operating as a subsidiary of the primary regulator. The failure to provide that check on the S&L industry was an important contributing factor to a taxpayer loss of some $150 billion. Are we prepared to go down that path again in our pursuit of a tidy organizational chart?

We currently have at least four agencies heavily focused on maintaining stability in the financial markets—the Fed, the SEC, the FDIC, and Treasury. Do we really believe that having a single agency fretting about market stability will be an improvement? If so, which agency has been proven to have such all-knowing vision and wisdom?

The major problem confronting our financial system for the past year is the collapse in the residential real estate markets. Did the banking agencies and Treasury not notice that unregulated mortgage loan brokers were sprouting up everywhere, that securitizations were providing unprecedented liquidity to mortgage markets, that

home loan underwriting standards were deteriorating, and that home prices were skyrocketing? Did the agencies seek more information or take actions to dampen the frenzy, were they rebuffed, or did they not appreciate the potential problems?

Take a look at the public debate while the real estate bubble was building. You will find the Fed and Treasury touting the Basel II capital regime as the way to make more precise calculations of how much capital was really required in our banks. It was argued that this would allow our large banks to reduce their capital to international norms, or about half the U.S. level. Does that sound like folks who were concerned in the slightest about a bubble in real estate?

Thankfully, the FDIC, the OTS, and a few Congressional leaders fought against eliminating the minimum capital requirement for U.S. banks. As bad as things might be right now, how much worse they would be if Basel II had breezed through without a minimum capital standard and our major banks had leveraged their balance sheets even further during the past few years?

One final question to ponder as we debate our future: Would we be better served by a messy, contentious, and some times frustrating regulatory system that moves cautiously or by a highly efficient system that runs with alacrity off the nearest cliff?

Would it be more appropriate to legislate that non-banks develop and pay for their own safety net? Should we impose new standards to reduce greatly the odds that non-banks will ever need to use the safety net again? Might it be appropriate to enact tough ground rules restricting the ability of the Fed to lend to non-bank firms in the absence of a national emergency? Should the Fed be allowed to act unilaterally?

If non-bank firms are included in the bank-funded safety net, what sort of regulation will we impose on them? Will it be equivalent to the regulation of banks, i.e., capital regulation, liquidity requirements, examinations, reporting requirements, compliance regulations, limitations on loans to affiliates and officers and directors, restrictions on ownership and permissible activities, lending limits, and a full range of regulatory enforcement powers?

If non-bank firms are included in the bank-funded safety net and then fail, how will the failures be handled? Will they be subject to the receivership powers of the FDIC? If not, who will administer the receivership?

Do we want our central bank providing liquidity and also handling failures? We used to have a comparable system in the S&L industry with disastrous results.

If we go down the path of comparable regulation of commercial banks and investment banks, will investment banks be able to continue their high-risk underwriting and investment activities so vital to capitalism? If not, will they remain in the U.S. or move their headquarters to London or Dubai?

How To Save the Financial System

(By William M. Isaac)

I am astounded and deeply saddened to witness the senseless destruction in the U.S. financial system, which has been the envy of the world. We have always gone through periods of correction, but today's problems are so much worse than they needed to be.

The Securities and Exchange Commission and bank regulators must act immediately to suspend the Fair Value Accounting rules, clamp down on abuses by short sellers, and withdraw the Basel II capital rules. These three actions will go a long way toward arresting the carnage in our financial system.

During the 1980s, our underlying economic problems were far more serious than the economic problems we're facing this time around. The prime rate exceeded 21%. The savings bank industry was more than $100 billion insolvent (if we had valued it on a market basis), the S&L industry was in even worse shape, the economy plunged into a deep recession, and the agricultural sector was in a depression.

These economic problems led to massive credit problems in the banking and thrift industries. Some 3,000 banks and thrifts ultimately failed, and many others were merged out of existence. Continental Illinois failed, many of the regional banks tanked, hundreds of farm banks went down, and thousands of thrifts failed or were taken over.

It could have been much worse. The country's 10-largest banks were loaded up with Third World debt that was valued in the markets at cents on the dollar. If we had marked those loans to market prices, virtually every one of them would have been insolvent. Indeed, we developed contingency plans to nationalize them.

At the outset of the current crisis in the credit markets, we had no serious economic problems. Inflation was under control, GDP growth was good, unemployment was low, and there were no major credit problems in the banking system.

The dark cloud on the horizon was about $1.2 trillion of subprime mortgage-backed securities, about $200 billion to $300 billion of which was estimated to be held by FDIC-insured banks and thrifts. The rest were spread among investors throughout the world.

The likely losses on these assets were estimated by regulators to be roughly 20%. Losses of this magnitude would have caused pain for institutions that held these assets, but would have been quite manageable.

How did we let this serious but manageable situation get so far out of hand—to the point where several of our most respected American financial companies are being put out of business, sometimes involving massive government bailouts?

Lots of folks are assigning blame for the underlying problems—management greed, inept regulation, rating-agency incompetency, unregulated mortgage brokers and too much government emphasis on creating more housing stock. My interest is not in assigning blame for the problems but in trying to identify what is causing a situation, that should have been resolved easily, to develop into a crisis that is spreading like a cancer throughout the financial system.

The biggest culprit is a change in our accounting rules that the Financial Accounting Standards Board and the SEC put into place over the past 15 years: Fair Value Accounting. Fair Value Accounting dictates that financial institutions holding financial instruments available for sale (such as mortgage-backed securities) must mark those assets to market. That sounds reasonable. But what do we do when the already thin market for those assets freezes up and only a handful of transactions occur at extremely depressed prices?

The answer to date from the SEC, FASB, bank regulators and the Treasury has been (more or less) ''mark the assets to market even though there is no meaningful market.'' The accounting profession, scarred by decades of costly litigation, just keeps marking down the assets as fast as it can.

This is contrary to everything we know about bank regulation. When there are temporary impairments of asset values due to economic and marketplace events, regulators must give institutions an opportunity to survive the temporary impairment. Assets should not be marked to unrealistic fire-sale prices. Regulators must evaluate the assets on the basis of their true economic value (a discounted cash-flow analysis).

If we had followed today's approach during the 1980s, we would have nationalized all of the major banks in the country and thousands of additional banks and thrifts would have failed. I have little doubt that the country would have gone from a serious recession into a depression.

If we do not halt the insanity of forcing financial firms to mark assets to a non-existent market rather than their realistic economic value, the cancer will keep spreading and will plunge the world into very difficult economic times for years to come.

I argued against adopting Fair Value Accounting as it was being considered two decades ago. I believed we would come to regret its implementation when we hit the next big financial crisis, as it would deny regulators the ability to exercise judgment when circumstances called for restraint. That day has clearly arrived.

Equally egregious are the actions by the SEC in recent years lifting the restraints on short sellers of stocks to allow ''naked selling'' (shorting a stock without actually possessing it) and to eliminate the requirement that short sellers could sell only on an uptick in the market.

On top of this, it is my understanding that short sellers are engaged in abuses such as purchasing credit default swaps on corporate bonds (essentially bets on whether a borrower will default), which lowers the price of the bonds, which in turn causes the price of the company's stock to decline further. Then the ratings agencies pile on and reduce the ratings of a company because its reduced stock price will prevent it from raising new capital. The SEC must act immediately to eliminate these and other potential abuses by short sellers.

The Basel II capital rules adopted by the FDIC, Federal Reserve, Office of Thrift Supervision and the Comptroller of the Currency last year are too new to have caused big problems, but they must be eliminated before they do. Basel II requires the use of very complex mathematical models to set capital levels in banks. The models use historical data to project future losses. If banks have a period of low losses (such as in the mid–1990s to the mid–2000s), the models require relatively little capital and encourage even more heated growth. When we go into a period like today where losses are enormous (on paper, at least), the models require more capital when none is available, forcing banks to cut back lending.

As I write this article, I am seeing proposals by some to create a new Resolution Trust Corp., as we did in the 1990s to clean up the S&L problems. The RTC managed and sold assets from S&Ls that had already failed. It was run by the FDIC, just like the FDIC. We needed to create the RTC in the 1990s only because we could not comingle the assets from failed banks with those of failed thrifts, because we had two separate deposit insurance funds absorbing the respective losses from bank and thrift failures.

I can't imagine why we would want to create another government bureaucracy to handle the assets from bank failures. What we need to do urgently is stop the failures, and an RTC won't do that.

Again, we must take three immediate steps to prevent a further rash of financial failures and taxpayer bailouts. First, the SEC must suspend Fair Value Accounting and require that assets be marked to their true economic value. Second, the SEC needs to immediately clamp down on abusive practices by short sellers. It has taken a first step in reinstituting the prohibition against ''naked selling.'' Finally, the bank regulators need to acknowledge that the Basel II capital rules represent a serious policy mistake and repeal the rules before they do real damage.

We are almost out of time if we hope to eradicate the cancer in our financial system.

Mr. Isaac, chairman of the Federal Deposit Insurance Corp. from 1981–1985, is chairman of the Washington financial services consulting firm The Secura Group, an LECG company.

[From the Washington Post, Sept. 27, 2008]

A BETTER WAY TO AID BANKS

(By William M. Isaac)

Congressional leaders are badly divided on the Treasury plan to purchase $700 billion in troubled loans. Their angst is understandable: It is far from clear that the plan is necessary or will accomplish its objectives.

It's worth recalling that our country dealt with far more credit problems in the 1980s in a far harsher economic environment than it faces today. About 3,000 bank and thrift failures were handled without producing depositor panics and massive instability in the financial system.

The Federal Deposit Insurance Corp. has just handled Washington Mutual, now the largest bank failure in history, in an orderly manner, with no cost to the FDIC fund or taxpayers. This is proof that our time-tested system for resolving banking problems works.

One argument for the urgency of the Treasury proposal is that money market funds were under a great deal of pressure last week as investors lost confidence and began withdrawing their money. But putting the government's guarantee behind money market funds—as Treasury did last week—should have resolved this concern.

Another rationale for acting immediately on the bailout is that bank depositors are getting panicky—mostly in reaction to the July failure of IndyMac, in which uninsured depositors were exposed to loss.

Does this mean that we need to enact an emergency program to purchase $700 billion worth of real estate loans? If the problem is depositor confidence, perhaps we need to be clearer about the fact that the FDIC fund is backed by the full faith and credit of the government.

If stronger action is needed, the FDIC could announce that it will handle all bank failures, except those involving significant fraudulent activities, as assisted mergers that would protect all depositors and other general creditors. This is how the FDIC handled Washington Mutual. It would be easy to announce this as a temporary program if needed to calm depositors.

An additional benefit of this approach is that community banks would be put on a par with the largest banks, reassuring depositors who are unconvinced that the government will protect uninsured depositors in small banks.

I have doubts that the $700 billion bailout, if enacted, would work. Would banks really be willing to part with the loans, and would the government be able to sell them in the marketplace on terms that the taxpayers would find acceptable?

To get banks to sell the loans, the government would need to buy them at a price greater than what the private sector would pay today. Many investors are open to purchasing the loans now, but the financial institutions and investors cannot agree on price. Thus private money is sitting on the sidelines until there is clear evidence that we are at the floor in real estate.

Having financial institutions sell the loans to the government at inflated prices so the government can turn around and sell the loans to well-heeled investors at lower prices strikes me as a very good deal for everyone but U.S. taxpayers. Surely we can do better.

One alternative is a ''net worth certificate'' program along the lines of what Congress enacted in the 1980s for the savings and loan industry. It was a big success and could work in the current climate. The FDIC resolved a $100 billion insolvency in the savings banks for a total cost of less than $2 billion.

The net worth certificate program was designed to shore up the capital of weak banks to give them more time to resolve their problems. The program involved no subsidy and no cash outlay.

The FDIC purchased net worth certificates (subordinated debentures, a commonly used form of capital in banks) in troubled banks that the agency determined could be viable if they were given more time. Banks entering the program had to agree to strict supervision from the FDIC, including oversight of compensation of top executives and removal of poor management

The FDIC paid for the net worth certificates by issuing FDIC senior notes to the banks; there was no cash outlay. The interest rate on the net worth certificates and the FDIC notes was identical, so there was no subsidy.

If such a program were enacted today, the capital position of banks with real estate holdings would be bolstered, giving those banks the ability to sell and restructure assets and get on with their rehabilitation. No taxpayer money would be spent, and the asset sale transactions would remain in the private sector where they belong.

If we were to (1) implement a program to ease the fears of depositors and other general creditors of banks; (2) keep tight restrictions on short sellers of financial stocks; (3) suspend fair-value accounting (which has contributed mightily to our problems by marking assets to unrealistic fire-sale prices); and (4) authorize a net worth certificate program, we could settle the financial markets without significant expense to taxpayers.

Say Congress spends $700 billion of taxpayer money on the loan purchase proposal. What do we do next? If, however, we implement the program suggested above, we will have $700 billion of dry powder we can put to work in targeted tax incentives if needed to get the economy moving again.

The banks do not need taxpayers to carry their loans. They need proper accounting and regulatory policies that will give them time to work through their problems.

□ 1500

LET'S WORK TOGETHER TO ADDRESS THE NATION'S CURRENT FINANCIAL CHALLENGES

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

Mr. DOGGETT. Madam Speaker, as one of those who voted against President Bush's bailout proposal, I want to express my continued interest in working together to address the Nation's current financial challenges. I do not oppose reasonable steps to intervene in the economy so long as all the burden is not placed on the taxpayers.

I recommend that the House promptly approve a resolution calling on the Administration to exercise authority it already possesses to ensure that our financial markets continue to function properly.

The FDIC should utilize its emergency powers to immediately raise the limits on federally-insured accounts at all banks. The Securities and Exchange Commission should review and consider suspension of current accounting rules on the valuation of mortgage-backed securities. And the FDIC should consider relying on the net worth certificate approach that it utilized during the savings and loan debacle of the 1980s.

These are not just my ideas, rather, they are ideas recommended to the Congress by William Isaac, President Reagan's former Chairman of the Federal Deposit and Insurance Corporation. That approach, and others that were not considered last week, should be considered now to ensure that our financial markets continue to operate.

CALLING UPON CHAIRMAN COX TO GET RID OF MARK-TO-MARKET ACCOUNTING

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

Mr. BROUN of Georgia. Madam Speaker, this is a historic vote today. I'm sure that everyone who voted did so very thoughtfully, most of us very prayerfully. But, Madam Speaker, Chairman Cox, Chairman of the Securities and Exchange Commission, today could fix a lot of the problems here by, by a stroke of a pen, getting rid of mark-to-market accounting across the board. I call upon Mr. Cox to do so today. The markets will respond markedly, and I hope that he will listen and do so.

HANK PAULSON GOT HIS REJECTION NOTICE FROM CONGRESS

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

Mr. DEFAZIO. Madam Speaker, there are many of us from day one who questioned the Paulson premise that dumping $700 billion into bad debt on Wall Street would somehow help revive the American economy, help Main Street, help small businesses, help the people I'm here to represent. I believe today gives us an opportunity to step back and begin again to construct a package that does not put the taxpayers at risk for $700 billion.

William Isaac headed up the FDIC during the savings and loan crisis. He took a $100 billion problem and he solved it for $2 billion; he says we can do the same thing here, pennies on the dollar. And then, that would leave a lot of borrowing capacity to help begin to inject money into public works projects, infrastructure in this country, other things that benefit average Americans, put us back to work, and make us a more competitive economy.

We need to go back to the drawing board with a democratic proposal. Hank Paulson just got his rejection notice here from Congress.

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. CLARKE). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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

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

DON'T PANIC AMERICA

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

Mr. GOHMERT. Madam Speaker, this was a historic day. There was a bill in which we had Members who meant well, who had come to this floor and said, look, I understand we all have these principles, and this violates some of our principles, but we need to set those aside in order to avoid risk here. Well, first of all, that is a faulty premise. I just couldn't think of anything but the Declaration of Independence, when the people who founded this place came forward and said the principles of not having the king, not having the Government run everything are too important. And they signed their name where everybody could see, pledging their lives, their fortunes, their sacred honor, saying, ''On these principles we will stand or fall.''

And I think today the House, by its vote, said we're standing on the same principles. But not only that, these are the principles on which this Nation has become the greatest Nation in the world and the most prosperous. We can't abandon those principles.

So to have a bill that would come before Congress that basically gave the Secretary of the Treasury incredible powers—he was going to be able to bail out any bank in the world with American taxpayer dollars, the only exception was a central bank of a foreign government, but other banks that weren't central banks of other governments could be bailed out. And then, looking at judicial review, as that's my background, it was extraordinary. Nobody was going to be able to object legally and have a chance of prevailing under the standards that were set forth.

So the American people need to hear this message: Don't panic. You saw a Congress bipartisanly come in here and stand on principle and want you to know, don't panic, we are going to address this. We're going to come back, it will take a couple of days, and we'll look at the other solutions. One of them was proposed by the former Chairman of the FDIC and said, look, Paulson wanted $700 billion of American taxpayer money to buy these mortgage-based securities that, because the market is frozen, they have no value. And he is going to put a value on there, and it would be either the value, if you do a discounting based on the cash payments made on that mortgage, how regularly they're made, there's a way to get a formula and put a value on there, or you can base it on a discounted value of the underlying property that is securing that mortgage.

And then you have a value. And that's what Secretary Paulson was going to come in and spend to buy these assets with American taxpayer dollars. The FDIC former Chairman said, look, if you will just allow these banks to value these assets, what they're really worth and what Secretary Paulson was willing to come in and pay, then they're not under water, the banks don't fail. Washington Mutual didn't have to fail. And even when it failed, all those people that had money with Washington Mutual, they woke up the next day, they had the same money in the account, it is now under a JP Morgan name. And the same way with Wachovia; all their deposits, as I understand it, they have been purchased, and the people can wake up tomorrow and know they've got all that money, it's just under a different name, in the same amount.

Don't panic. When Roosevelt said, ''All we have to fear is fear itself,'' that is so true right now because this Congress is committed to principle in a bipartisan way. And I appreciate my friend, Ms. KAPTUR, and her diligence in pursuing this. And we've heard some of the same presentations. And we're going to come back with a better bill; and if we don't, we're going to keep doing it until we get it right.

Some of the other proposals were excellent. You know, rather than make American taxpayers buy these things—including in, possibly, foreign countries—why not just say, look, if you will come and buy these assets, you won't have any capital gains on the income you make off of these, that encourages the free market to flow.

We have heard—I was not aware—that there may be hundreds of billions of American dollars in foreign banks. And one idea was, if you say we will allow you to repatriate those hundreds of billions of dollars if you will bring them in, no tax, no penalty, and buy these assets to help things along, that brings America money.

There are all kinds of fantastic ideas. And we are going to be stronger in America if the fearmongering will go away so Americans can use their own judgment and understand that this was a good thing today. Please don't fear, please don't panic. We're going to come back from this stronger, with our principles intact.

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

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

CONGRESS DID WHAT WAS RIGHT, NOT WHAT WAS FAST

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

Ms. KAPTUR. Madam Speaker, in thanking my colleague, Congressman GOHMERT, for all of his efforts to make this institution function in the manner that it was duly constituted to function, I was reminded today, as I was walking through the halls—not expecting the result that was just yielded on that important vote relating to Wall Street—there is a fresco downstairs, and above the door it has this quote, that ''Here there are no temples but the Capitol, and no oracle but the Constitution.''

No matter how powerful any group is or any set of individuals, our duty is a different one, and that is, to work together across this aisle for the best legislation, the best law making that is humanly possible to serve the people that sent us here, through regular order. And that means hearing from the membership, especially on a matter of such extraordinary magnitude as we were just asked to vote upon.

This is the Congress of the United States, and we are a deliberative body. We are not a military order. There are no generals, and they are not able to command down the ranks. We operate through consensus. And when that process breaks down, we don't produce good legislation and, in turn, do not serve the American people.

On the matter that was before us, I think it's fair to say that most committees that should have met did not. They were discharged of their duties in a strange process that I hope I never see again.

The bill came to the floor with a closed rule. A few Members said to us after the vote, ''Well, where is your alternative? If you don't like this, where is your alternative?'' And our answer was, we had alternatives, but we were summarily denied the ability to present them through regular order. There was no reason to go to the Rules Committee, as it was a closed rule. We were not allowed to invite witnesses—and many of us asked, it's not like we didn't try. But let the record be very clear, Members were not able to testify, and therefore, we were not able to glean the best intelligence from our country as this bill moved forward.

''There is no temple but the Capitol, and no oracle but the Constitution.'' I really believe this Congress met its duty, its sworn obligation today in this truly historic vote. We have a lot of work to do. And I think one thing happened today that is actually very good for the Republic, and that is, whatever artificial line may exist down that middle aisle, I think it crumbled, and

there is a new working energy inside this institution to do what should have been done in the first place.

Now, we have respect for our leadership, and we have respect for the President of the United States. And whatever was presented a few weeks ago that had to be acted upon with such urgency, we are willing to remain and to reconstitute ourselves and to exercise the duties of the office to which we have been elected as our constitution demands.

People don't have to be fearful, Wall Street doesn't have to be worried, we can take care of this. If we look to some of the institutions that have run up into a little trouble these last few weeks, we've seen what the FDIC has done. The insurance programs are working. Savings deposits are safe in our institutions. One can argue whether we should increase the FDIC-insured rate over $100,000 per depositor, but if we do this right, we can really give strength back to our credit markets because this is not a liquidity crisis, this is a credit crisis related to accounting standards.

We can hear from the best accountants in America. That should have been done. They could have helped us work through this; they were not given voice. We can take a look at the housing crisis, its foreclosure crisis—which is at the heart of the credit seize-up—because we have markets that aren't working there, we have a lot of empty properties, people being foreclosed. There was nothing in this legislation that would do workouts at the local level. Why didn't the Federal Reserve, you know, and the administration, they wanted all this money, but they didn't want money to help Main Street bankers and mortgage holders and families try to work out loans at the local level where we can save people in their homes. My goodness.

These are issues America has dealt with before. There should be calm across the country. The Congress has made a decision, and I believe that we will present a better bill in a very short period of time.

I thank you, Madam Speaker. And what a joy it was to work with Members on both sides of the aisle to do what was right, not what was fast.

□ 1515

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

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

EATONTON BICENTENNIAL

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

Mr. BROUN of Georgia. Madam Speaker, for over 200 years, Eatonton, Georgia, has served as the seat of Putnam County and has continuously reflected the American spirit and ideals.

Both town and county were named after American patriots. Israel Putnam was a hero of Bunker Hill, and William Eaton was a famous officer and a diplomat during the First Barbary War.

Eatonton is a gorgeous town with patriotic people, beautiful homes, historic churches, and a magnificent courthouse. Sitting on the famous courthouse square, there's a statue of Brer Rabbit, the central figure of the Uncle Remus stories, which pays tribute to great literary contributions and cultural preservation.

Just outside of Eatonton is St. Paul's Methodist Church, which is over a century old and sits near Rockville Academy, the State's first consolidated rural school. Many generations have used this historic church to worship God, and many individuals have come to know His saving grace within its walls.

There are many Antebellum and Victorian-era homes within Eatonton that survived the war between the States. When General Sherman conducted his destructive ''March to the Sea'' during that great war, he bypassed Eatonton and left its beautiful homes untouched. Now visitors to the town have the opportunity to see grand American architecture of long ago.

The sons and daughters of Eatonton have served, fought, and died for their country for over two centuries. Every single time America has called upon its citizens for help, the residents of Eatonton have answered. They have served in the armed services, and, during the Civil War, they cared for the wounded on both sides of the conflict.

There are many famous people from Eatonton, but some of the best known are Alice Walker, author of ''The Color of Purple''; Vincent Hancock, a recent Olympic Gold Medalist in shooting; and Truett Cathy, founder of Chick-fil-A. These great Americans are products of Eatonton's two proud centuries of history, culture, and religion.

As Eatonton celebrates a great milestone in historic history, I applaud its historical accomplishments. I thank God for its prosperity, and I pray that He, God, will continue to bless this great American town.

Madam Speaker, on another topic, today we did have a historic vote. I encourage our leaders on both sides to listen to Mr. William Isaac, the former Chairman of the FDIC. Democrats and Republicans alike have come to the floor and talked about his perspective solution to this problem we have in our credit crunch.

There are other solutions. Congressman JEB HENSARLING introduced a bill, and I am proud to be a cosponsor of that bill. I'm sure my colleagues on the other side have other alternatives too that they would like to introduce.

But I hope we will bring forward a simple bill that this House produces, as constitutionally we are supposed to, and then we won't let Mr. Paulson bully us, as he did, to demand his product that we just tweaked around the edges.

Madam Speaker, this bill was a bad one, and that's the reason it went down in defeat. We were offered a little marshmallow of sweetness to put in the bill, but the bill itself was a cow patty with a marshmallow in the middle. And, Madam Speaker, I'm not going to eat this cow patty even though it has a marshmallow in the middle, and many other of our colleagues also refuse to eat it.

We need to have a bill that's simple, that eliminates capital gains for 2 years, that cuts out the mark-to-market accounting that the SEC and Mr. Paulson demand, one that will give insurance to those banking institutions so that they can insure the securities that they have that are mortgaged based, and not have anything else.

And I hope our leaders will bring forth a very simple bill that our colleagues on the Democratic side and my colleagues on the Republican side can put forward and that we can pass in the next few days that will solve this crisis that we have in America and bring us to financial security in this Nation, and I call upon our leaders to do so.

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

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

SECRETARY PAULSON'S BAILOUT PLAN

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

Mr. DEFAZIO. Madam Speaker, just a week ago, Secretary Paulson sent an insult down to Congress, an insult to the American people, an insult to the Constitution, an insult ultimately to the economy of the United States. He sent down a bill that said, in 3 pages, give me $700 billion and suspend all the laws, and I will do with it as I see fit and I will fix this problem.

Now, one problem with that is, of course, Mr. Paulson reigned as the head of Goldman Sachs while these financial weapons of mass destruction were being created, and he amassed tremendous wealth, taking a bonus of $39 million in 1 year, accumulating $750 million when he left Wall Street to go into public service. So people would say, oh, that's just Hank, he's a tough negotiator. That was an absurdity. And it's based on a premise that if the American tax borrows money, $700 billion, and we take their junk—some pundits called it ''cash for trash''—that somehow this would create liquidity on Wall Street and then from there it would ultimately trickle down to Main

Street, to car loans to small businesses to student loans. I never believed that premise, and I think the House of Representatives rejected that premise today.

We have, I think, credible alternatives before us. Mr. William Isaac, appointed by Jimmy Carter but reappointed by Ronald Reagan as head of the FDIC during the previous worst financial crisis in the United States, the savings and loan crisis, Mr. Isaac addressed a number of us in the skeptics caucus and a number of Republicans yesterday and others and said there's a regulatory way to get at this. There's a problem right now. A lot of the banks are actually in pretty good shape. In fact, a lot of these subprime assets, 75 percent of them, are still paying their bills. But they are basically being required to value them at zero right now because of an accounting rule. Change the accounting rule, he said, and suddenly a lot of banks that look like they're insolvent would not be insolvent and they would have money to lend. That would take care of the so-called liquidity crisis, the credit crisis that's out there. Further, he goes on with another technique that was used by him when he was head of the Federal Deposit Insurance Corporation to basically help the banks get through this period with an exchange of documents and a subordinate position on their fair value, not their fair market value when a market doesn't exist, on all their assets after bank examiners looked at it. He used that technique, and he solved a $100 billion problem with the potential of 3,000 banks going into receivership with the Federal Government, ultimately only at a cost of about $2 billion. That's a lot better than the Paulson plan, the Paulson premise. We should listen to Mr. Isaac and look at that approach as we revisit this issue.

Further, if we were going to go down the Paulson path, and I don't want to, if we really felt we had to throw money at the top on Wall Street and buy their bad assets, then we shouldn't put the taxpayers on the hook. I proposed something this week and I was told the Street wouldn't like it. ''The Street wouldn't like it.'' The street is coming to us hat in hand. The Street moguls who hate government are on top of their mansion roofs crying for the government to come get them with a financial helicopter. ''The Street wouldn't like it.'' A ¼ of 1 percent fee on every security transaction, something that we levied from 1914 through the Great Depression. In fact, Congress, over the objections of ''the Street,'' doubled the security transfer fee during the Great Depression, and we kept it until 1966 when it just lapsed in the beginning of this deregulatory era. That would raise $150 billion a year, more than enough for our regulatory institutions to engage in a very active form of assuring the liquidity of Wall Street firms, more than enough to pay for Mr. Paulson's misbegotten plan.

And then there's another approach, a Democratic approach, used by another President, FDR, in the Great Depression. Instead of dumping money on the failures on Wall Street, FDR said, I'm going to rebuild the economy from the bottom up. He invested in roads and bridges. He invested in hydroelectric systems, jobs, the WPA program. He put America back to work. And as they began to consume and the banks and everyone and small businesses did better, guess what. The wealth percolated up to Wall Street. Trickle down isn't working real well for average Americans day in, day out when you see the disparities in this country that are growing and growing and growing, and Democrats should not engage in financial trickle down, which is what Mr. Paulson proposed.

So a simple regulatory approach paid for, if you are going to do the Paulson approach, by Wall Street itself; or, even better, something to solve the underlying parts of the problem with the economy, an FDR-type approach.

SAVE AMERICA'S UTILITY INFRASTRUCTURE AND SECURE AMERICA ACT OF 2008

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Madam Speaker, even as I stand here on the floor of the House, the residents of the gulf region, the gulf coasts of Louisiana and Texas, are still suffering from Hurricane Ike. We know as well that Hurricane Kyle has been making its way up the east coast. As we look back over the landscape this past year, we see the devastation of so much that has impacted our country through natural disasters—flooding, wind, hurricanes—and we realize that that is, by Mother Nature's way, something that will occur in this Nation on a regular basis.

As a member of the Homeland Security Committee and a chairperson of the Transportation Security and Critical Infrastructure Committee, I introduce today Save America's Utility Infrastructure and Secure America Act of 2008, H.R. 7230. I do so with the hope that Americans will be better prepared, not necessarily the Americans in their homes but the utility companies who every day receive our payments for electricity and finding out in times of trouble they are not prepared.

For example, the blackout of August, 2003, in the northeast, midwest, and adjoining parts of Canada highlighted the need for infrastructure operating improvements.

As the chairperson of this committee, I believe that one of the ways of securing America and making America safe is to go throughout the Nation and address the questions of the sectors that predominately are controlled by the private community. Eighty-five percent of our critical infrastructure is controlled by the private community. By that they sense that they have sort of a pass. They don't have to invest in improving the infrastructure. So today I introduce this bill because I believe they do have to make a commitment to the rate payers to improve the infrastructure.

For example, in our own State of Texas, our public utility commission instructed, recommended to our utility company in a heavily treed area like my city of Houston to prepluck the trees that would entangle themselves in the above-ground wires. They recommended to them, if you will, to substitute the wooden polls for steel polls. They recommended to them that they should, in fact, secure the transformers.

□ 1530

None of this was done. And they were quoted as saying, it is far more inexpensive to clean up after the fact than to do this work beforehand. So what do we have? What we had in Texas is a tragedy of hundreds and hundreds of people, maybe thousands, impacted negatively by the lack of electricity. People were on oxygen and dialysis in hospitals that were shut down, and the tragedy of a 14-year-old asthmatic boy who lost his life, among others.

For me that is intolerable and unacceptable. If you want the benefit of doing business here in the United States, then you must do it well. So I have introduced this bill to subject those utilities who believe cavalierly that we don't have to do it, we want to keep the money in our pocket, to criminal penalties for those who don't develop vulnerable lists that will know where the hospitals and nursing homes are and where elderly persons and asthmatic persons live so that we can accept the fact that Mother Nature does not come with an appointment, but that we can be as prepared as we possibly can be. So this bill provides criminal penalties.

As well, the bill requires the establishment of vulnerable lists and vulnerable neighborhoods so that we are well aware of what to do. And it also instructs the Department of Homeland Security to ensure that our infrastructure is meeting the standards that it should meet. This I believe is the way government corrects and reforms a system to make it work for the American people.

Madam Speaker, today as a complement to my remarks, we looked to try and correct the market. We didn't quite get there. But certainly I want to express my appreciation for the hard work of the Democratic leadership. It is clear that our friends on the other side could not muster the support for their own administration. I believe however we can make this a better bill. We can make it a better bill by ensuring that homeowners are protected, by putting money into this bill that is particularly set aside for homeowners who may be going into foreclosure. And

let it be totally disregarded that people were living above their means. Yes, there are hardworking Americans who saw the opportunity to improve their lives. But the banking institutions gave them the permission to do so. And don't put this on the backs of minorities. Hardworking minorities likewise are working to make their lives better. But it was the banking entities that gave them this, if you will, predatory loan.

We can do better by making this bill better, working to ensure that there is no short selling by borrowing it, and we can as well bail out Main Street as we look to reform Wall Street.

THE ECONOMY

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

Mr. COHEN. Madam Speaker, today would have been the end of the 110th Congress. It appears it won't be for we will be returning to work on the bill that failed to pass today. I am a first-year Member, Madam Speaker, as you well know. And this was probably the most important and most difficult vote that any of us had to cast.

I came in today not knowing how I was going to vote. I listened to my constituents. I listened to economists. I listened to members of my party and members of the other party and tried to study on the issue. I ended up voting for the bill because I think it was the right thing to do for our country which I do believe, after reading Thomas Friedman and listening to others, is on the brink of an economic disaster.

The fact is, we need action. This Congress should have acted in a bipartisan fashion to take action. It was difficult to vote for the bill, just like it's difficult sometimes to take medicine that doesn't taste good or to have the doctor give you a shot or to go through a medical procedure. Sometimes you need it when you're sick. You want to avoid it because you don't want the bad taste or the pain of the surgery or the shot, but you know it's going to do you good. To do things that would allow people who have caused us this problem, people on Wall Street and investment bankers who are living all too well, to have some of their bad debts taken from them and to give them some relief was difficult.

But the bottom line is it affects everybody in America. It affects everybody's pension. It affects everybody's savings. It affects people's jobs. It affects the basic economic structure of our country. And to have capitalism and an economic system that works, you have got to have a financial system, an economic system which bankers are part of. And it has to be one that works.

We're interrelated. We had banks in Europe close. Two British banks and a German bank closed yesterday. And Wachovia was taken over today. Other banks in America are in trouble. A banker whom I have confidence in and respect for called me and suggested that if this Congress didn't take action, that there would be runs on banks and bank failures. There would be conduct that would be reminiscent of the 1920s.

On Saturday I had some time and I went out and visited the Franklin Roosevelt Memorial. And I looked at the sculptures of the people in lines, the people that were affected by the Depression and the quote from Franklin Roosevelt that is inscribed on those walls that said ''The test of our progress is not whether we add to the abundance of those who have much. It is whether we provide enough to those who have little.

And I thought about that and the failure of the Senate to pass the economic stimulus bill that we had passed here in this House to help people with food stamps, with Medicaid and with unemployment compensation that have already been affected, that while the bill we had today would have helped everybody, it would have most directly affected people who have much in abundance. And yet the Senate wasn't willing to help those who had too little. And I thought it ran counter to what Franklin Roosevelt spoke about.

There was lots in the bill I didn't like. There were things that could have been better considering the judicial standards and courts having more authority and more oversight. There were things in the bill that could have helped people who are in their homes now with bankruptcy options for judges to allow people to remain in their homes. And those things weren't there.

But on balance, I think we have to avert a disaster which I think we can be coming very close to experiencing. And I think the failure of this House to act in a bipartisan fashion, which it should have, is unfortunate for America.

It was a difficult vote, but I'm proud to have cast it. I hope that when we come back, and we will on Thursday, that the Republicans will come with more votes. They didn't deliver the votes they were supposed to. I was proud of their leadership as well as I was with mine in trying to do something right for America on the last day of this 110th Congress.

Madam Speaker, like you I'm very proud to be a Member of this Congress and to represent my country. I cast a vote that I know some people in my district might question because of the failures of the bill. But not to act would have been wrong. And on balance I felt like the right thing to do for our country to avert economic disaster was to vote for the bill. I hope we come back and have a better bill. Whether it is FDIC insurance going up to $200,000 or more, which I have recommended, whether it is part of the economic stimulus package being added to the bill, or options for bankruptcy judges to keep people in their homes, those are all ways that we can improve the bill. Hopefully we will improve it. And hopefully we will save our economy, the savings of our constituents and jobs of our constituents and keep America a strong and great country which I know it will be.

Madam Speaker, God bless America.

THE IRANIAN NUCLEAR THREAT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Arizona (Mr. FRANKS) is recognized for 60 minutes as the designee of the minority leader.

Mr. FRANKS of Arizona. Madam Speaker, it has been a profoundly significant day in the House of Representatives. And I suppose one of the things I would like to say first, Madam Speaker, is that the world will go on. We have made a decision today, I believe, that will ultimately serve the United States well. I believe the economic challenges before us in this country are significant. I also believe that we should always prefer temporary failure at that which will ultimately succeed than temporary success at that which will ultimately fail. And I believe that market factors were put in place long before this President came into office that are ultimately responsible for the challenges that we face today. However, I also believe that we're going in the right direction.

Senator JOHN empowered House Republicans in a very significant way a few days ago. And we made tremendous improvements, I believe, to move this toward a market-based bill that will call upon the private sector to capitalize the recovery of this economy. And I believe we're going in the right direction. And for those, Madam Speaker, that would question the commitment of this Government to make sure that we stabilize our economy, I would say to them, just wait. We will come up with something that will be far better than anything that we've discussed heretofore. And I believe that ultimately we will succeed and that America will be stronger and better for the fact that we have stepped back and chosen to regroup and come together to make an even better plan.

Madam Speaker, tonight I come really not to talk about the economy. I come to talk about something that in my judgment can affect the economy, the national security, and each one of the citizens of this country, and even the freedom of the world in a very significant way. I would remind us that as we talk about economic challenges, we have to remember that we are talking about a $700 billion bill today, and yet remember that two airplanes hitting two buildings cost this economy $2 trillion. September 11 certainly was more than just an attack on the Trade Center.

But the fact is that it had a profound impact on our economy. And we need

to understand that as we deal with the economic issues that plague this Nation, they have always been there. But so have issues of significant national security.

And so tonight I want to address this body on something that I have wanted to address it for a long time. Because I believe that a nuclear Iran represents one of the greatest threats to peace facing the human family.

So, Madam Speaker, let me begin first by saying that there are millions of innocent, freedom-loving citizens in Iran who are truly good and gentle people suffering under brutality and oppression. They long for true freedom and partnership with the international community. To them, I first want to say that America stands with you. To them I first also want to say that we long to see you become a true democratic ally in the Middle East that rejects the ideology of jihadist terrorism and upholds the protection of the innocent and equal human dignity. America will do everything in our power to hasten the day when Iran and its proxies will no longer threaten the world with nuclear jihad, and when we will have the privilege of walking together, I pray, Madam Speaker, in the sunlight of human freedom.

And, Madam Speaker, almost exactly 3 years ago, I stood at this podium and called upon the United States to clearly define its position towards what is now the world's largest state sponsor of terrorism, the Islamic Republic of Iran is, in my judgment, the world's largest sponsor of state terrorism. And I called upon the IAEA to refer Iran to the Security Council at that time because I believed then, and I believe now, that Iran is systematically pursuing the development of nuclear weapons.

At that time, while Iranian President Ahmadinejad had made very clear his intentions to pursue nuclear capability, to eradicate the nation of Israel and to offer material support to Hezbollah and other nonstate terrorist actors, the nation of Iran had not yet been referred to the United Nations Security Council.

Since then, Iran has been the object of two American resolutions that ban trade and freeze assets of Iran's nuclear and related entities. Beginning from August, 2006, Iran has blatantly ignored deadlines established by the International Atomic Energy Agency, or IAEA, and refused to comply with repeated Security Council deadlines to cease its uranium enrichment.

Meanwhile, the lack of regard by the Government of Iran for innocent human life has continued to be horribly demonstrated in its own human rights violations that currently plague the entire nation that are causing the Iranian people to suffer. Ahmadinejad's tyrannical regime continues its brutal suppression of dissension by routinely employing torture, executions, kidnappings and arbitrary arrests and detentions.

Despite claiming to desire peace, Iranian President Ahmadinejad has undermined every advancement toward peace and emerging democracy in the Middle East by actively supporting terrorist groups such as Hezbollah, Hamas, Shiite insurgents and militias in Iraq that are responsible for killing and maiming U.S. and Coalition forces and countless innocent citizens.

Iran, Madam Speaker, has now catalyzed a nuclear arms race in the Middle East. Previously there was only one nuclear aspirant in the Middle East. That was Iran. Now there are ten.

Now, Madam Speaker, the coincidence of jihadist terrorism and nuclear proliferation represents the greatest immediate threat to the peace of the human family in the world today. Iran, because of its ideology, represents a significant danger. The past 2 years have provided incontrovertible evidence of the conclusion reached in the March, 2006, ''National Security Strategy'' report. Let me quote it verbatim, Madam Speaker.

□ 1545

''The United States faces no greater threat to our future security from a single Nation than Iran.''

Madam Speaker, let me for a moment speak to Iran's capacity to do this Nation harm. Iran's clandestine nuclear program has been in the works for nearly 20 years. As a member of the Nuclear Nonproliferation Treaty, Iran's radical regime has pursued a hidden nuclear program in flagrant violation of its treaty commitments and obligations. Their actions over the past 18 years are clearly directed toward building a nuclear weapons capability.

Today, Iran is enriching uranium with approximately 3,000 centrifuges operating at its Natanz uranium enrichment facility. Madam Speaker, a total of 3,000 centrifuges is the commonly accepted figure for a nuclear enrichment program that is past the experimental stage and that can be used as a platform for a full industrial scale program capable of churning out enough enriched uranium and materials for the building of dozens of nuclear weapons.

The Director of National Intelligence, Mike McConnell, concurred with Israeli intelligence reports earlier this year when he testified before the Senate Intelligence Committee. He stated that 3,000 centrifuges operating continuously would produce enough fissile material for a nuclear weapon in less than 2 years. In less than 2 years, Madam Speaker. Iranian leadership has now announced its intention of increasing its number of operational centrifuges from 3,000 to 9,000.

Moreover, Madam Speaker, Iran is now beginning to manufacture its own centrifuge, the IR–2, which improves on the advanced P–2 centrifuge used to build Pakistan's nuclear arsenal and that are capable of producing enriched uranium two to three times faster than the older models. Iran says that it plans to move toward a large-scale uranium enrichment program that will ultimately involve 54,000 centrifuges.

Madam Speaker, a few days ago, in comments prepared for delivery to the IAEA board members, the European Union warned the world that ''Iran is nearing the ability to arm a nuclear warhead.''

Iran's President says its activities are intended for domestic energy production only. Let's examine that for a moment. Iran already possesses a wealth of its own natural gas, and that is the ideal fuel for generating electricity. Here in the United States, for instance, we have largely mastered nuclear power plant technology, but natural gas is still the overwhelmingly preferred fuel for our own electric power plants.

So, Madam Speaker, how can the world believe that Iran is continuing enrichment of uranium for only peaceful purposes, when it would be far easier to utilize the wealth of natural gas it already has at its fingertips? It makes no sense whatsoever that Iran has gone to the expense of building a facility of 3,000 centrifuges to ostensibly enrich uranium for a nuclear power plant, when they could easily buy that fuel from Russia at a fraction of the cost. This is like building an entire factory to make a ham sandwich. And this is from an oil rich country that imports 40 percent of their gasoline, rather than building the refining capacity to refine it from their own oil.

Madam Speaker, if Iran's uranium enrichment program is only for producing legal power plant fuel, why have they hidden it for 18 years?

The IAEA had this to say: ''Iran is making an enormous investment in facilities to mine, process and enrich uranium, and it says it needs it to make it for its own reactor fuel because it cannot count on foreign supplies. But for at least the next decade, Iran will have at most one single nuclear power reactor. In addition, Iran does not have enough indigenous uranium resources to fuel even one reactor over its lifetime, though it has quite enough to make several nuclear bombs.''

So we are being asked to believe that Iran is building uranium enrichment capacity to make fuel for reactors that do not exist from uranium Iran does not have.

Iran is also conducting covert research on the technological requirements to build and deliver a nuclear weapon, including explosive tests and the ability to modify its Shahab-3 ballistic missile to accommodate a nuclear payload.

The IAEA reports that Iran has already manufactured enough uranium hexafluoride to ultimately manufacture at least 20 nuclear bombs. Media reports suggest that Iran has built numerous underground facilities, including those at Natanz, and further it has been reported that Iran now has experimented with polonium.

Madam Speaker, polonium is a radioactive isotope with only one principal

use, and that is to trigger a nuclear explosion.

All of this is incredibly disconcerting by itself. However, Madam Speaker, Iran is pursuing something even more ominous, something that should gain the immediate attention of every American and indeed every person in the civilized world.

There is now strong reason to believe that Iran is pursuing a nuclear high altitude electromagnetic pulse weapon, or an EMP capability. An EMP attack on America would consist of a nuclear blast detonated at high attitude which would instantly generate an electromagnetic pulse over our homeland with devastating effect.

Madam Speaker, I almost hesitate to lay out the grim scenario of a major electromagnetic pulse attack on our country, because it almost seems like science fiction and there is always the risk of being called an alarmist by those who cannot contemplate such a weapon in terrorist hands. But, Madam Speaker, I willingly take that risk, because I now have two little baby twins at home and I want to make sure that they and millions of the other children like them grow up and are able to walk in the sunlight of American freedom as I have. And, very simply, that may not happen if the Nation of Iran gains electromagnetic pulse weapons.

Madam Speaker, Dr. William Graham, White House science advisor under President Ronald Reagan and current chairman of the Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack, has now testified twice before the Armed Services Committee, of which I am a member.

According to Dr. Graham, the electromagnetic pulse produced by weapons deployed with the intent to produce EMP have a high likelihood of damaging electrical power systems, electronics and information systems upon which American society depends. The effects on those critical infrastructures could qualify as catastrophic to the Nation, he says. While no one would die instantly, within days and weeks, the ultimate impact on this Nation would be far more devastating than a nuclear blast in an American city.

According to Dr. Graham, millions of people would begin dying within weeks. He says, ''People in hospitals would be dying faster than that, because they depend on power to stay alive. But then it would go to water, food, civil authority and emergency services, and we would end up with a country with many, many people not surviving the event.''

He goes on to say, ''Most of the things we depend upon would be gone, and we would be literally depending upon our own assets and those we could reach by walking to them.''

Then he was asked just how many Americans would die if Iran were to launch the EMP attack it appears to be preparing.

Now, Madam Speaker, Iran is still a ways off, but I believe they are moving in that direction, and I want to make that very clear. Dr. Graham gave a chilling reply to the question. He said, ''I would have to say that 70 to 90 percent of the population would not be sustainable after this kind of attack.''

Madam Speaker, could Ahmadinejad have been thinking about an EMP attack when he said ''a world without America is conceivable.''

Experts say that a determined adversary can achieve an EMP attack capability without having a high level of sophistication. For example, an adversary would not have to have a long-range missile capability to conduct an EMP attack against the United States. Such an attack could be launched from a freighter off the U.S. coast using a short- or medium-range missile to loft a nuclear warhead to high altitude. Terrorists sponsored by a rogue state could execute such an attack without even revealing the identity of the perpetrators.

Iran has practiced launching a mobile ballistic missile from a vessel in the Caspian Sea. Iran has also tested high-altitude explosions of the Shahab-3, a test mode consistent with EMP attack, and described the test as successful.

Madam Speaker, Iran military writings explicitly discuss a nuclear EMP attack that would gravely harm the United States.

According to Dr. Graham, Iran has also conducted a group of tests involving the Shahab-3 launches where they ''detonated the warhead near apogee; not over the target area where the thing could eventually land, but at altitude.'' And Graham also asked the question, why would they do that? Then he proceeded to answer his own question by saying, ''The only plausible explanation we can find is that the Iranians are figuring out how to launch a missile from a ship and get it up to altitude and then detonate it.''

He said, ''That is exactly what you would do if you had a nuclear weapon on a Scud or Shahab-3 or other missile and you wanted to explode it over the United States.''

Madam Speaker, I have just described the exact profile of a high-altitude electromagnetic pulse weapon, and all Iran needs to activate such a weapon now is a nuclear warhead, which in this moment they are intensely pursuing.

In my opinion, Madam Speaker, an electromagnetic pulse weapon is the most dangerous asymmetric terrorist weapon in the world today, and unless we understand what we are up against and respond, the Nation of Iran is poised in just a few short years to gain such a weapon.

We must first prevent Iran from gaining nuclear weapons capability at all. We must also diligently develop a robust missile defense capability to deter and defend against such a cataclysmic danger.

The next critically important step is for us to finish the European missile defense site in Poland and the Czech Republic to defend Europe, our foward-deployed troops and the United States homeland from Iranian nuclear weapons.

Madam Speaker, as always, any credible threat is not only evaluated by the capacities that I have just explained, but whether the enemy also possesses the intent to inflict harm, and it is obvious to any reasonable observer that Iran is rapidly daily coming closer to gaining the capacity.

So let me now speak to Iran's will and intent. The despotic regime now governing Iran has been explicitly clear in its intention and desire to see the destruction of the United States and the Nation of Israel wiped off the face of the Earth. Iranian President Ahmadinejad has stated that a world without Israel and the United States is possible.

Earlier this year, Ahmadinejad took part in a military parade exhibiting troops, tanks, antiaircraft guns and the newly revealed Ghadr-1, Iran's newest long-range missile with a reported range of 1,800 kilometers, which is capable of reaching Israel and vital U.S. bases throughout the Persian Gulf region. The parade featured a litany of slogans calling for ''death to America,'' ''death to Israel.''

President Ahmadinejad said to America and to all the nations of the world really ultimately on Iranian television, ''And you, for your part, if you would like to have good relations with the Iranian nation in the future, recognize the Iranian nation's right, recognize the Iranian nation's greatness and bow down before the greatness of the Iranian nation and surrender. If you don't accept, the Iranian nation will later force you to bow down.''

Ahmadinejad is just one really happy guy, Madam Speaker. But, unfortunately, he and those behind him are also unspeakably dangerous to the peace of the world. Do we trust such a man leading the world's most dangerous regime to have his finger on a button that could launch nuclear missiles targeting our children and families? And how do we intend to negotiate with a nuclear Iran, as Senator OBAMA has suggested, when their jihadist ideology considers Armageddon a good thing?

Ahmadinejad himself has also promised to share nuclear know-how with other Islamic nations ''due to their need.''

Madam Speaker, the Pentagon estimates that hundreds of U.S. and coalition soldiers have died, as many as three in four of our casualties in Iraq, as a result of Iran supplying terrorists in Iraq weapons such as highly sophisticated explosive form penetrators designed to destroy American armor and its vehicles. What possesses us to believe that they would not do the same with a nuclear weapons capability?

The 9/11 Commission warned in its final record that al Qaeda has tried to

acquire or make nuclear weapons for at least 10 years. According to the commission, al Qaeda leader Osama bin Laden's associates ''thought their leader was intent on carrying out a Hiroshima.'' In 1988, bin Laden called it ''a religious duty'' for al Qaeda to acquire nuclear weapons.

Madam Speaker, if Iran gains nuclear capability, they will give it to terrorists the world over. No wonder the Nation of Israel is concerned. Ahmadinejad has said, ''Anybody who recognizes Israel will burn in the fire of the Islamic nation's fury.''

He has consistently denied the existence of the Holocaust, calling it a myth or a fabrication.

□ 1600

He has repeatedly called for the destruction of the Jewish State and has also promised to ''wipe out Israel in a sea of fire.''

I am speaking to the intent. A 50-kiloton warhead on an Iranian Shahab-3 missile would only be 12 minutes from Israel. In less than 15 minutes Tel Aviv could be ashes. Israel would have only a 50/50 chance of knocking even just the first missile down.

Israel has very few options and no margin for error. Iran is currently ruled by a regime that thinks it is a will of God to annihilate the Jewish state. Any responsible Jewish leader understands that a terrorist state like Iran that desires to see Israel erased from existence must not be allowed to obtain or develop nuclear weapons capabilities.

For that reason, Israel has said it rejects to option to prevent Iran from obtaining nuclear weapons. A nuclear Iran is an existential threat to human peace and freedom everywhere, not just Israel. The world is derelict to place Israel in the untenable position of having to act unilaterally to protect themselves and humanity from the threat that a nuclear Iran would present to the entire civilized world.

Israel has been our truest friend and ally in the Middle East now for 60 years. During that entire time it has faced unthinkable threats from enemies who would desire to see its absolute annihilation.

Now, more than ever, the United States of America must stand with the Nation of Israel against the threat of a nuclear Iran and against those who would see our two nations and all those who love human freedom eradicated from the face of the Earth.

Let me just remind all of us that the very first purpose of human government is to protect its people. As a member of the Armed Services Committee and the Strategic Forces Subcommittee, I received many briefings regarding Iran's nuclear ambitions, and now more than ever before, I am absolutely convinced that Iran is a growing threat to the stability of the world and to humanity itself. The recent anniversary of that tragic, horrific day that we all remember as 9/11 should also remind every one of us that we face a jihadist ideology that motivates terrorists to kill their own children for the sake of being able to kill ours.

At the risk of sounding political, I, at the willing risk of sounding political, I am convinced that BARACK OBAMA does not understand this mindset of terrorism. Terrorist organizations like Hezbollah, Hamas and the terrorist state of Iran have all openly endorsed and supported BARACK OBAMA for President because they understand that he does not understand.

Senator OBAMA has been quoted as saying, ''I don't agree with a missile defense system.'' He has suggested that we can cut the program by $10 billion, but, apparently, he doesn't seem to realize that the entire missile defense budget of the United States is only $9.6 billion. He also does not seem to understand the unspeakable danger of allowing this country to be vulnerable to nuclear weapons in the hands of jihadist terrorists.

Congressman JOHN DINGELL of this body, a supporter of BARACK OBAMA, has said ''I don't take sides for or against Hezbollah, or for or against Israel.'' That kind of mindless, moral relativism, which deliberately ignores all truth and equates merciless terrorism with free nations defending themselves and their innocent citizens, is more dangerous to humanity than terrorism itself. It is proof that liberal Democrats like BARACK OBAMA and JOHN DINGELL simply underestimate and misunderstand the enemy we face. They do not realize what the price to humanity, what it would be, if Islamist fascism, ideology, spreads unabated throughout the world. They do not understand the price it will exact from future generations.

As much as I sincerely believe we should pursue diplomacy, negotiations, sanctions, political pressures and everything short of military action to prevent Iran from becoming a nuclear state, ultimately I believe only two things will prevent Iran from becoming a nuclear power. I believe that we need to consider this very carefully.

I believe that those two things are either a direct military intervention on the part of the United States or someone else or the conviction in the mind of the Iranian leadership that military intervention will occur if they continue to develop nuclear weapons capabilities. Our greatest hope to prevent war with Iran is to make sure their leaders understand that America will respond militarily before we allow them to threaten the world with nuclear weapons.

President Ronald Reagan gave an address in 1983, when the world faced a similar threat in the growing strength and nuclear ambition of the Soviet Union.

He said; ''I urge you to be beware the temptation . . . to ignore the facts of history and the aggressive impulses of an evil empire, to simply call the arms race a giant misunderstanding and thereby remove yourself from the struggle between right and wrong and good and evil.''

There were those in 1938 who would have deemed ambitions of Adolf Hitler and the Third Reich a giant misunderstanding. The free nations of the world once had opportunity to address the insidious rise of the Nazi ideology in its formative years when it could have been dispatched without great cost, but they delayed. The result was atomic bombs falling on cities and 50 million people dead worldwide, and the swastika shadow nearly plunging the planet into Cimmerian night.

I think it's time that the world's free people resolve once and for all, for the sake of our own children, and for the children of the world and for all generations, that we of this generation will not stand by and watch a similar dark chapter of history be repeated.

I actually believe that freedom will ultimately and beautifully prevail, but we must not rest until it does.

ADJOURNMENT TO THURSDAY, OCTOBER 2, 2008

Mr. SCOTT of Virginia. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Thursday, October 2, 2008.

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

There was no objection.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BROUN of Georgia) to revise and extend their remarks and include extraneous material:)

Mr. GOHMERT, for 5 minutes, today.

Mr. BROUN of Georgia, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. COHEN, for 5 minutes, today.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3229. An act 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.

H.R. 5265. An act to amend the Public Health Service Act to provide for research

with respect to various forms of muscular dystrophy, including Becker, congenital, distal, Duchenne, Emery-Dreifuss facioscapulohumeral, limb-girdle, myotonic, and oculopharyngeal, muscular dystrophies.

H.R. 5872. An act to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the Boy Scouts of America, and for other purposes.

ADJOURNMENT

Mr. SCOTT of Virginia. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 7 minutes p.m.), under its previous order, the House adjourned until Thursday, October 2, 2008, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8956. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; International Aero Engines AG (IAE) V2500 Series Turbofan Engines [Docket No. FAA-2007-28058; Directorate Identifier 2007-NE-08-AD; Amendment 39-15610; AD 2008-14-15] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8957. A letter from the Director, Office of Agency Management and Budget, Department of Labor, transmitting the Department's final rule — Annual Report From Federal Contractors (RIN: 1293-AA12) received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

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. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 2701. A bill to strengthen our Nation's energy security and mitigate the effects of climate change by promoting energy efficient transportation and public buildings, creating incentives for the use of alternative fuel vehicles and renewable energy, and ensuring sound water resource and natural disaster preparedness planning, and for other purposes; with an amendment (Rept. 110–904). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 554. Referral to the Committees on Agriculture and the Judiciary extended for a period ending not later than October 2, 2008.

H.R. 948. Referral to the Committee on Ways and Means extended for a period ending not later than October 2, 2008.

H.R. 1717. Referral to the Committee on Energy and Commerce extended for a period ending not later than October 2, 2008.

H.R. 1746. Referral to the Committees on Foreign Affairs, Oversight and Government Reform, and the Judiciary for a period ending not later than October 2, 2008.

H.R. 5577. Referral to the Committee on Energy and Commerce extended for a period ending not later than October 2, 2008.

H.R. 6357. Referral to the Committee on Ways and Means extended for a period ending not later than October 2, 2008.

H.R. 6598. Referral to the Committee on Agriculture extended for a period ending not later than October 2, 2008.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GEORGE MILLER of California (for himself and Mr. ISSA):

H.R. 7216. A bill to amend section 3328 of title 5, United States Code, relating to Selective Service registration; to the Committee on Oversight and Government Reform. considered and passed.

By Mr. MOORE of Kansas (for himself and Mr. DUNCAN):

H.R. 7217. A bill to amend title 40, United States Code, to enhance authorities with regard to real property that has yet to be reported excess, and for other purposes; to the Committee on Oversight and Government Reform. considered and passed.

By Mr. THOMPSON of Mississippi:

H.R. 7218. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize funding for emergency management performance grants to provide for domestic preparedness and collective response to catastrophic incidents, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, 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. MCHUGH (for himself, Mr. ARCURI, Mr. KUHL of New York, Mr. WALSH of New York, Mrs. LOWEY, Mr. ALLEN, Mr. HINCHEY, Mrs. GILLIBRAND, Mrs. MALONEY of New York, and Mr. TOWNS):

H.R. 7219. A bill to impose a moratorium on the implementation of a Medicaid regulation related to the outpatient clinic and hospital facility services definition and upper payment limit; to the Committee on Energy and Commerce.

By Mr. RANGEL (for himself, Mr. MCCRERY, Mr. LEVIN, and Mr. HERGER):

H.R. 7220. A bill to extend the Andean Trade Preference Act, and for other purposes; to the Committee on Ways and Means.

By Ms. MOORE of Wisconsin (for herself, Mrs. BIGGERT, Ms. WATERS, Mr. DAVIS of Kentucky, Mr. FRANK of Massachusetts, Mrs. CAPITO, and Mr. CARSON):

H.R. 7221. A bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes; to the Committee on Financial Services.

By Mr. RANGEL (for himself, Mr. MCCRERY, Mr. LEVIN, and Mr. HERGER):

H.R. 7222. A bill to extend the Andean Trade Preference Act, and for other purposes; to the Committee on Ways and Means. considered and passed.

By Mr. HENSARLING (for himself, Mr. PEARCE, Mrs. BLACKBURN, Mr. GOHMERT, Mr. BRADY of Texas, Mr. DOOLITTLE, Mr. GINGREY, Mr. JORDAN, Mrs. BACHMANN, Mr. WESTMORELAND, Mr. MCCAUL of Texas, Mrs. SCHMIDT, Mr. SESSIONS, Mr. CONAWAY, Mr. GARRETT of New Jersey, Mr. FRANKS of Arizona, Mr. BURTON of Indiana, Mr. FLAKE, Mr. ADERHOLT, Mr. PRICE of Georgia, Mr. LAMBORN, Mr. BISHOP of Utah, Mr. DAVID DAVIS of Tennessee, Mr. BROUN of Georgia, Mr. CULBERSON, Mr. DEAL of Georgia, Mrs. MYRICK, Mr. KUHL of New York, Ms. FOXX, Mr. MCCOTTER, Mr. MANZULLO, Mr. MARCHANT, Mr. CARTER, Mr. BARRETT of South Carolina, Mr. PITTS, Mr. THORNBERRY, Mr. WILSON of South Carolina, Mr. BARTLETT of Maryland, Mr. RADANOVICH, Mr. PENCE, Mr. FEENEY, Mr. KINGSTON, Mr. SULLIVAN, Mrs. MUSGRAVE, Mr. MCHENRY, Mr. AKIN, Mr. SAM JOHNSON of Texas, Mr. LINDER, Mr. REHBERG, Mr. GOODLATTE, and Mr. SCALISE):

H.R. 7223. A bill to suspend the capital gains tax, schedule the government-sponsored enterprises for privatization, repeal the Humphrey-Hawkins Full Employment Act, and suspend mark-to-market accounting requirements, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Ways and Means, the Budget, Education and Labor, 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. CANNON:

H.R. 7224. A bill to amend title 18, United States Code, to create an offense for misuse in communications of a registered mark; to the Committee on the Judiciary.

By Mr. LEWIS of Georgia (for himself, Mr. MCGOVERN, Mr. STARK, Ms. BORDALLO, Mr. FILNER, Ms. SCHAKOWSKY, and Mr. GRIJALVA):

H.R. 7225. A bill to establish a National Parents Corps Program, and for other purposes; to the Committee on Education and Labor.

By Mr. SHADEGG (for himself, Mr. KINGSTON, Mr. ROSKAM, Mr. DEAL of Georgia, Mr. FORTENBERRY, Mr. GINGREY, Mr. WESTMORELAND, Mrs. BACHMANN, Mr. SALI, Mr. WELDON of Florida, Mr. GOHMERT, Ms. FOXX, Mrs. DRAKE, Mr. GARRETT of New Jersey, Mr. SESSIONS, Mr. PEARCE, Mr. AKIN, Mr. HOEKSTRA, Mr. ROGERS of Michigan, Mr. BARRETT of South Carolina, Mr. FLAKE, Mrs. BLACKBURN, Mr. BRADY of Texas, Mr. CARTER, Mr. MCCAUL of Texas, Mr. TIBERI, Ms. GINNY BROWN-WAITE of Florida, Mr. SAM JOHNSON of Texas, Mr. KING of Iowa, Mr. MANZULLO, Mr. SENSENBRENNER, Mr. FEENEY, Mrs. BIGGERT, and Mr. DOOLITTLE):

H.R. 7226. A bill to direct the Federal Deposit Insurance Corporation to create a ''net worth certificate'' program along the lines of what Congress enacted in the 1980s for the savings and loan industry; to the Committee on Financial Services.

By Mr. SCOTT of Virginia:

H.R. 7227. A bill to encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies, and for other purposes; to the Committee on the Judiciary.

By Mr. BARTLETT of Maryland:

H.R. 7228. A bill to provide an unlimited amount of insurance on accounts insured by the Federal Deposit Insurance Act and to authorize the Secretary of the Treasury to provide unlimited protection of principal in

money market funds through the Treasury's exchange stabilization fund; to the Committee on Financial Services.

By Mr. DAVIS of Illinois (for himself, Mr. SIRES, Mr. JEFFERSON, Mr. ELLISON, Ms. CORRINE BROWN of Florida, Mr. TOWNS, Mr. STARK, Mr. GRIJALVA, Mr. CONYERS, Mr. WEXLER, Ms. JACKSON-LEE of Texas, Mr. SCOTT of Virginia, and Mr. KUCINICH):

H.R. 7229. A bill to amend title 31 of the United States Code to require that Federal children's programs be separately displayed and analyzed in the President's budget; to the Committee on the Budget.

By Ms. JACKSON-LEE of Texas:

H.R. 7230. A bill to amend the Federal Power Act to provide for enforcement, including criminal penalties, by the Federal Energy Regulatory Commission of electric reliability standards, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DEGETTE (for herself, Mr. HINCHEY, and Mr. SALAZAR):

H.R. 7231. A bill to repeal the exemption for hydraulic fracturing in the Safe Drinking Water Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GOHMERT:

H.R. 7232. A bill to reform the Federal Deposit Insurance System, and for other purposes; to the Committee on Financial Services.

By Mrs. MALONEY of New York (for herself, Mr. GEORGE MILLER of California, Mr. MCDERMOTT, Mr. HASTINGS of Florida, Mr. AL GREEN of Texas, and Ms. JACKSON-LEE of Texas):

H.R. 7233. A bill to amend the Family and Medical Leave Act of 1993 to allow employees to take, as additional leave, parental involvement leave to participate in or attend their children's and grandchildren's educational and extracurricular activities and to clarify that leave may be taken for routine family medical needs and to assist elderly relatives, and for other purposes; to the Committee on Education and Labor, and in addition to the Committees on Oversight and Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MILLER of North Carolina:

H.R. 7234. A bill to increase research, the synthesis of research findings, and the production of scientific information on chemicals, and to expedite the listing of information in the Integrated Risk Information System maintained by the Office of Research and Development of the Environmental Protection Agency; to the Committee on Energy and Commerce.

By Mr. SHAYS (for himself, Mr. HELLER, Mr. DEFAZIO, Mr. SHADEGG, Mr. PITTS, Mr. ALEXANDER, Mr. NUNES, Mr. DENT, Mr. REICHERT, Mr. SULLIVAN, and Mr. WOLF):

H.R. 7235. A bill to amend the Federal Deposit Insurance Act the amount of deposits insured under that Act; to the Committee on Financial Services.

By Ms. SHEA-PORTER (for herself, Mrs. BOYDA of Kansas, Mr. WEINER, Ms. BEAN, and Mr. RYAN of Ohio):

H.R. 7236. A bill to amend the Internal Revenue Code of 1986 to increase the deduction for business start-up expenditures from $5,000 to $10,000; to the Committee on Ways and Means.

By Ms. SHEA-PORTER (for herself, Mrs. BOYDA of Kansas, Mr. WEINER, Ms. BEAN, and Mr. RYAN of Ohio):

H.R. 7237. A bill to amend the Internal Revenue Code of 1986 to repeal the phasedown of the credit percentage for the dependent care credit; to the Committee on Ways and Means.

By Mr. THOMPSON of California (for himself and Mr. HERGER):

H.R. 7238. A bill to provide a tax credit for qualified energy storage air conditioner property; to the Committee on Ways and Means.

By Mr. UDALL of Colorado:

H.R. 7239. A bill to reduce gasoline prices, to lessen the dependence of the United States on foreign oil, to strengthen the economy of the United States, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Agriculture, Ways and Means, Science and Technology, Oversight and Government Reform, Transportation and Infrastructure, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCGOVERN:

H. Con. Res. 440. Concurrent resolution Providing for an adjournment or recess of the two Houses; considered and agreed to.

By Ms. ROS-LEHTINEN (for herself, Mr. BURTON of Indiana, Mr. ROYCE, Mr. CHABOT, Mr. FORTUÑO, and Mr. PENCE):

H. Con. Res. 441. Concurrent resolution recognizing the threat that the spread of radical Islamist terrorism and Iranian adventurism in Africa poses to the United States, our allies, and interests; to the Committee on Foreign Affairs.

By Ms. LEE:

H. Res. 1520. A resolution commending the Kingdom of Morocco for designating a ''National Women's Day'' to be observed each year on October 10, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GUTIERREZ (for himself, Ms. SCHAKOWSKY, Ms. MOORE of Wisconsin, Mr. CLAY, Mr. MEEKS of New York, Ms. LINDA T. SÁNCHEZ of California, Mr. HINOJOSA, Ms. NORTON, Mr. WATT, Ms. KAPTUR, Mr. FRANK of Massachusetts, Ms. WOOLSEY, Mr. SCOTT of Virginia, Mr. DAVIS of Illinois, Mr. JOHNSON of Georgia, Mr. JACKSON of Illinois, and Mr. KUCINICH):

H. Res. 1521. A resolution honoring organizers for promoting equality; to the Committee on the Judiciary.

By Mr. SHAYS (for himself and Mr. COHEN):

H. Res. 1522. A resolution honoring the life, achievements, and contributions of Paul Newman; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 154: Mr. KUCINICH.
H.R. 219: Mrs. BACHMANN.
H.R. 676: Ms. EDWARDS of Maryland.
H.R. 882: Mr. LARSON of Connecticut.
H.R. 1029: Mr. KLEIN of Florida.
H.R. 1038: Mr. FATTAH.
H.R. 1117: Mr. SERRANO.
H.R. 1174: Mr. CASTLE.
H.R. 1246: Mrs. MCCARTHY of New York.
H.R. 1280: Mr. MARKEY.
H.R. 1322: Mr. COURTNEY.
H.R. 1419: Mrs. BACHMANN.
H.R. 1422: Mr. KUCINICH.
H.R. 1524: Mr. KUCINICH.
H.R. 1552: Mr. BACHUS and Mr. TIERNEY.
H.R. 1576: Mr. DANIEL E. LUNGREN of California and Mr. RUPPERSBERGER.
H.R. 1629: Mr. CARNAHAN.
H.R. 1767: Mr. ROYCE.
H.R. 1801: Mr. RAMSTAD and Mr. GRIJALVA.
H.R. 1820: Mrs. BIGGERT.
H.R. 1958: Mr. KILDEE.
H.R. 2021: Mr. LANGEVIN and Mr. KUCINICH.
H.R. 2032: Mr. CARNAHAN.
H.R. 2108: Mr. KUCINICH.
H.R. 2131: Mr. SARBANES.
H.R. 2341: Mr. MAHONEY of Florida, Mr. WALZ of Minnesota, and Mr. KUCINICH.
H.R. 2392: Ms. BALDWIN.
H.R. 2410: Mr. SCOTT of Georgia.
H.R. 2526: Mr. TIM MURPHY of Pennsylvania.
H.R. 2677: Mr. CASTLE.
H.R. 2712: Mr. SALI and Mr. BROUN of Georgia.
H.R. 3257: Mr. KUCINICH.
H.R. 3282: Mr. HULSHOF.
H.R. 3407: Ms. SHEA-PORTER and Mr. SARBANES.
H.R. 3423: Mr. CARNAHAN.
H.R. 3438: Mr. ROTHMAN.
H.R. 3652: Mr. KUCINICH.
H.R. 3654: Mr. FORTENBERRY.
H.R. 4107: Mr. CARNAHAN.
H.R. 4138: Mr. KUCINICH.
H.R. 4295: Mr. INGLIS of South Carolina.
H.R. 4329: Mr. KILDEE.
H.R. 4789: Mr. INSLEE.
H.R. 5267: Mrs. BACHMANN.
H.R. 5268: Mr. JACKSON of Illinois and Mr. PRICE of North Carolina.
H.R. 5447: Mr. KLEIN of Florida.
H.R. 5448: Ms. MOORE of Wisconsin.
H.R. 5629: Mr. DENT and Mr. HOLT.
H.R. 5756: Mrs. CHRISTENSEN.
H.R. 5771: Mr. GOODLATTE.
H.R. 5774: Ms. BALDWIN and Mr. VAN HOLLEN.
H.R. 5836: Mr. SHERMAN.
H.R. 5874: Mr. KUCINICH.
H.R. 5901: Mr. CARSON.
H.R. 5923: Mr. DUNCAN.
H.R. 5927: Mr. KIRK.
H.R. 5942: Mr. UDALL of New Mexico.
H.R. 5954: Ms. BORDALLO.
H.R. 6066: Mr. BLUMENAUER and Mr. KUCINICH.
H.R. 6079: Mrs. NAPOLITANO, Mrs. MALONEY of New York, Mr. WEINER, and Mr. GARRETT of New Jersey.
H.R. 6116: Mr. KUCINICH.
H.R. 6209: Mr. KUCINICH.
H.R. 6373: Mr. GOODLATTE.
H.R. 6407: Ms. SHEA-PORTER.
H.R. 6461: Mr. KUCINICH and Mr. ISRAEL.
H.R. 6496: Mr. KUCINICH.
H.R. 6518: Mr. ELLISON.
H.R. 6530: Mr. NEAL of Massachusetts.
H.R. 6559: Mr. SHAYS.
H.R. 6569: Ms. SCHAKOWSKY and Mr. MARKEY.
H.R. 6611: Mr. BRADY of Pennsylvania.
H.R. 6617: Ms. ZOE LOFGREN of California.
H.R. 6643: Mr. SHAYS, Mr. HODES, Mr. KUCINICH, and Mr. SHERMAN.
H.R. 6756: Mrs. CUBIN, Mr. WALBERG, and Mr. JONES of North Carolina.
H.R. 6791: Mr. FILNER.
H.R. 6792: Mrs. LOWEY and Mr. CARNAHAN.
H.R. 6826: Mr. HODES.
H.R. 6835: Mr. FRANK of Massachusetts.
H.R. 6854: Mr. VAN HOLLEN.
H.R. 6856: Ms. SHEA-PORTER.
H.R. 6873: Mr. LYNCH, Mr. ALTMIRE, Mrs. CAPITO, Ms. SCHAKOWSKY, Mr. HODES, and Mr. DELAHUNT.
H.R. 6905: Ms. SCHAKOWSKY.
H.R. 6913: Mr. KUCINICH.
H.R. 6954: Mr. CARNAHAN.

H.R. 6962: Mr. GONZALEZ and Mr. MCNULTY.
H.R. 6968: Mrs. LOWEY and Mr. CARNAHAN.
H.R. 6970: Mr. MORAN of Kansas.
H.R. 6977: Ms. SCHAKOWSKY.
H.R. 6978: Ms. ROYBAL-ALLARD.
H.R. 7021: Ms. SCHAKOWSKY.
H.R. 7041: Mr. BRADY of Pennsylvania and Mr. TIM MURPHY of Pennsylvania.
H.R. 7050: Mr. KUCINICH.
H.R. 7079: Mr. TOWNS.
H.R. 7094: Mrs. BACHMANN, Mr. MCCOTTER, Ms. FOXX, and Mr. FEENEY.
H.R. 7113: Mr. FATTAH.
H.R. 7120: Mr. BURTON of Indiana.
H.R. 7124: Mr. MCCOTTER and Mr. HERGER.
H.R. 7125: Ms. DELAURO and Mr. GRIJALVA.
H.R. 7148: Mr. MARCHANT.
H.R. 7149: Ms. SCHAKOWSKY and Mr. MICHAUD.
H.R. 7152: Mr. MCGOVERN.
H.R. 7157: Mr. COLE of Oklahoma, Mr. LATTA, Mr. PALLONE, and Mr. BUTTERFIELD.
H. Con. Res. 397: Ms. DELAURO, Ms. TSONGAS, Mrs. LOWEY, and Mr. CARNAHAN.
H. Con. Res. 424: Mr. MEEK of Florida, Mr. THOMPSON of Mississippi, Mr. CUMMINGS, Mr. BERMAN, Ms. KILPATRICK, and Mr. HASTINGS of Florida.
H. Con. Res. 427: Ms. SCHAKOWSKY, Mr. GRIJALVA, and Mr. MCDERMOTT.
H. Con. Res. 434: Mr. SOUDER.
H. Res. 620: Mr. TIM MURPHY of Pennsylvania.
H. Res. 1017: Mr. BOREN.
H. Res. 1268: Mr. GRIJALVA, Mr. SESTAK, Mr. LANGEVIN, Mrs. DAVIS of California, Mr. LARSEN of Washington, Mr. ROTHMAN, and Mr. MILLER of North Carolina.
H. Res. 1328: Mr. FORBES and Mrs. MALONEY of New York.
H. Res. 1395: Mr. DOGGETT, Mr. INSLEE, Mr. GONZALEZ, Ms. BORDALLO, and Mr. KUCINICH.
H. Res. 1397: Ms. BALDWIN.
H. Res. 1462: Mr. KUCINICH and Mr. BISHOP of Georgia.
H. Res. 1482: Mr. WALSH of New York.

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, SECOND SESSION

Vol. 154 WASHINGTON, MONDAY, SEPTEMBER 29, 2008 *No. 157*

Senate

(Legislative day of Wednesday, September 17, 2008)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of compassion, You watch the ways of humanity and weave out of challenging happenings wonders of goodness and grace. Surround our lawmakers with Your presence on this critical day of decision. Lord, decisions made today will have far-reaching consequences, so more than human wisdom is needed. Thank You for being on Capitol Hill, providing the guidance our Senators so desperately need. Permit our lawmakers to hear Your unmistakable whisper, advising them regarding the road they must take. Give them a confident trust in Your leading as You work in everything for the good of those who love You.

Lord, transform our national challenges into opportunities for You to manifest Your sovereign power. We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 29, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Mr. President, following the remarks of the two leaders, we will proceed to a period of morning business until noon today. Senators are allowed to speak for up to 10 minutes each, and the time will be equally divided and controlled between the two leaders or their designees.

At noon, the Senate will consider the Amtrak and rail safety legislation. The Republican leader will control the time from 12 until 12:15, and I will control the time from 12:15 to 12:30. At 12:30, we will have a vote to concur in the House amendment to the Senate amendment to the rail safety legislation.

There will be a 1:30 Democratic caucus, and we are going to talk, of course, about the Emergency Economic Stabilization Act. So I ask unanimous consent that the Senate recess from 1:30 p.m. until 2:30 p.m. while I conduct that conference.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—H.R. 7060.

Mr. REID. Mr. President, one of the issues we have to address this morning—I have talked here on the floor and I have talked in press conferences about this—is how difficult it has been to get the energy and business tax extenders. It has been very difficult. We have had nine votes to get where we are—nine votes spread over a period of months. Finally, with the work of a number of Senators—principally Senators BAUCUS and GRASSLEY, and two other members of the Finance Committee, Senators CANTWELL and ENSIGN—we have worked to put together a package, and it is delicately put together.

I have tried to explain to my House colleagues how difficult it is for me to accept what they have sent us. They have broken this up and said: Hey, look, this is what we want, and you should take it.

Mr. President, I am going to ask unanimous consent now—they sent us one part of the thing we sent over to them, and that is the tax extenders, both the energy tax extenders and the business tax extenders in one package, and that is what I am going to ask consent about; that this matter I have just acknowledged, H.R. 7060, which is just as I have explained it—the Renewable Energy and Job Creation Tax Act is what they call it—which was received from the House, that the bill be read

three times and passed and the motion to consider be laid upon the table with no intervening action or debate.

Remember, out of the package they sent, they broke this up and sent us the tax extenders—the energy and business tax. I ask unanimous consent that matter be accepted.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. KYL. Mr. President, reserving the right to object, and I will object, but I would like to make a brief statement.

The Senate and House are on the verge of a very historic action to deal with the crisis in our economy, an action that would not have been possible if Democrats and Republicans had not worked together and had worked with the administration. In the Senate, over the last several months, we have had the same kind of work with respect to the unanimous consent request that has just been made. We tried, each of us in our partisan ways, to get something passed that we could send over to the House of Representatives that deals with the so-called tax extenders—the energy extenders and AMT relief. What we found was that neither side could prevail if we tried to do it our way.

As the majority leader has said, we had something like nine separate votes, I believe. We finally concluded that the only way we could, for the good of our constituents, extend these important tax provisions and fix the AMT was to have a series of votes which expressed the will of the Senate, work together to pass in a bipartisan way legislation that we would then send to the House of Representatives. Democrats and Republicans in the Senate agreed that the legislation represented by the consent agreement is an important priority for the American people, and that is why we approved this bipartisan package by an overwhelming vote of 93 to 2. But before the package received the overwhelming approval, the energy tax extenders failed as a stand-alone bill, as I said, nine times.

The Senate has spoken clearly. This legislation will pass the Senate if it receives a vote in the same packaged form that passed by the vote of 93 to 2. It is the path we must continue to follow. The majority leader has made that point, the minority leader has made that point, and I reiterate that point again to our colleagues in the House of Representatives. For that reason, I object to the request that has been made.

The ACTING PRESIDENT pro tempore. Objection is heard.

The majority leader.

Mr. REID. Mr. President, I have served in the House of Representatives. My friend, the distinguished Senator from Arizona, has served in the House of Representatives. I understand the House. I loved my experience in the House, but their rules of engagement are different than ours. And if it were up to me, I would accept this in a second. I think it is fine. But, Mr. President, I don't have that ability here. I do not have the strength and the power legislatively and procedurally that they have in the House.

The House is like the British Parliament. If you are in the majority there, you can get a lot of things done that we can't being in the majority here. And my majority is extremely slim; it is 51 to 49 when everybody is here. Many days, I am in the minority.

So I just beg my House colleagues to understand that this isn't something we are trying to surprise them with. It has taken me this long to get here. The ability to get here has been long and hard. And we are not trying to pull anything over on the House.

Mr. President, for us, as a congressional body, House and Senate, to approve this legislation would be historic—long-term tax credits for renewable energy, creating thousands and thousands of jobs. For the first time in a long time, we are extending the business tax credits for 2 years. The business community, small businesses and big businesses, is elated over that because we have given them 1-year extensions time and time again.

In this legislation, there is some really good stuff. There is mental health parity, there is something that every State west of the Mississippi will benefit from—the State of Nevada, as an example. We have been cheated for years because the law is, if you have Federal properties there to take away from your tax base, then the Federal Government should help. And they have helped but not very much. Eighty-seven percent of the State of Nevada is owned by the Federal Government. The legislation we have sent to the House removes some of the unfairness in that.

So I just tell my friends from the House of Representatives, we can't do this. We can't do it. You send us over these things piece by piece; we can't get it done. The reason we were able to get AMT done was because it was part of a package. So I say to my colleagues: I wish we had more votes and we could just run over you, like they do in the House, but we can't do that. I wish we could do what we thought was right on this side of the aisle and not worry about you, but we can't do that.

In the House of Representatives, this matter will get 250, 300 votes. This will pass overwhelmingly in the House. This is bipartisan legislation.

I hope my friends who are part of the Blue Dog caucus would understand. We are not trying to embarrass them or embarrass anyone else. We believe things should be paid for. We look forward to working with them in time to come.

I say, I wish we were not going to spend $700 billion. I wish we weren't going to spend $60 billion, unpaid for, on the AMT, but that is where we are. I hope my friends in the House will understand we are doing the best we can.

Senator KYL said it twice, I said it three times, it took us nine votes to get where we are. If we leave this Congress without having done this, it doesn't speak well of this Congress.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, first, I regret the Senate is unable to take up and pass this legislation. We all know how important it is.

The problem here now is that the Senate has demonstrated the limit of what it can do and what it cannot do. The Senate has now demonstrated it cannot pass the tax extender bills. This cannot be done. I want to follow on what the leader said. This is not a matter of embarrassing anybody. Sometimes our good friends in the other body think we are trying to embarrass them. This is not a matter of trying to embarrass anybody. It is a matter of trying to get some good public policy passed here for our country in these closing days of the Congress. We are talking about energy incentives to help make us more independent from OPEC; mental health, trying to get a mental health parity bill finally passed, which clearly is important for obvious reasons.

Then the awful words are ''tax extenders.'' It helps America be competitive—the research and development tax credit to help kids get to school. This is very simple stuff. It is very basic stuff.

I think some of our colleagues and friends on the other side think we are trying to stuff them, trying to embarrass them, it is partisan. This is not a matter of embarrassing anybody. This is not a partisan matter. This is an American matter—do something for America. If we go back too far in the weeds, some of our colleagues will say: Gee, we have this $700 billion fiscal relief bill and doesn't that add too much to the deficit.

I don't know if it will. It is not like passing a $700 billion appropriations bill. This is an authorization. It is similar to the so-called Chrysler bailout, the so-called New York bailout, where taxpayers made money on the deal.

If I were a Blue Dog, I wouldn't get too worried about the big pricetag. The main point is we need to get this passed now. It is very modest. Next year is another year and we can deal with all kinds of issues we all want to deal with, but for the good of the country I very much say to my colleagues across in the other body on the other side: Please don't miss this opportunity. Please do what is right. Let's pass this bill before you leave town because not to do so would not be a responsible thing to do. It must be passed over there.

It is a Senate bill we are sending over. That is the only responsible way out of this difficult situation we are in. Nothing is perfect. Nobody gets everything. But we have demonstrated now

that the House-passed bills here cannot pass. That has been demonstrated by the objection we just heard. It cannot pass. The only solution then is to take up the bills which were worked in a compromise with the Republican Members here and Blue Dogs over there; insofar as the extender, 2 years, only 1 year paid for. That is the compromise and it seems to me that is pretty fair compromise. It seems to me the House should take it up—I hope they do—and do the right thing.

Mr. REID. Mr. President, while the chairman is here and the assistant Republican leader, the mark of the Blue Dogs is on what we have done in this Congress. We struggled because of the Blue Dogs insisting, and rightfully so, on paying for different things. The chairman of the Finance Committee will remember the difficult time we had on SCHIP, and that was because of the mark of the Blue Dogs, wanting to make sure we paid for what we did. It is not as if we ignored them; we tried to follow their lead because their cause is a righteous cause. They want this Government to start paying for things and stop running up the deficit. We look forward to working with them in the future.

Mr. BAUCUS. As the leader said, we did end up paying for the children's health insurance.

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 until 12 noon, with Senators permitted to speak for up to 10 minutes each, with the time equally divided between the two leaders or their designees.

The Senator from Tennessee is recognized.

THE PAULSON PLAN

Mr. ALEXANDER. Mr. President, over the weekend bipartisan congressional negotiators worked hard to amend significantly what we have come to call the Paulson plan. The whole point of the work over the weekend—since last Thursday, in fact—was to do everything we could to protect taxpayers. We owe our thanks to Senators GREGG and DODD and Senators MCCONNELL and REID, as well as Members of the House of Representatives and the administration and their staffs for working hard, sometimes during most of the night, to have this ready for us today. Actually, it was ready yesterday and was posted on the Internet so that not only we, but people across this country and around the world, could see what was proposed.

Under the amended plan, the Secretary of Treasury will have authority to buy and sell troubled mortgage assets to get the economy moving again. Taxpayers will have authority to provide oversight, minimize losses, and make sure profits go to reduce the Federal debt. There will be restrictions on excessive executive compensation and reasonable efforts will be made to make adjustments to help keep people in their homes.

People have been calling my office all week about it, as they have all Senators. They are angry about the need to do this. I am angry, too. But callers' opinions have been changing about whether we should do it, as I believe have the minds of most Senators.

Most realize that the largest reason for this emergency legislation is mortgage loans that people cannot pay back and securities based upon those mortgages. This has derailed housing and created problems for banks. It has spread uncertainty and caused people with cash to be cautious.

Most realize now that we are not spending $700 billion. The Secretary may buy up to $700 billion in troubled mortgage assets—enough to restore confidence—but he may buy much less. Over time, he will sell those assets, hopefully at a profit, sometimes at a loss. My guess—and it is only a guess—net cost to the taxpayer will be $100 billion or less, two-thirds of what Congress spent in January on the economic stimulus package of tax cuts and rebates. There might even be a profit, which under the plan, would go to reduce the Federal debt.

Most now realize it is important for the Secretary of Treasury to be able to buy enough mortgage assets so that institutions are strong again, will start lending again, and people will stop hoarding their cash. Next week we can fix the blame. Today we need to fix the problem.

Congress should approve the amended plan without delay—today. If the House can pass it today, there is no reason why the Senate cannot pass it today and send it to the President. Otherwise, there is a real risk that credit will freeze and Americans will not be able to get car, student, auto, mortgage, or farm credit loans—or even to cash their paychecks.

This has come so fast and taken such an unexpected turn that it is hard for most Americans to know what to think about it. As Senator DOMENICI and Senator GREGG have suggested, think about it as a wreck on the highway.

Think about it as someone who should have known better, dumping thousands of bad mortgage loans and other assets in the middle of an eight-lane interstate, threatening to bring a halt to all economic traffic. Stopped in one lane is your home loan. In the next is your auto loan. In the third lane is your student loan. In the next is your mortgage loan. Next, your money market account. Next, the money for your farm credit loan or even your payroll check.

Vehicles carrying these essential credits that Americans rely on every day have ground to a halt on the economic highway, blocked by a big pile of bad mortgage loans. So we end up with this massive wreck in the middle of the economic highway.

Think of the Federal Government as the salvage crew and Secretary Paulson as the driver of the wrecker. His job is to buy the salvage and get it off the highway as soon as possible so that traffic can start moving again.

And think of yourself, the taxpayer, as the owner of the salvage company—doing everything possible to make sure the driver of the wrecker can get the pile of bad loans off the highway and sell them for at least as much as it cost him to pick them up. If he does this, then the lanes will open again, and the vehicles carrying your auto and mortgage and farm credit loans and payroll checks will start moving again. And the economic traffic will start up again. But that will not be the end of fixing the problem.

The Federal Government's compassion several years ago got out ahead of its common sense when it made it possible for people to borrow money and buy homes who couldn't pay back their mortgage loans. Clever financiers created exotic instruments based upon these loans, some of which turned out to be worth less than the loans. People who should have known what was going on—both in their own companies and in regulatory agencies—didn't understand what was going on or they turned a blind eye to it, or worse, they misled people.

As the New York Times described it yesterday in an article, what apparently has happened is that mortgage foreclosures set off questions about the quality of debts across the entire credit spectrum. These questions set off a spiral of claims against insufficient insurance, as in the case of AIG, and of insufficient capital in the case of banks. So we end up with this massive wreck in the middle of the economic highway.

This week—today—we need to fix the immediate problem. Clean the wreck off the highway. But next week we need to begin to take steps to remodel our regulatory agencies—most of which were designed to deal with the calamities of the 1930s. I suspect it will be a matter of a different kind of regulation that suits these times rather than one of more regulation. And we need to find out if there was fraud or misleading actions so we can do our best to make sure this doesn't happen again.

Next week we can fix the blame. Today we should unclog the economic highway and fix the immediate problem to make sure Americans can buy homes and cars and houses, go to college, get farm credit loans and cash their payroll checks.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

AMTRAK

Mr. DURBIN. Mr. President, at 12:30 today the Senate will consider a procedural motion to go to the Amtrak reauthorization bill. I am urging my colleagues on both sides of the aisle to support it.

For a long time Amtrak has been a question mark in Washington—will it survive? Do we need it? It will survive if we have the will to support it. The question whether we need it has been answered convincingly. All across the United States, not just in the northeast corridor, in my State of Illinois, Amtrak has become an affordable alternative for people who cannot afford to pay for gasoline for their cars. Amtrak ridership is higher now than it has been for decades in Illinois. It is very difficult for a person in my State to get a reservation for a seat on an Amtrak train. Clearly it is a popular means of transportation and in demand. Friends of mine who tried to travel from downstate to Chicago say unless you think weeks in advance to make a reservation, you can't get on the train—and of course I think that is the wave of the future, and a good one. More and more people taking this affordable alternative are leaving their cars behind and are leaving congestion and pollution behind. That is a positive development.

But we cannot have an Amtrak moving forward that serves the needs of America without an authorization bill. The last time we passed an Amtrak authorization bill into law was in 1997. It has been 11 years since we passed an authorization and, as a result, this agency has been languishing, surviving from year to year, lurching from one inadequate budget to the next, trying to stay alive. The Amtrak trains you see on the tracks today are rolling stock that is pretty ancient by travel standards.

By travel standards, it has been around 20, 30, 40 years. It has been pushed to the limit. Now we need it more than ever, and we need to pass this authorization bill.

Our leader on the Democratic side is Senator LAUTENBERG. FRANK LAUTENBERG of New Jersey has really made a name for himself in the field of transportation during his service in the Senate, and he has worked so hard to make sure Amtrak moves forward in the 21st century.

We need to pass this authorization bill today. This bill does so many things that are absolutely essential: increases capital grants to Amtrak so it can start rebuilding its trackage, making sure it is safe and that trains can move faster so they can have better ontime performance.

They also develop State passenger corridors. Illinois has a terrific program and a lot of demand for expansion of Amtrak. Downstate, we now have three different corridors: St. Louis to Chicago, Quincy to Chicago, and the route that runs through Champaign and Carbondale. But we have requests from northern Illinois, Rockford, Galena, into Dubuque, IA. We have requests from Chicago to the Quad Cities and into Iowa, even farther. All of these communities begged me for the opportunity for Amtrak service.

Many of these same communities have been coming to Congressmen and Senators over the years asking for air service. They still want it, but they are realistic in realizing short-haul service is now better served by passenger rail or at least can be supplemented with passenger rail, and so they are asking for that alternative too. We need to expand that opportunity around the United States.

If you want to order a new Amtrak train and cars, get on a waiting list in Canada or Europe. We don't make many, if any, here in the United States. That has to change too. With Amtrak with a clear and bright future, I believe there can be more investment in capital in Amtrak here in the United States. I would like to see facilities in my State of Illinois or some adjoining State building the train cars we need for the future instead of heading off to Canada or Europe and trying to bid for them.

We also have to come to a better relationship with the freight railroads. You see, with very few exceptions, Amtrak doesn't own the railroad track, the freight railroads do, and there was a long-standing agreement that Amtrak would have priority to move passengers over that freight rail track. Well, of course, that means Amtrak is at the mercy of dispatchers who will put a loaded passenger train on a siding or a passing track and let it sit for long periods of time waiting for a freight train. That is not the way it is supposed to work. The passenger rail, Amtrak, is supposed to have priority. In this bill, we give the Surface Transportation Board the ability to take a look and see if the freight railroads are discriminating against Amtrak in terms of service and whether damages should be awarded.

Finally, after all of these years, we put some teeth into the enforcement of a law that has been on the books for a long time saying that the freight railroads have to work to give the passenger rails this kind of opportunity. This is an important piece of legislation, long overdue. It has been held up for so many years, and it is so important that we do it now.

We believe, as I think most Americans do, that high-speed rail is part of our future. It is not just a nostalgic view of the past with passenger trains; it is part of our future as well.

This bill has important investments in Amtrak, important improvements when it comes to rail safety.

One of the provisions in this bill will require, over time, that they put on the engines of trains what they call positive train control. What that means is we would have avoided the accident in Los Angeles that killed people recently. When a train would approach a red light, the engineer would have to give a positive force to change the train or it would automatically shut down and slow down. So it really creates a safety measure that could have saved lives in California and will save lives across America if it is instituted. That and several other things here will make a big difference in passenger service.

I hope this bill gets a strong bipartisan rollcall of support. I know there are Republicans who feel strongly, as I do, that this is an important step forward for the 21st century for passenger service on trains for Americans and that Amtrak is part of America's future.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. DOMENICI. I know we don't have a lot of time, so I will try, if it is all right, to ask for 5 minutes. Is somebody controlling our time here?

The ACTING PRESIDENT pro tempore. Without objection, the Senator is recognized.

ECONOMIC BAILOUT

Mr. DOMENICI. Let me thank the distinguished Senator from Tennessee, LAMAR ALEXANDER, for his eloquent remarks here this morning. I would say to anyone who wants to try to understand the situation we are in, in terms that everybody can see and feel, they ought to read his speech.

I also thank him because he used a metaphor I developed with some of my staff to try to explain this, and he has added to it and amplified it. He has taken the idea that we came up with in my office—I asked my staff to sit down with me and talk, and the only thing we could think of about the clogging of this passageway was a word that didn't sound as though it was a very good word to use, which was ''constipation.'' I said: Could we not think of some metaphor that is better than that?

After 20 minutes or so, the idea came forth of a superhighway, with four or six lanes loaded with cars traveling at full speed, 65, 70 miles an hour, and then there was a crash that took all lanes and stopped all of them and the cars piled up for miles back.

As the good Senator from Tennessee, a wonderful friend of mine, has gone on from that simple beginning I just described to analogize the entire problem we have, that accident where—these cars that are all cracked up are the toxic assets we are buying. They are toxic because they are all broken down, they are not worth anything anymore, and we are going to buy them. That is why we are setting up this rescue fund. When we buy them, eventually get them, all of the cars will be loosened from that long 20, 30 miles that they are blocked by this accident, which is the toxic assets, but it is really the cars stopping movement. And then he went on to explain what all those cars were, because so many people think

this is Wall Street. This rescue plan is not Wall Street. Some of the large institutions that hold this paper that is clogging the highway, some of them are in New York, but we read today that some of them are in Europe. So we should understand that it is where the money moves, where the money comes from, and as it moves out into our country, to the hinterland, that is where the problem is because these assets, these cars that end up in a wreck, these toxic assets, were purchased by banks and institutions all over the country and all over the world, apparently. Some countries bought a lot of them, from what is coming out now, and their banks are having the same kinds of problems thousands of miles away from the United States.

So we are going to be called upon as Senators to decide whether we want to rescue this American financial system which was the greatest delivery system for money that the world has ever seen. The reason we live in such high prosperity with so many material things of wealth, so much wealth that is material, from the number of houses—you might own two of them—from cars to appliances to everything that is there, it is financing; it is the financial system that is so magnificent in America that permits all of that to happen. And it is breaking down. We better rescue it if we can or look what we will be saying to our people: We are unable, in the worst kind of crisis as it pertains to the material wealth of our country, with that breaking down in front of our eyes, so that as my friend the Senator from Tennessee said, the things we want to have—will not be available. In essence, we will be a country that is bankrupt. You do not know where the money will be, you do not know what notes and instruments will be valid, you do not know who will deliver money to whom, and you will have a literal fiscal mess, a literal financial money mess.

Fix it or be charged with letting it break down. Vote for this and fix it. Do the rescue plan or walk out of here as a Senator who can claim no victory, can claim they didn't see fit——

The ACTING PRESIDENT pro tempore. The Senator's 5 minutes has expired.

Mr. DOMENICI. I ask unanimous consent for 1 additional minute

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMENICI. That they didn't see fit to lend their vote to a rescue plan of this type. And I believe, no matter how much guff you are getting from your constituents, no matter how much they are talking to you on the phone and in letters and other ways, you have to explain it to them right and then you have to vote what is right for the United States. That is why we are here.

Now, some will say: It is easy for you, DOMENICI; you are leaving the Senate after 36 years. But I hope that I could tell you that in my mind, I can carry back and say: I have only been here 12 years and I am still going to stay here, and I would vote this way if I were a Senator who had to go back and try to run again. It is unequivocal that my responsibility is to produce a rescue plan, and I hope the House passes it soon, and I hope our majority leader sees fit to call it up soon—sooner rather than later. With each day, more damage is being done here and around the world.

I think we are lucky to have two good people managing the affairs of the United States, and I want to close on that note. We could certainly have had leaders in the Treasury and in the Federal Reserve who were not as good as ours on this subject, and that is helpful because most of us who are studying this can go back to our offices and then talk to our families and our constituents and say: We are understanding it, and we think we are being dealt the right information and a good plan.

With that, I once again thank Senator LAMAR ALEXANDER, my good friend, for his excellent speech this morning. I say to anybody who wants to understand it, read it—to understand our problem, read it. I thank him for using a little bit of my thinking in his speech. Once again, thank you.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

TRIBUTE TO SENATORS

Mr. LIEBERMAN. Mr. President, while the Senator from New Mexico is on the floor, I want to, one, thank him for his characteristically lucid and honorable put-the-national-interest first statement and also to say that I gather, this afternoon, colleagues will be coming to the floor to pay tribute to some who are not running again, as Senator DOMENICI is not running. I have to go to Connecticut to join my family for a celebration of Rosh Hashanah right after the vote, so I wish to take this moment to thank Senator DOMENICI for his extraordinary service and to say to him what an honor and a pleasure it has been. Sometimes it is an honor to work with some people but not a pleasure; sometimes it is a pleasure and not an honor. With you, it has been both.

You just spoke to our responsibility to our country in this economic crisis, and you spoke from your inner characteristically American core of optimism, that we have the best financial system in the world and we have every reason to be optimistic, but we are really in a crisis. To me, that is the kind of service you have given our country. And you are a characteristic American story because your family does not go back to the Mayflower, as we used to say in my family, like yours. Your family came from Italy to this country, and they gave you a love for this country, a confidence that if you worked hard and used the abilities God gave you, there was no limit to how far you could go.

Like so many others, you have served your country with extraordinary honor and effect across a wide range of subject areas. I think particularly of the great work you have done in trying to regularize and make orderly and efficient and responsible our budget process; from that kind of nuts-and-bolts dollars-and-cents to the passionate advocacy you have given for equal treatment in our insurance system for those who need assistance from our medical system for mental illness, to treat mental illness exactly as physical illness.

So, Senator DOMENICI, it has been an honor to serve with you. If I may get a little ethnic, which you and I usually do, I would say, in leaving the Senate this year, you are following in the footsteps of another great Italian-American hero whom I grew up admiring in a different field of endeavor, Rocky Marciano. Remember, Rocky retired undefeated, and you are too.

Mr. DOMENICI. It has always been a pleasure working with you and being with you, and I wish you the very best. I know you are heavily involved in another kind of campaign and you are doing something very difficult, and I know you must go through difficult times even though you are enthusiastic about what you are doing. That must be difficult because it is, in fact, very different, and you choose these situations and you handle them well.

I compliment you, wish you the very best, and hope after the Presidential election, whatever happens, you come back and have a very good life in the Senate.

Mr. LIEBERMAN. I thank my friend.

I offer thanks and best wishes to other colleagues who are leaving—Senators ALLARD, HAGEL, and CRAIG.

I particularly wish to say a word about a colleague of the occupant of the chair, Senator WARNER of Virginia. Senator WEBB was kind enough to ask me to join him in a tribute to JOHN WARNER, and I wish to say a few words about him because our lives have intersected so much in service here.

I begin by quoting another great Virginian, Thomas Jefferson, who, when he arrived in Paris as U.S. Minister to France—what we would now call an Ambassador—presented himself to the French Minister of Foreign Affairs. The French Minister of Foreign Affairs asked Jefferson, because he was replacing Benjamin Franklin:

Do you replace Monsieur Franklin?

Jefferson replied:

I succeed him. No one can replace him.

I would say of another great Virginian, JOHN WARNER, that no one can replace JOHN WARNER. He is a Senator's Senator, a patriot, a true servant of our country and of his beloved State, the Commonwealth of Virginia, all of which will be forever grateful for his lifetime of service and dedication.

Senator WARNER began his service to our country at the age of 17. Let me say, generally, without revealing his

exact age, that would be more than 60 years ago. He enlisted in the U.S. Navy during World War II. In 1950, at the outbreak of the Korean war, he interrupted his studies of law to return to Active military duty. Similar to so many who served our country in that period—and I meet them all the time in Connecticut, particularly World War II veterans, the ones, for instance, whose families will call and say: My dad or my grandfather thinks he may have been entitled to a medal, but he never got it—they rushed back after the war to return to their families and to their work. We check the records. In almost every case, in fact, these veterans of World War II deserve medals. In almost every case, when we give them to them, as I have had the honor to do on many occasions, the veterans of World War II will say: I didn't want this for myself. I wanted it for my grandchildren. Then they almost always say: I am no hero, I am an ordinary American called to serve our country in a time of crisis.

The truth is, these veterans and those who followed them in succeeding conflicts, including the distinguished occupant of the chair, may each think of themselves as ordinary Americans but, in fact, together they have protected America's security, saved our freedom. Those veterans of World War II defeated the threats of fascism and Naziism. Think about what the world would be like if our enemies in World War II had triumphed and think about the extraordinary period of progress and economic growth that followed after the successful conclusion of World War II.

JOHN WARNER was part of that. His service continued. In 1969, he was appointed Under Secretary of the Navy. From 1972 to 1974, he served as Secretary of the Navy. Throughout the rest of his career, including his long, distinguished, and productive service on the Senate Armed Services Committee, JOHN WARNER has shown unwavering support for the men and women of the Armed Forces and, of course, in a larger sense, unwavering support for the security of America and the ideal of freedom which was the animating impulse and purpose that motivated Jefferson and all the other Founders to create America, a country created on an ideal, with a purpose, with a mission, with a destiny. JOHN WARNER has always understood that. The fact that he is a Virginian is part of that understanding.

It has been my great honor to serve with JOHN WARNER in the Senate, particularlyon the Armed Services Committee, where over the years I have come to work with him. Senator WARNER is a great gentleman, a word that can be used lightly but belongs with Senator WARNER, a person of personal grace, of civility, of honor, of good humor, someone who in his service here has always looked for the common ground. As all of us know, when we make an agreement with JOHN WARNER, even on the most controversial circumstance, his word sticks. He keeps the agreement, no matter how difficult the political crosscurrent may be. He has had an extraordinary record of productive service to America and to Virginia.

One of the things I cherish is that in 1991, after Saddam Hussein's invasion of Kuwait, I was asked to join with Senator WARNER in January of 1991 to cosponsor the resolution which authorized the Commander in Chief to take military action to push Saddam Hussein and Iraqi forces out of Kuwait which they, of course, did successfully, heroically, and with great effect on the stability and future of the Middle East. It turned out that in 2003, when it came time again for the Senate to decide whether we were prepared to authorize yet another Commander in Chief to take military action to overthrow Saddam Hussein—and I don't need to talk about the causes for which we argued for that case—Senator WARNER asked me if I would join him again as a cosponsor. It was a great honor for me to do that, and it passed overwhelmingly with a bipartisan vote.

In a very special way, notwithstanding this kind of work and work we did together, for instance, to establish the Joint Forces Command, located in Norfolk, VA, to make real the promise of joint war fighting that was inherent to the Goldwater-Nichols legislation but was not quite realized, I worked with Senator WARNER and Senator Coats, a former colleague from Indiana, to accomplish that.

Fresh in my mind and expressive of the range of JOHN WARNER's interest and of his commitment to the greater public good was the fact that at the beginning of this session of Congress, he sought to become the ranking member of the Subcommittee on Climate Change of the Environment Committee, which I was privileged to about to be chair of. We talked about the problem. JOHN didn't, as this challenge to mankind has taken shape, rush to the front of it. He was skeptical. He listened. He read. He concluded the planet is warming, that it represents a profound threat to the future of the American people, people all around the globe, and that it represents a threat to our national security, which has been the animating, driving impulse of his public service. We talked and decided to join together. I call it the Warner-Lieberman Climate Security Act; he calls it the Lieberman-Warner Climate Security Act, which is a measure of the relationship we have had and his graciousness. Without his cosponsorship, we would not have gotten it out of subcommittee, first time ever. We wouldn't have gotten it out of the Environment Committee, first time ever reported favorably on this important challenge to the Senate floor. We wouldn't have been able to achieve the support of 54 Members of the Senate, the first time a majority of Members of the Senate said we have to do something about global warming, including our colleagues, Senator MCCAIN and Senator OBAMA, which means the next President will be a proactive leader and partner with Congress in the effort to do something about climate change. It wouldn't have happened without the support of JOHN WARNER, a final extraordinary act of leadership by this great Senator.

He has a lot of great years left in him. I hope we can find a way for him to continue to be part of the work all of us have to do: One, to keep our country secure—and there is no one with more expertise and a more profound commitment to that—and, two, to get America to assume its proper leadership role in the global effort to curb global warming.

He is a dear friend, a great man. It has been a wonderful honor to serve with him. I pray he and his wife and all his family, beloved children and grandchildren, will be blessed by God with many more good years together.

The ACTING PRESIDENT pro tempore. The time of the majority has expired.

Mr. LIEBERMAN. I ask unanimous consent for an additional moment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE BAILOUT

Mr. LIEBERMAN. Mr. President, I wish to say how pleased and, frankly, relieved I am that the negotiators have reached an agreement on the economic rescue plan for our country. I found, as people began to be terribly anxious, justifiably, around our country, about their life savings, about their businesses, about their jobs, I was getting two messages from the public. One was their fear that we would not act to rescue our economy and them, and then their second fear was about what we would do to rescue our economy and them. The negotiators have both come up with a plan that will rescue our economy, will protect our taxpayers. In it, I am proud to say, is a proposal somewhat similar to one that Senator CANTWELL and I put forward for a 9/11-type commission to review the regulations of our financial institutions, to reform them so we learn from this crisis and, to the best of our ability, we make sure it never happens again.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

TAX EXTENDERS

Mr. THUNE. Mr. President, we are at a place, in terms of the legislative calendar, where there are lots of things piled up and not much time to get them done. I am reminded of something someone once said: In the legislative process, you can't allow the perfect to become the enemy of the good, in a place where you are lucky if the adequate even survives.

That is where we find ourselves right now with regard to the issue of the tax extender legislation. We have a bill that impacts a broad range of Americans; 24 million Americans will be subject to the alternative minimum tax if Congress does not act. We have energy tax extenders that put in jeopardy lots of investment in renewable energy sources such as wind and solar. We have students who are affected because of a student loan provision, teachers who are affected by a teacher deduction that is allowed for expenses. We have the rural schools' fix included. All these things will be impacted if Congress fails to act.

Where we are with regard to that is, the Senate has passed a bill with 93 votes that we have sent to the House. The House is now trying to send that back, broken up in different ways and with different sorts of offsets.

The point is, we have to get it done. We have to look at what the traffic will bear. We have done everything we can in the Senate. When I was a Member of the House, I used to gripe about the Senate and its rules. Why can't we send things over there and get them done in a timely way?

The reality is, to get anything comprehensive done and anything consequential, it takes 60 votes. Already it is clear we will not be able to get 60 votes. We voted on this issue numerous times in the Senate. We voted on it repeatedly, the very provisions the House is trying to get us to adopt, without success.

In fact, last week we voted. We only got 53 votes in the Senate out of the 60 that are necessary. So it seems, to me at least, we are at a point where we flat have to get this done. It is no substitute for a comprehensive energy bill, but it is the least we can do. If the least we can do is the best we can do, we ought to do at least the best we can do, which is to pass these energy tax extenders and get some of this investment in energy technologies that would help us toward our goal of energy independence and reducing carbon emissions.

I urge our colleagues on the House side to accept this bill. It is a signable bill. It is very clear we have done everything we can in the Senate with repeated votes. The proposal the House has put forward is not going to move in the Senate, and we have a very short clock to work with here in order to get something done. It should not be a question of the political winners and losers. It ought to be about the American economy and the American people. We need to do something that is a winner for them, and that ought to be moving this piece of legislation in the House. It has 93 votes in the Senate. It is there. It is awaiting action.

It is absolutely clear the proposal they have sent here cannot secure the necessary votes to move. That bill that is over there will be signed by the President. It moves us in a direction of energy independence and puts some energy policy in place that is important to the future of this country, as well as all the other tax provisions I mentioned, including preventing 24 million American families from being hit by the alternative minimum tax at the end of the year. So I hope, again, this legislation will pass. I urge my colleagues on the House side to take it up and pass the Senate bill.

Mr. President, I yield back the remainder of my time.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

FEDERAL RAILROAD SAFETY IMPROVEMENT ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 2095, which the clerk will report.

The legislative clerk read as follows:

Message from the House of Representatives to accompany H.R. 2095, entitled an Act to amend title 49, United States Code, to prevent railroad fatalities, injuries, and hazardous materials releases, to authorize the Federal Railroad Safety Administration, and for other purposes.

Pending:

Reid amendment No. 5677 (to the motion to concur in the amendment of the House of Representatives to the amendment of the Senate to the bill), to establish the enactment date.

Reid amendment No. 5678 (to amendment No. 5677), of a perfecting nature.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 12:15 will be controlled by the Republican leader, and the time from 12:15 until 12:30 will be controlled by the majority leader.

The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I rise to talk about the rail safety and Amtrak authorization bill. This is a bill that I think will move forward a major alternative option for our passengers and for the mobility of our country—Amtrak.

Most people think of Amtrak as the Northeast corridor, and going from Boston all the way through New York and Washington and on down through Florida. That is a very important route. In fact, that route has more than 2,600 trains operating every day. So it is a major part of our transportation infrastructure in what is called the Northeast corridor.

However, we have a national system for Amtrak as well. It is a national system that goes, of course, down the east coast, as I mentioned, but it also goes down the west coast. It goes all the way up and down the west coast. It has lines that go across the top of our country, across the bottom of our country east to west, and right down the middle, what is called the Texas Eagle, which goes from Chicago, down through St. Louis, down into Texas, and across to San Antonio, where it meets the Sunset Limited, which goes from California to Florida.

So we have the skeleton of a national system. It is a system we must preserve. It is a system that has become more and more of an option as gasoline prices have increased. We saw how many people went to train use after 9/11, when the aviation industry was shut down. It is something we must support and keep.

Now we are increasing ridership every year. During fiscal year 2007, 25.8 million passengers, representing the fifth straight fiscal year of record ridership, boarded Amtrak. Ridership is up 7 percent more over this time last year, as people have gone to the trains because of the high gasoline prices.

This bill authorizes $2.6 billion annually over 5 years. It authorizes that amount. In Congress we authorize, and then the appropriations come later on an annual basis. And $2.6 billion would be the ceiling for the next 5 years for Amtrak. But to put this in perspective, when we are talking about alternatives in our transportation system, we have authorized, in SAFETEA–LU, the highway authorization bill, $40 billion. The FAA bill, introduced in this Congress, proposes to invest $17 billion annually in aviation. Last year we passed a Water Resources Development Act authorizing $23 billion over the next 2 years.

We are talking about $13 billion over 5 years—$2.6 billion each year, which is the very least of the authorizations of any of our transportation systems. If included with the number of passengers served by our aviation industry, in 2007, Amtrak would rank eighth in the number of passengers served, with a market share of right at 4 percent. There are nearly twice as many passengers on an Amtrak train as on a domestic airline flight.

So we have crafted a bill—and I have to tell you honestly, this is not my bill. Actually, it started with Trent Lott. Senator LAUTENBERG on the majority side now has continued to be a leader in this field. I support the bill FRANK LAUTENBERG and Trent Lott negotiated because it is right for our country. I have always said, for me, Amtrak is national or nothing.

There was a time in this Congress when nobody ever talked national. They only talked about saving the Northeast corridor. Of course, that is the rail line that is owned by Amtrak. The other rail lines mostly are not separated, although I would like to see that changed. But we are using freight rail, and we are at the behest of the freight rail lines. So it is not as efficient. But it is very important we keep those relationships and work toward having the separate lines on those rail rights of way. Today, we are talking about a national system.

There was a time when we only talked about the Northeast corridor.

But many of us who are on the national lines, who have been supportive of the Northeast corridor, said: Wait a minute. We cannot create a stepchild in the rest of the country. If my taxpayers in Texas and Trent Lott's taxpayers—now THAD COCHRAN's and ROGER WICKER's taxpayers—are subsidizing Amtrak in the Northeast corridor, we want to have a chance at the national system because it has so much potential to work with States and cities to use mass transit systems that feed into the national system, and it will help all of us with mobility. In fact, all of those who support the Northeast corridor have been very supportive also of the national system.

We have had a partnership in Congress for the last 10 years that I have been here to make sure we are making Amtrak financially responsible with the least amount of Federal help of any of the transportation modes. Highways are $40 billion a year. We are $2.6 billion a year. So we have a bill that has been crafted, I think, in the very most responsible way. I recommend it, and I appreciate very much the opportunity to take this bill as we have crafted it, with a lot of give and take, and recommend to the Congress and the Senate we pass it today.

Mr. President, I wish to yield up to 5 minutes to the distinguished senior Senator from the Acting President pro tempore's home Commonwealth of Virginia, one who I have to say has been a longtime supporter of Amtrak and has been such a leader in this Congress. This is his last term in Congress. He has decided not to seek reelection. He is someone who has been a leader not only on Amtrak but certainly on our military affairs for our country, the man whom we call the squire, the senior Senator from Virginia.

The ACTING PRESIDENT pro tempore. The senior Senator from Virginia.

Mr. WARNER. Mr. President, I thank my long-time friend and colleague in the Senate, the Senator from Texas. For so many reasons she is a real leader on our team, on the team of leadership.

But how many times, if I might ask the Senator from Texas, have you taken this bill to the floor of the Senate on behalf of Amtrak, rail safety, Metro? Would you mind telling us how many times?

Mrs. HUTCHISON. I say to Senator WARNER, thank you. It is my pleasure to have supported Amtrak from the day I walked in the door 15 years ago. I think the partnership between the Northeast corridor supporters of Amtrak and the rest of the country supporters has created a much stronger system. We are seeing that in the ridership. I think if we make the commitment to Amtrak we make to the other modes of transportation, it will be better for our whole country and give more options to the people of our country.

Mr. WARNER. Mr. President, I recognize that great contribution, but I wanted it a part of the RECORD.

I say to my long-time friend, Mr. LAUTENBERG, the distinguished senior Senator from New Jersey, I hope in your remarks you will recite how many times you have gone to the floor on behalf of people seeking the needs of not only Amtrak but the rail safety and the Metro funds which are in this bill this time.

These two Senators have been the engine on this very important piece of legislation. The distinguished Acting President pro tempore and I are proud to represent Virginia, one of the beneficiaries of this system. But I have also tried through my many years in the Senate to have a voice for the District of Columbia.

This Amtrak as well as the Metro funds in here are the pulse beat, the arteries which feed the Nation's Capital. Some 40 to 50 of the various Government agencies serving our Nation are accessed with Amtrak. I say to my colleagues in the Senate, all 100 Senators—all 100 Senators—have staff members and the families of staff, and ourselves, who very often utilize the Metro system and indeed access part of the Amtrak system. This is a 10-year funding for the Metro for capital improvement and operating.

Mrs. HUTCHISON. Mr. President, will the Senator yield?

Mr. WARNER. Yes.

Mrs. HUTCHISON. Mr. President, I wish to say on that point, the distinguished senior Senator from Virginia has mentioned how important the Metro part of it is. I think he has represented so well the interests of all the people who live and work in Virginia, Maryland, and the District of Columbia.

It also applies, I would expand, to the visitors to our capital because the rail line on Amtrak that goes from Baltimore Airport to the District, our capital, and from Washington National Airport to our capital, has been so helped by having this kind of service from Amtrak at National Airport or Baltimore to be able to get on that train and come visit our capital. That is a mode of transportation that is used by the millions of visitors who come to visit our capital.

This is part of the mobility we provide to people who bring their families here. It is the most efficient and least costly way to get into the District to show children the opportunity to see our capital. I appreciate the senior Senator from Virginia pointing out that this is part of our responsibility.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to add that this system, the Metro system, is a feeder to the Amtrak. It was started in 1960 under President Eisenhower. Each year, the Congress has been a supporter of this system. But key to this—and I compliment my colleagues in the House, Congressmen MORAN and DAVIS—are the matching funds from each State, so the portion of authorization we seek for Metro in this would be matched by the several States and the District of Columbia.

Mr. President, I intend to cast a ''yea'' vote on cloture on the motion to concur with the House amendment to the Railway Safety-Amtrak bill. I believe this legislative package is critical for so many reasons.

Of highest importance to me, though, is a much-needed authorization of $1.5 billion over 10 years for the Washington Metropolitan Area Transit Authority, WMATA, the Metro system that probably brought a majority of our staffers to work this morning.

WMATA has been one of the Washington, DC, metro area's most successful partnerships with the Federal Government.

In 1960, President Eisenhower signed legislation to provide for the development of a regional rail system for the Nation's Capital and to support the Federal Government. Since 1960, Congress has continually reaffirmed the Federal Government's commitment to Metro by passing periodic reauthorizing bills.

Over half of Metro's riders at peak times are Federal employees and contractors, and a large percentage of these riders are Virginia residents.

Based on Metro's 2007 Rail Ridership Survey, approximately 40 percent of respondents identified themselves as Federal workers who ride Metrorail to work. 39 percent of that group identified themselves as Virginia residents.

We are talking about thousands of cars taken off the major roadways each day because of our area's Metro system.

Metro's record riderships have occurred during historic events where people from all over the country flock to the Nation's Capital to honor their Federal Government: President Reagan's funeral, Fourth of July celebrations, Presidential inaugurations. In addition, the Metro system proved indispensable to the Federal Government and the Nation's Capital generally in the aftermath of the terrorist attacks of September 11, 2001.

Over 50 Federal agencies in the National Capital Region are located adjacent to Metro stations. Federal agencies rely on WMATA to get their employees to and from the workplace year-round, in all types of weather.

As I mentioned, the Railway Safety-Amtrak bill includes $1.5 billion in Federal Transit Authority funding over 10 years for capital and preventative maintenance projects for WMATA. This language was added by voice vote to the Amtrak bill by my delegation mate, Congressman TOM DAVIS, as a floor amendment during the House's Amtrak debate over the summer.

These dollars will be matched by the Commonwealth of Virginia, Washington, DC, and the State of Maryland.

This critical investment will help provide for much-needed improvements to this stressed transit system. Projects such as station and facility rehabilitation and tunnel repairs will be undertaken.

These funds will also allow WMATA to add new rail cars and buses to help congestion during peak hours.

This critical legislation, which would authorize much-needed Federal funding, contingent on State and local dedicated matches, recognizes how vital Metro is to the region and the Federal Government.

Such legislation is integral to the well-being of the area's transportation system, as we struggle to address traffic congestion, skyrocketing gas prices, global climate change, and the local quality-of-life concerns.

From its inception, the Federal Government has played a significant role in funding the construction and operation of the Metrorail system. I hope this Congress will continue to show that support.

I ask my colleagues to join me in voting ''yes'' for WMATA today.

Mr. LAUTENBERG. Mr. President, I rise today to ask my colleagues to join me in voting for cloture on this important rail safety and Amtrak reauthorization bill. I am pleased to be doing this with the distinguished Senator from Texas, Mrs. HUTCHISON, and am particularly delighted to have the chance to share in the twilight area of the distinguished career of the senior Senator from Virginia on this issue. JOHN WARNER and I have been friends for many years. We both had some military experience in World War II, and Senator WARNER went on to Korea to continue his duty. We are grateful for not only his duty in the military but his service to the country. Senator WARNER is a man with balance and sensitivity. It doesn't mean he always agrees, and when he doesn't, you know that. He is not hesitant to let you know that he disagrees, but he always does it as a gentleman and always with a courtly touch, if I might say.

So I am pleased to be here and to have his interests in taking care of the District of Columbia, the State of Virginia, and the State of Maryland in terms of having the kind of rail service that is essential now.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Mr. President, if the Senator would yield, I would just express my appreciation and thanks to the Senator from New Jersey. After 30 years in the Senate, much of that time has been spent working with him on a wide range of issues, many of them international issues of great importance. But I am always happy to come back to the fundamentals of what makes this institution work, and that is our staff and employees and others who are dependent upon this system. I thank the Senator.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that I be given 2 minutes for Senator DEMINT. I overlooked his coming to the floor. It is my fault. I ask unanimous consent for 2 additional minutes and also to give the other side 2 additional minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, when we look at railroads and the role they serve in our country, it is interesting to see that we are now fighting for having better rail service when we are practically overwhelmed with demand for it. However, on an average day in America, two people are killed and more than 24 injured in railroad-related accidents.

The recent Metrolink collision in Chatsworth, CA, that killed 25 people and injured 135 serves as a tragic reminder that we must act to protect the millions of passengers who ride trains each day in this country. Yet Federal rail safety programs have not been reauthorized since 1994. Some railroad employees are working under laws that date back over a century ago. It is critical that we bring our safety laws into the 21st century for travelers, for the rail workers, and our country's railroads.

Under the leadership of Senator INOUYE and the Commerce Committee, working in a bipartisan fashion, we held two hearings to gain input from the administration, large and small railroads, and rail workers. We were very careful with that. The bill we put together was reported out of committee unanimously. It passed then unanimously on the Senate floor last month.

The bill before us today continues an agreement between the Senate Commerce Committee leaders and our counterparts in the House which also passed a rail safety bill. It requires new lifesaving technologies such as positive train control, also called PTC systems. Federal accident investigators say this technology could have made a difference in this month's California crash.

Our bill updates the hours of service laws to ensure that train crews and signal workers get sufficient rest to remain alert and reduce fatigue.

It gives the Federal Railroad Administration the tools to better oversee the safety of the rail industry, including more inspectors and higher penalties for violations of Federal safety laws. In all, the rail safety improvements in this bill are long overdue for workers, for the industry, and for Federal regulators.

In addition to the rail safety legislation, this bill reauthorizes Amtrak for the first time since 1997. As with rail safety, the Senate has passed legislation on this already in this Congress by an overwhelming bipartisan vote on the Senate floor last October. I coauthored that bill with Senator Lott, and it reflects our shared vision for expanding the use of passenger trains in the United States. We held several hearings on this bill and received input from Amtrak, freight railroads, the States, and rail labor.

Since we were blocked from going to conference and reconciling the differences with the House Amtrak bill, we worked out a bipartisan, bicameral agreement with our House counterparts. This portion of the bill before us today substantially changes our Federal policy toward passenger rail travel. It provides the funding that Amtrak needs to succeed as a real option for travelers. Included in this funding is a new $2 billion grant program for States to pursue passenger rail projects. In all, this bill would authorize over $2.5 billion each year for Amtrak, but it includes the States also for the next 5 years. I say ''includes the States also'' because it gives the States an opportunity to establish their own rail corridors that have so much interest now. This level of funding will allow more passenger trains to serve more travelers, will create infrastructure-related jobs in America, and will allow Amtrak to make long-term growth plans.

With this investment also comes more accountability. Our bill contains significant reforms, many called for by Senators who have not always supported Federal funding for Amtrak. These reforms will require the railroad to improve its efficiency and management by mandating a new financial accounting system, requiring States to pay for those Amtrak services they get, and considering passenger trains run by freight railroads. Our bill also allows private firms to submit proposals to build new high-speed lines where there is interest, which allows for a full public discussion of this potential.

Both the rail safety and the Amtrak portions of this bill are needed and long overdue. Since we last passed rail safety legislation, more than 9,000 people have been killed and more than 100,000 have been injured in train-related incidents. Think about that. Here we are, we are having a little battle about this, when we can be saving lives, making people more comfortable in their travel, and making rail service more reliable.

Since we last passed Amtrak legislation, gas prices, everyone has noticed, have tripled, highways have gotten more crowded, and we have suffered two of the worst years ever for flight delays. The House took up this bill and passed it on a bipartisan voice vote last week. Now the Senate needs to invoke cloture, pass this bill, and send it to the President for his signature.

I ask that all Senators let us proceed to this question and help travelers, the rail workers, States, and the American railroad and supply companies in this critical industry.

Mr. President, what is the time situation please?

The ACTING PRESIDENT pro tempore. With the additional time granted, the majority now has 7 minutes 10 seconds, and the minority has 2 minutes.

Mr. LAUTENBERG. Mr. President, our bill will result in a substantially safer railroad industry. In recognition of this, the Association of American Railroads and many railroad labor

unions together strongly support our bill.

Our bill will expand the resources of the Federal Railroad Administration, the agency which regulates railroads for safety. It has provisions which would authorize 200 more inspectors and raise the maximum amounts for civil penalties that the agency can levy for violations of our safety laws. These violations can cost up to $100,000 each.

Too often it takes a catastrophe to get people around here to focus on severe gaps in our laws. Regrettably, earlier this month, America experienced that kind of tragedy. The accident took place in Chatsworth, CA. That train collision was only a couple of weeks ago—September 12, 2008. The devastation we see here, including the loss of life and the number of injuries, is unacceptable if we can do anything about it, and we can.

We also owe it to the residents in communities such as Graniteville, SC. This was January 6, 2005. They had nine fatalities. We want to make sure these things don't happen again. In 2005, we had over 5,400 people evacuated from the area surrounding the accident to avoid the fog of deadly chlorine. Had this accident happened any later that morning, the consequences would have been much worse. Factory workers would have been at work in nearby mills and schoolchildren would have been in the nearby schools. So we owe it to the memory of those people to pledge that wherever we can avoid this kind of thing happening, we must do it.

We also owe it to the people of Luther, OK, who last month watched this massive fireball erupt after a train derailed and caused ethanol tanks to explode. Look at that picture. You can't see the train. That is what happened. We have to be better prepared to prevent these things from happening.

These are not trivial improvements we are talking about today in this legislation. I hope we can quickly finish our work on this bill and get sent to the President's desk for enactment, so that we can avoid the kinds of tragedies that we know are possible.

Mr. WEBB. Mr. President, I rise today in support of the Federal Railroad Safety Improvement Act, H.R. 2095, which reauthorizes our Federal passenger rail program and contains a provision that would provide much needed funding for the Washington Metropolitan Area Transit Authority, WMATA.

I am a proud original cosponsor of the Amtrak reauthorization legislation, which seeks to improve the safety, efficiency, and reliability of our Nation's largest passenger rail service provider. With increasing traffic congestion on our Nation's roadways, it is time to invest in long-term and diversified infrastructure projects that improve passenger rail service. I have long stated my belief that America has been seriously neglecting its infrastructure, and I am pleased that this bill puts us on the path to making a renewed investment in passenger rail service. Notably, the bill before us today authorizes $13 billion for Amtrak over 5 years and includes $1.5 billion to develop high speed rail corridors throughout the United States, including the Southeast corridor which will connect Washington, DC, to Charlotte, NC.

However, most importantly the legislation before us includes a bill that many of us in the Maryland and Virginia delegations have long been pushing for a long time. I want to thank Chairman LAUTENBERG and his staff for working with me and my colleagues to include the National Capital Transportation Amendments Act of 2007, S.1446.

In short, the Metro funding provision would authorize $1.5 billion over 10 years for Metro to finance capital and preventive maintenance projects for the Metrorail system. The Federal funding would share the funding burden with the States because the money would be contingent on the District of Columbia, Maryland, and Virginia jointly matching the Federal contribution toward Washington Metro's capital projects.

Appropriate funding for the Metro system is critically important to our Federal workforce, the millions of tourists who visit our Nation's Capital area, as well as the millions of people who live around Washington, DC. I have worked diligently with my Senate and House colleagues over the past 2 years to pass this legislation, and I ask my colleagues to help secure passage of this provision in the Amtrak authorization bill.

Metrorail and Metrobus ridership continue to grow as more than 1 million riders on average per weekday choose Metro as their preferred mode of transit for traveling around the National Capital Region. As the price of gasoline has soared, more people are turning to Metro as their primary mode of transportation. I would note that in fiscal year 2008, there were 215 million trips taken on Metrorail, which is the highest yearly total ever. This represents an increase of 4 percent over last year. In fact, 31 out of 34 of Metrorail top ridership days have occurred since April of this year. On Metrobus, there were 133 million trips taken, an increase of 1.4 million relative to 2007, and also the highest yearly total ever. New funding authorized in this legislation would provide the necessary resources to increase bus and rail capacity and meet forecasted ridership demands before the system and region become totally mired in congestion.

The Federal role in supporting Metro is clear, with a long track record to draw upon. Washington Metro began building the rail system in 1969 with Federal funding authorized under the National Capital Transportation Act of 1969. On two separate occasions, Congress has authorized additional funding for Metro construction and capital improvements. According to a 2006 Government Accountability Office report:

> WMATA provides transportation to and from work for a substantial portion of the federal workforce, and federal employees' use of WMATA's services is encouraged by General Services Administration guidelines that instruct federal agencies to locate their facilities near mass transit stops whenever possible. WMATA also accommodated increased passenger loads and extends its operating hours during events related to the federal government's presence in Washington, DC, such as presidential inaugurations and funerals, and celebrations and demonstrations on the National Mall.

In fact, during rush hour, Federal employees account for over 40 percent of Metro ridership. The Metro system was also critical to the evacuation of Washington, DC, following the 2001 terrorist attacks. Metro was deemed a ''national security asset'' in a Federal security assessment conducted after 9/11. In short, the operation of the Federal Government would be nearly impossible without the Metro system and the Federal Government's emergency evacuation and recovery plans rely heavily on Metro.

The future of Metro and its continued success relies upon consistent support from the Federal Government and the regional localities it serves. Now is the time for the Federal Government to commit itself to providing more long-term Federal funding for the Washington Metro system. Together, along with our jurisdictional partners, we must continue to invest in the transit system that has brought so many benefits not only to the region but also to the Federal Government and the entire Nation. I urge my colleagues to support passage of this bill.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized for 2 minutes, and that time will be charged to the minority.

Mr. DEMINT. Mr. President, I do appreciate the leadership on this bill. I am particularly honored to serve with JOHN WARNER. He has been involved with so many great victories here, great leadership. He will certainly be missed.

I don't want to be the one to rain on the parade here because I certainly know there are some good improvements in this bill. Obviously, there is some disagreement whether this bill should go through. The Heritage Foundation calls it the biggest earmark in history. We do have to recognize that with this, on top of the over $20 billion in earmarks we passed last week, the American people have to be looking in on us and asking, What are they thinking?

If we adopt this cloture motion, we are setting up 30 hours of debate on what I am sure to many is an important bill, but this is in a time when we are talking about a financial crisis of proportions we have not seen since the Great Depression. We have instilled panic in the American people, and people are working around the clock to determine whether we should spend $700 billion to intrude into the private markets.

To take 30 hours during this time is to suggest to the American people it is business as usual here while we have a crisis and panic on the outside. I encourage my colleagues to let's put this off until later. Whether you support it or you don't, this is not the time to tell the American people one thing and to proceed as it it is business as usual. We should not be spending 30 hours of debate on an Amtrak bill, with the pork that has been added to it, at a time when we need to be addressing a crisis in America.

I thank the leadership for all their work on this bill.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. DEMINT. I yield the floor.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

● Mrs. BOXER Mr. President, due to the Jewish holidays, I am unable to attend the cloture vote today on the Federal Railroad Safety Improvement Act.

However, I want to take this opportunity to express my support for this important piece of legislation that will have a significant impact on rail safety for my State of California and our Nation.

On September 12, a Union Pacific freight train collided head on with a Metrolink commuter train during rush hour in Chatsworth, CA. This tragedy claimed 25 lives, and injured 135 people, many of whom have sustained lifelong injuries.

This was a senseless tragedy that did not have to occur. Several safety measures could have been employed to help avert this tragedy, including the implementation of positive train control, PTC, systems on single tracks shared by commuter and freight rail.

The National Transportation Safety Board has called for the implementation of positive train control systems since the inception of its Most Wanted Transportation Safety Improvements list in 1990. In its most recent list, the NTSB states:

> The board believes . . . positive train control is particularly important in places where passenger trains and freight trains both operate.

That is why I joined Senator FEINSTEIN in introducing legislation after the accident that would require positive train control systems to be implemented by 2014 nationwide and in areas of high risk by 2012.

While I would have preferred that the Federal Railroad Safety Improvement Act mandate positive train control in high risk areas by 2012, I am pleased this bill takes a step in the right direction by giving the Federal Railroad Administration, FRA, the authority to require the implementation of PTC sooner than 2015.

I also believe the Federal Railroad Safety Improvement Act makes key advances to address other necessary safety improvements.

In addition to requiring the implementation of positive train control systems on rail lines used by passenger trains and trains carrying hazardous materials, the bill authorizes $250 million in grants for States and railroad carriers to aid in the deployment of PTC systems and other rail safety technology.

The legislation also revises work hours for train crews and signal employees by requiring an uninterrupted off-duty period of 10 hours between shifts, a total monthly cap of 276 hours for train crew work hours, and creates the first mandatory ''weekend'' for railroad employees by requiring consecutive days off.

The Senate has an opportunity to vote this week on the first comprehensive rail safety bill since 1994 and send a clear message to Americans that we have taken action to protect the public by making rail safety a priority.

In light of the recent rail tragedy in southern California, there is no excuse for failing to pass rail safety legislation.

This month, I hosted a Commerce Committee briefing on the rail accident. What became clear at this briefing was that the FRA has had a lax attitude toward rail safety oversight in recent years and that Congress must act now to assure the public's concerns and ensure the safety of commuter rail.

In the wake of the California rail tragedy, this is not the time to have a partisan debate over increased regulation of rail safety intended to protect passengers.

Commuter rail systems across the nation need resources and oversight by FRA to keep Americans safe.

As gas prices continue to rise and more and more families turn to public transit, we must take additional steps to ensure the safety of our commuters.

Our colleagues in the House have acted in support of this legislation. Now is the time for the Senate to act so that we can begin to take the steps necessary make our rail commuter and freight rail lines safer.

I look forward to continuing to work with my Senate colleagues on this important issue in the next Congress.●

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

● Mr. NELSON of Florida. Mr. President, with gas prices as high as they are in our country, rail is becoming a more popular mode of transportation. As we find ourselves dealing with more trains on the rails, with crews being asked to work longer hours and make more trips, it is imperative that we ensure these operations are conducted safely.

The Federal Railroad Safety Improvement Act would make sure that rail crews are properly rested and that hazardous materials are properly secured. It also includes critical improvements to our rail infrastructure at bridges and grade crossings. I regret that I could not be here to cast my vote on Monday, but if I were here, I would have voted in favor of cloture. This bill deserves an up-or-down vote because the American people deserve a safe rail transportation system.●

Mrs. FEINSTEIN. Mr. President, I rise to speak in support of the Rail Safety Improvement Act, which passed the House of Representatives last week by voice vote. This legislation is necessary in order to make our rail lines safe. I encourage my colleagues to support it.

First, I thank Chairman INOUYE, Chairman LAUTENBERG, and Senator HUTCHISON for their terrific leadership on this important bill. They worked in a bipartisan fashion to advance the first comprehensive rail safety bill since 1994. I appreciate their genuine efforts to make America's rail system as safe as possible.

The Rail Safety Improvement Act would prevent train accidents by deploying new safety technology.

It would also take steps to minimize train worker distraction and fatigue, and it would help those impacted by accidents.

Finally, it would invest in the future of rail, in which I firmly believe.

Let me explain what this bill does. After years of delay, this bill will mandate and authorize new funding for the installation of advanced train collision avoidance systems known as positive train control. It will also address grade crossings—establishing a grant program to fund improvements at crossings with a history of deadly collisions.

This bill will limit trainmen shifts to 12 hours, preventing tired engineers from falling asleep at the throttle; it will establish new hours of service rules tailored to ensure commuter rail line workers are rested; it will improve training for those who work the rails, and; it will permit the Federal Railroad Administration to ban cell phone use and other distractions.

The bill will create a program to assist victims and their families involved in passenger rail accidents.

The bill will also lay out a path that will guide the future of rail in America. It invests in Amtrak; it establishes competitive grants to expand the existing rail network into new areas; and it establishes significant Federal support for developing high speed rail in the United States.

This legislation is necessary and long overdue. Congress has not reauthorized the Federal Railroad Administration—the FRA—since 1994, and without congressional guidance FRA has failed to respond to the National Transportation Safety Board's repeated calls for improvements. For example: NTSB has called for positive train control collision avoidance systems since the 1970s, and NTSB has called on FRA to ban the use of cell phones by engineers on duty since 2003. Without guidance from Congress, the FRA has done neither.

Beyond the calls made by NTSB, in California, three deadly crashes involving the Metrolink commuter rail system since 2002 demonstrate that the FRA needs a new mandate.

In 2002, a freight train in Orange County, CA, ran a signal and crashed into a stopped commuter train, killing three and injuring hundreds. NTSB found the collision would have been prevented by Positive Train Control, but nothing changed.

In 2005, a Metrolink train hit a vehicle left on the tracks at a highway rail intersection. This crash, which killed 11 southern Californians, was not unique. Such intersections lead to an average of 3,081 collisions and 368 deaths each year.

Seventeen days ago in Chatsworth, a Union Pacific freight train collided head-on with a Metrolink commuter train carrying 225 people headed home for the weekend. Twenty-five people died and 135 were injured.

In response to this terrible tragedy, I joined with Senator BOXER to introduce legislation requiring positive train control systems on America's trains—with priority given to high-risk routes where passenger and freight trains share the same tracks.

How can we have fully loaded freight and passenger trains traveling on the same track in opposite directions with nothing more to prevent a collision than signals and the attentiveness of a single engineer?

How can we apply 19th century safety systems to a very serious modern day problem?

This is a particularly acute issue in California, which has a great deal of single track, heavily traveled rail.

Mr. President, 41 percent—51 of the 125-mile—Los Angeles to San Diego Amtrak and commuter rail corridor is single track. This is the second most heavily traveled passenger rail line in the United States. On the Amtrak and commuter rail line from L.A. north to Santa Barbara and San Luis Obispo, 80 percent the track is single-tracked—177 of 225 miles, with only limited passing sides. Also 88 percent—75 of 85 miles—of the Altamont Commuter Express commuter rail linking Stockton and San Jose is single track.

In California, we cannot afford to wait for crash avoidance systems to come down in cost. We need action now.

Let me point out for a minute how positive train control works.

Every train's position is tracked through global positioning, which is new technology that can monitor its location and speed. These systems constantly watch for excessive speed, improperly aligned switches, whether trains are on the wrong track, unauthorized train movements, and whether trains have missed signals to slow or stop.

Each train also has equipment on board that can take over from the engineer if the train doesn't comply with the safety signals. The system will override the engineer and automatically put on the brakes.

Versions of these systems exist and are in use today. They are in place in the Chicago-Detroit corridor and Amtrak has a system in the Northeast corridor. San Diego has a more simple system, known as Automatic Train Stop, which has been in existence since the 1940s and would have probably prevented the Metrolink's most recent deadly crash. But the railroad industry resists these collision prevention systems. They ask for more time. They say that the technology is still being developed.

By enacting the Rail Safety Improvement Act, Congress will demonstrate that it gets the message that positive train control will save lives. This legislation includes key parts of the Rail Collision Prevention Act that Senator BOXER and I introduced.

The positive train control systems mandated by this bill will prevent 40 to 60 train crashes a year and save lives.

And FRA will have the power to issue civil penalties if the systems are not in place.

While the bill that Senator BOXER and I introduced would have required collision avoidance systems on high risk track to be in place earlier than this legislation, the Rail Safety Improvement Act is nevertheless a major step in the right direction.

The FRA will have the power to move deadlines up on the highest risk rail routes, and I fully expect FRA to impose aggressive deadlines on single track, heavily traveled rail lines.

I believe we must do all we can to see that the Senate acts on it before the session comes to a close.

I believe rail has a bright future in America but only if the public's safety is assured.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that Senator SPECTER be given 2 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized for 2 minutes.

Mr. SPECTER. Mr. President, this legislation is vital for the infrastructure of America. Amtrak provides an indispensable service. Contrary to assertions, there is much in this bill which provides for reform: a greater role for the private sector by allowing private companies to bid and operate underperforming Amtrak routes; requires Amtrak to establish and improve financial accounting; requires Amtrak to consult with the Surface Transportation Board, freight railroads, and the FRA.

Most of all, when the Senator from South Carolina comments about this is an earmark, this is thoughtfully considered legislation by both Houses of the Congress. It has been held up by the technical refusal of some Senators to allow conferees to be reported. But this sort of gives lie to the whole challenge of earmarks as a generalization. Of course, if it is a bridge to nowhere or some provision slipped into a bill by a single Member which does not have any merit, but where you have the Congress of the United States authorized by the Constitution to appropriate, this is thoughtful authorization of funds.

If this is an earmark, then those who condemn earmarks in their totality are absolutely dead wrong and nothing proves it as conclusively as saying that the Amtrak legislation is an earmark, when it has been carefully considered by both Houses of Congress, which is our constitutional responsibility and our constitutional authority.

I urge my colleagues to support this bill.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, I am going to use leader time. All other time has expired; is that right?

The ACTING PRESIDENT pro tempore. The Senator is right.

Mr. LAUTENBERG. I yield back all our time.

The ACTING PRESIDENT pro tempore. The minority time has expired. The majority has yielded back its time.

The majority leader is recognized.

Mr. REID. Mr. President, we now turn to legislation, thankfully, to improve the safety of America's railroads. This bipartisan, bicameral legislation will achieve something we can all agree on, I hope—the improved safety of our Nation's railroads.

The pictures Senator LAUTENBERG placed before us are, to say the least, descriptive.

Through new technology, updated regulations, and an expanded Federal agency that is up to the challenge of policing the railroads, the bill will save lives.

To reach this goal, Senators from both sides of the aisle have worked tirelessly, putting aside partisanship and overcoming obstacles that would derail the needed safety and infrastructure improvements we owe the American people. The picture we saw a few minutes ago, the tragic collision that occurred in southern California in Chatsworth on September 12, reminded us all it has been entirely too long—almost 15 years—since Congress last reauthorized a bill to set the route of the Federal rail safety programs.

The Senate took its first steps at rectifying this situation by passing, by unanimous consent, Senator LAUTENBERG's rail safety bill, just before the August recess. It is a bill he worked hard on with KAY BAILEY HUTCHISON and which is now an important piece of legislation we must address.

Similar to myself, Senators LAUTENBERG and HUTCHISON believe we cannot wait another day to reauthorize and improve these lifesaving programs. I am glad we can finally move to consider this good piece of legislation today.

In addition to our rail safety programs, this legislation will also reauthorize Amtrak and improve the railroad safety operations infrastructure.

We last passed an Amtrak reauthorization bill more than 10 years ago. Our national railroad has been without

guiding legislation since 2002, and that was only temporary. With all the challenges facing the traveling public today—high gas prices, long delays at airports, and constant highway congestion—improving our Nation's intercity passenger rail system is an idea whose time has come.

Eight years ago, my wife and I decided we would travel from Washington to Chicago on an overnight train. What a good experience that was. Where I was raised, there was no railroad. But now, 8 years later, people would take the trains, such as we did, more often because of the jamming at our airports and our busy highways, but they simply are not available. Trains offer a fuel-efficient and environmentally sound way to quickly enhance our transportation system, and this bill will improve both the existing Amtrak system and help us develop new rail service in corridors across the country, such as in Nevada, where a high-speed rail corridor is being planned and would connect Las Vegas to southern California.

Despite this progress, some Senators took it upon themselves to prevent the House and Senate from going to conference on this bill in an attempt to kill the legislation. It is hard to comprehend, but that is true.

Thankfully, the sponsors of this bill did not give up when they faced these challenges. Senator LAUTENBERG and Senator HUTCHISON instead began working with the House to put together the combined rail safety and Amtrak legislation, and today we see the fruit of their labor.

This package has been approved by the House by voice vote, with near unanimous support, last Wednesday and is now ready to be sent to President Bush for his signature once the Senate passes it, which I hope we do.

It contains important new safety requirements for our railroads, such as the implementation of positive train control systems, known as PTC systems. These systems can prevent train collisions, such as the terrible crash in California less than a month ago.

This bill ensures the railroad industry adopts this vital technology wherever passenger trains and hazardous cargo shipments travel.

This legislation is supported by the railroads and their workers and was developed working closely with the administration.

Democrats and Republicans, in both the Senate and the House, have made a strong statement that we need to move our Federal rail safety programs and our passenger rail system into the 21st century. I hope we can move forward on this legislation quickly and get it to Senator Bush for his signature.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment to H.R. 2095, the Federal Railroad Safety Improvement Act.

Richard Durbin, Hillary Rodham Clinton, Kay Bailey Hutchison, John Warner, Gordon H. Smith, Olympia J. Snowe, Jim Webb, Jon Tester, Barbara Boxer, Dianne Feinstein, Frank R. Lautenberg, Charles E. Schumer, Thomas R. Carper, John D. Rockefeller, IV, Benjamin L. Cardin, Byron L. Dorgan, Patty Murray, Daniel K. Inouye.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that the debate on the motion to concur in the amendment of the House to the amendment of the Senate to H.R. 2095, an act to amend title 49, United States Code, to prevent railroad fatalities, injuries, and hazardous materials releases, to authorize the Federal Railroad Safety Administration, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Michigan (Mr. LEVIN), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Washington (Mrs. MURRAY), the Senator from Florida (Mr. NELSON), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Illinois, (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent. The Senator from Missouri (Mr. BOND), the Senator from Nevada (Mr. ENSIGN), the Senator from Arizona (Mr. MCCAIN), and the Senator from New Hampshire (Mr. SUNUNU).

The PRESIDING OFFICER (Mr. SANDERS). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 69, nays 17, as follows:

[Rollcall Vote No. 209 Leg.]

YEAS—69

Akaka	Cornyn	Klobuchar
Alexander	Crapo	Kohl
Baucus	Dodd	Lautenberg
Bayh	Dole	Leahy
Bennett	Domenici	Lieberman
Bingaman	Dorgan	Lincoln
Brown	Durbin	Lugar
Byrd	Feingold	Martinez
Cantwell	Feinstein	McConnell
Cardin	Graham	Menendez
Carper	Grassley	Mikulski
Casey	Hagel	Murkowski
Chambliss	Harkin	Nelson (NE)
Clinton	Hatch	Pryor
Cochran	Hutchison	Reed
Coleman	Inouye	Reid
Collins	Isakson	Roberts
Conrad	Johnson	Salazar
Corker	Kerry	Sanders
Schumer	Stabenow	Webb
Smith	Stevens	Whitehouse
Snowe	Tester	Wicker
Specter	Warner	Wyden

NAYS—17

Allard	Craig	Sessions
Barrasso	DeMint	Shelby
Brownback	Enzi	Thune
Bunning	Gregg	Vitter
Burr	Inhofe	Voinovich
Coburn	Kyl	

NOT VOTING—14

Biden	Landrieu	Nelson (FL)
Bond	Levin	Obama
Boxer	McCain	Rockefeller
Ensign	McCaskill	Sununu
Kennedy	Murray	

The PRESIDING OFFICER. On this vote, the yeas are 69, the nays are 17. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, the House is going to vote in the next half hour on the recovery plan. We are going to attempt this afternoon to get a consent agreement to move so that we will have a 60-vote margin to approve this legislation. We would do that sometime on Wednesday, late in the day.

In the meantime, we are working to see if we can complete an agreement to move and complete the Indian nuclear treaty, also on the same day. That would be Wednesday. I think we are very close to being able to work that out. That would allow all afternoon today, all day on Tuesday, and Wednesday to work on those two items.

Mr. MCCONNELL. Will the majority leader yield for a question?

Mr. REID. I am happy to yield.

Mr. MCCONNELL. I want to make sure I heard correctly, and my colleagues understand, that we would address the rescue package with a vote Wednesday night? A Wednesday night vote on the rescue package, is that what I heard?

Mr. REID. Yes. We have to make sure it passes the House. I am confident that will be the case. Yes, we will work to see if we can get agreement, both the majority and minority, to have a vote on that sometime Wednesday.

I also say I know there is a lot of anxiety, people wanting us to complete this this afternoon. We pushed things a lot, to a 12:30 vote. Many people wanted a much earlier vote. The holiday starts sundown today which, as I understand it, is around 6 o'clock, quarter to 6, maybe even earlier than that. People have to go home so they can prepare for the holiday.

I know people have said let's go ahead and do this anyway. We cannot do that. This is an important piece of legislation. It would be legislative malpractice for us not to talk about it before we vote on it. I am confident everyone understands that.

The one thing I didn't mention is we are going to have to have a final passage vote on the matter on which cloture was just invoked. We will also do

that on Wednesday. We should be able to complete—if things go well, we should complete all of our work Wednesday. The House is leaving today, so that fairly well limits what we can do. But if anyone has any questions, I will be happy to acknowledge them. We are having a caucus at 1:30 so we can talk to Democrats about this recovery program.

Mr. MCCONNELL. Will the majority leader yield further?

Mr. REID. I am happy to.

Mr. MCCONNELL. It is the majority leader's feeling there simply would be no way to address the rescue package this afternoon before sundown?

Mr. REID. That is right. I do say this will, of course—I could be wrong, but I am very confident there are enough votes to pass this legislation. There will be 60 votes to pass this recovery plan once we get it from the House. That should be in the next several hours. That will give people all the time that they need to talk about it. I do not want to be jammed in that regard. But there is no way we could do it. It is just not fair. This is the Senate where people are supposed to be able to talk. We just can't start voting on something that is costing the country up to $700 billion without at least advising our constituents why we are voting for or against something of this importance.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. I don't want to get into a big debate with the leader about this, but the House of Representatives, of course, is voting today, and they have not had the package any longer than we would have had it today. I know all of this is complicated by the holiday that is beginning at sundown. But this is a matter of extraordinary importance. Both sides realize it is important to the financial future of our country. I did at least want to raise the possibility one more time that maybe there would be some way we can vote on it today.

Mr. REID. Mr. President, the House has had—has been debating this since 8 this morning. That is 5 hours. I just think it is inappropriate for us to have that matter—we will not even get the bill for another couple of hours. I think it is inappropriate for us to charge into this without having had the opportunity to work on it. If it passes the House, I have already said publicly I am confident there are enough votes to pass it in the Senate. I have no doubt that is true.

Everyone should just calm down. I know this is a mad rush, but we make mistakes by rushing into things. There is nothing wrong with our talking about this until Wednesday. That is the day after tomorrow. I think the anxiety of the chairman of the committee who has worked so hard on this—I know he would like to get this done so he can go home and spend some time with his little girls. But I think discretion is the better part of valor. I don't think it is appropriate, and I don't think we could do it if we wanted to. We have people who are gone because of the holiday. They are gone right now. It is not fair to them. I do not think it is fair to the body generally that we rush into this, with Senators being gone. There is no question the holiday has been announced for more than a year. For some people this is a very important time of the year for them for their religious observance, and I am not going to tell Senators who are already not here because of this that they are going to miss this most important vote.

Mr. DOMENICI. Mr. Leader, I am not on the committee so I am not here with any rush from having written this or having spent time there. I just want to share with you my concerns.

I believe we are in a time situation that is of utmost importance. I believe the next 2 days could see many bad things happen that will be very harmful and irreversible for millions of people. The banking system and banks, financial institutions in the world during the next 3 days, even though they believe you, that we are going to pass this legislation—things can really happen to those that would not happen if we passed this legislation now. I just want to say I understand religious holidays and I understand the significance of the one you are speaking of. But I also believe—I think I understand what is happening out there and what is happening in the world, and 24 hours is enough time for many things to happen; 48 is too long.

Many things will happen which are detrimental and harmful. I urge you once again to repeat that you think we are going to pass this. I think it is important that we instill some confidence that we are going to get a right decision; that the delay is just an interim delay because it is unavoidable, at least you feel that way as leader of the Senate, but that we are going to pass it. If the world doesn't believe that, once the House passes it, a lot of our work will go for naught and a lot of things will happen that are not good. I am sure of that.

Mr. REID. I say to my friend, we have both Presidential candidates finally agree on one thing—we should pass this. Both agree. There are the two leaders, Senator MCCONNELL and I have done what we can to advance this program. I have no doubt that it will pass the Senate. We will wait to see what happens in the House, but I have no doubt it will pass the Senate.

Mr. LEAHY. Will the majority leader yield for a point?

Mr. REID. I am happy to.

Mr. LEAHY. I have seen the vote count. I know it will pass the Senate. But I urge Senators, let's not be stampeded into things without even reading it. Here is a report from the Department of Justice's Inspector General and Office of Professional Responsibility about the investigation into the firing of the U.S. attorneys, one of the greatest scandals to hit the Department. This came about because we rushed through on a piece of legislation at the last minute. The Administration slipped in a provision that was on the basis of the administration saying: Trust us—and they manipulated it. People eventually may go to jail because of this. Millions of dollars of investigations are going on because of this.

Keep in mind, 10 days ago we were asked to pass something immediately because of the urgency—they told us the world is falling, the sky is falling. That proposal said we would give the Secretary of the Treasury carte blanche to do anything he wants. That proposal said his decisions could not be reviewed by any court, any person, any administrative body, and they insisted that is the only thing—the only thing—the administration could accept.

After it was pointed out by myself and others that meant he could actually write himself a check for $700 billion and nobody could ask about it, when a number of those things came about, they suddenly realized they could make changes. We sat in a meeting, all the Senators, with the Secretary of the Treasury and Chairman Bernanke, the head of the Federal Reserve. I remember asking a question, a simple question. They went around and around and never answered it. Two days later they finally answered it.

Let's take time to read what we are voting on for the sake of this country, realizing what happened before when we were stampeded into voting for something because the sky was falling.

Mr. SALAZAR. Will the majority leader yield for a question?

Mr. REID. I am happy to yield.

Mr. SALAZAR. I say to the majority leader, only 10 days ago we were asked to give a $700 billion blank check to the Secretary of the Treasury because the sky was falling. I think the majority leader, working in a bipartisan way, did the right thing in terms of standing up against that stampede that was being brought upon us by the White House. Because of the process that has been underway in a bipartisan way, the blank check is no longer there. There are constraints on this legislation that make it better. But to have the judgment of the Senate, to have us rush to judgment on a $700 billion rescue package, would be an absolute mistake. I think the majority leader is correct in terms of wanting us to take the time to review this legislation, which none of us have yet seen, to review it through Tuesday, let the Jewish holiday pass, and then come back and take the appropriate steps so we make sure the sound judgment of the Senate is being brought on this legislation.

I am very much in agreement with the majority leader that we should take our time to get it done right.

Mr. REID. Through the Chair to my friend and all Senators, I have indicated what we have left on our plate to do. I hope we can complete that by Wednesday.

There are other things that could come up that may extend the time. We may not be able to finish things on Wednesday. There are things the House is sending over to us today, or not sending to us today, that we may have to act on. I am going to do my very best, working with the Republican leader, to get us out of here on Wednesday, but that is no guarantee. I am going to do the very best we can, but there may be other things that come up that we are forced to work on. Even though the House is gone, certain things they have done, if we decide we have the opportunity to do those, we may have to do some of those things.

I want everyone to know we will do our very best to get out of here sometime Wednesday night, but there is no guarantee on that, so I wouldn't make plans on Thursday to go golfing or anything like that.

FOOD, CONSERVATION, AND ENERGY ACT OF 2008

Mr. CARDIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6849, which was received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6849) 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.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I rise today in support of H.R. 6849. This important piece of legislation would revise the 2008 farm bill and help thousands of Kentucky farmers.

As many of you may know, the farm bill prohibits producers from receiving certain commodity payments on farms of 10 base acres or less. Unfortunately, Kentucky has the greatest number of farms that will be impacted by this provision. According to the USDA Farm Service Agency and the University of Kentucky, one-fourth of Kentucky's farms are 10 acres or less, which indicates that approximately 20,000 of the Commonwealth's 80,000 farms could be affected by this provision. While I supported the farm bill, I opposed the inclusion of this program in the final legislation.

Last month, I wrote USDA Secretary Ed Schafer to express my concerns regarding USDA's implementation of this provision. I was concerned that USDA had interpreted the law in a way that disqualifies farmers with more than 10 base acres because that land is not located on a single, contiguous tract. As clearly outlined in the Joint Explanatory Statement of the Managers that accompanied this legislation, Congress intended that USDA allow for aggregation of farms for the purposes of determining the suspension of payments on farms with 10 base acres or less.

H.R. 6849 would remedy this issue by suspending this program for the 2008 crop year. I strongly support this provision since it could lessen the impact on my farmers and will perhaps provide encouragement to USDA to implement this provision in the manner that Congress intended.

Mr. CARDIN. I ask unanimous consent that the Harkin-Chambliss amendment, which is at the desk, be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table, with no intervening action or debate; and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5679) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 6849) was read the third time, and passed.

ORDER OF PROCEDURE

Mr. CARDIN. I ask unanimous consent that the time during recess count postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL RAILROAD SAFETY IMPROVEMENT ACT OF 2007—Continued

Mr. CARDIN. Mr. President, I am very pleased that the Senate stands poised to approve H.R. 2095, a bill that provides for a new generation of rail safety improvements, the reauthorization of Amtrak, and the critical Federal funding for the Washington Metro system.

All three elements of this legislation are essential to bringing America's rail into the 21st century. There are many reasons we need to do that. We need to do that because it is important for quality of life, we need to do that because it is good for our environment, we need to do that for energy security, we need to do it because it should be an important priority for our Nation.

Now we are ready to move forward. I wished to focus my comments on title VI, which is the National Capital Transportation Amendments, a section that incorporates legislation I sponsored to reinvest in the Washington Metro system.

At the outset, I wish to thank my cosponsors, Senators MIKULSKI, WARNER, and WEBB. This has been a bipartisan regional effort, where we have worked together in an effort to come up with the right proposal.

I noticed a little earlier today that Congressman TOM DAVIS of Virginia was on our floor. I wish to acknowledge his hard work on this legislation. He was critically important in getting this legislation through and the strategies in order to be able to accomplish an opportunity to finally vote on this legislation.

Along with my colleagues from Maryland and Virginia, Congressman HOYER was very instrumental, and others. Our collective thanks also go to the chairman and ranking member of the Homeland Security and Government Affairs Committee, Mr. LIEBERMAN and Ms. COLLINS. They were very helpful in moving forward on this bill. I would like to thank also the Commerce Committee, Senator INOUYE and Senator STEVENS and Senator SMITH for accommodating the strategies so we could actually vote and pass the bill during this session.

A final word of thanks goes to Senator LAUTENBERG. He has been the champion on Amtrak. He has been the real champion to keep us focused on modernizing Amtrak and how important passenger rail is to our Nation. I wish to thank him for his persistence and for being able to marshal this bill through the Congress of the United States.

The record on the interest of the Federal Government in the Washington metropolitan area and transit goes back to 1952, when Congress directed the National Capital Regional Planning Council to prepare a plan for the movement of goods and people. That plan became the basis for the National Capital Transportation Act of 1960, which clearly states the Federal interests. From that legislation I quote:

That Congress finds that an improved transportation system of the Nation's capital region is essential to the continued and effective performance of the functions of the Government of the United States.

In 1966, Congress created the Washington Metropolitan Area Transit Authority, WMATA, to plan, construct, finance, and operate a rapid rail system for the region. By any measure, Metro has succeeded beyond anyone's expectations. Metro is the second-busiest rapid rail transit system in the Nation, carrying the equivalent of the combined subway ridership of BART in San Francisco, MARTA in Atlanta, and SEPTA in Philadelphia. Metrobus is the fifth most heavily used bus system in the Nation. In all, the Metro system moves 1.2 million passengers a day. In the fiscal year which ended 3 months ago, 215 million trips were taken on Metrorail. That is 7 million more than in 2007.

In fact, 22 of the 25 Metrorail top ridership days have occurred since April of this year. And 133 million trips were taken on Metrobus in fiscal year 2008, which is the highest year total ever, an increase of 1.4 million relative to 2007.

But let me get to the Federal Government for one moment, our responsibility. Federal facilities are located within footsteps of 35 of the Metrorail's 86 stations; that is by design. Nearly

half the Metrorail rush hour riders are Federal employees, nearly 50 percent during peak time are Federal employees.

Approximately 10 percent of Metro's riders use the Metrorail stations at the Pentagon, Capitol South or Union Station. In other words, 10 percent of the ridership is directly related to the Capitol and the Pentagon, obviously our responsibility, serving the military, serving the Congress.

GSA's location policy is to site Federal facilities in close proximity to Metro stations. It is in their RFP. They put it there. They want it to be within walking distances of the Metro. Metrobus is available at virtually every Federal facility. Every weekday, 34,000 bus passengers either arrive or depart from the Pentagon.

Metro is now a mature system and showing signs of age. That is no surprise; 60 percent of Metro's system is now more than 20 years old. The average age of our bus facilities is 60 years. It is time we invest in modernization of these facilities. Today we act to protect the substantial investment the Federal Government and the region have made in an asset designed to serve the Federal workforce and the national capital region.

Metro is the only major public transportation in the country without a substantial dedicated source of funding. The need to address the shortcoming is urgent. That is what this legislation is about. The legislation we, hopefully, will pass will put WMATA on firm footing. The legislation authorizes $1.5 billion in Federal funds over 10 years. For every Federal dollar, Metro's funding partners in Maryland, Virginia, the District of Columbia will put up an equal match from dedicated funding sources. We finally get the dedicated funding sources Metro needs.

The bill contains important financial safeguards. It establishes an Office of Inspector General for WMATA and expands the board of directors to include Federal Government appointees.

Also included in the bill is a provision that will improve cell phone coverage within the Metro subway system. I am sure that is going to make some of my colleagues happy that their cell phones will work on the Metro. Within 1 year, the 20 busiest rail station platforms will be required to have cell phone access. That requirement will go systemwide within 4 years.

WMATA can charge licensed wireless providers for access. This is a classic win-win situation, providing customers with enhanced service, giving riders an extra level of security in the event of a national or regional emergency, and giving the Transit Authority a much-needed revenue flow.

We have a great opportunity today to advance passenger rail service and safety in America, and transit in the Nation's Capital. Today, the Senate is taking a major step in putting Metro back on track. That is good for Washington, that is good for America and I thank my colleagues and I urge them to support the final passage of this legislation.

Mr. WARNER. Would the Senator yield?

Mr. CARDIN. I would be happy to yield to Senator WARNER, who has been the real champion on this issue. I mentioned earlier in my remarks the tremendous leadership that Senator WARNER provided in not only supporting this legislation and what he has done as far as regional issues in Washington but figuring a strategy so we could reach this moment. I congratulate him.

Mr. WARNER. I was simply going to rise to say that the portion of the legislation we voted upon relating to the Metro is derivative of your regulation which you, and I was privileged to be a cosponsor, Senator WEBB was a cosponsor, Senator MIKULSKI, the four of us put in. So although it may not be the exact bill number, it is, in fact, building on the foundation you laid.

I thank you very much for that, as do all our colleagues, every one of whom have people who utilize this system, the whole Federal Government.

But the important thing is, the District of Columbia can look to the Senators from Maryland, Virginia, and indeed the Members of the Congress and the House of Representatives, from time to time, to serve its interests. This is one which is very important, if not vital, to our Nation's Capital. I compliment the Senator for his leadership. As I leave the Senate, whatever modest mantle I have in this area, I convey to you and to Senator WEBB and Senator MIKULSKI.

Mr. CARDIN. Senator, you have been an inspiration to all of us on these issues and a model for how we should work together on regional issues. I congratulate you for a great record in the Senate.

Mr. WARNER. Thank you. I have been a lucky man.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

TRIBUTE TO JOHN WARNER

Mr. CARPER. I say to my leader, from my days as a naval flight officer, how privileged I have been having served in Southeast Asia, to serve under his leadership when he was Secretary of the Navy and I was a young naval flight officer, pleased to serve under his leadership then, and delighted to be able to follow his leadership here again today on the important legislation we have been voting and debating here.

I wish to comment on what Senator CARDIN said. You provided an example for us. You provided an example for us how we are supposed to treat other people. You treat other people the way you wish to be treated. You are an embodiment of the Golden Rule.

If you look in the Bible, it talks about the two great commandments. The second one is to love they neighbor as thyself; treat other people the way you want to be treated. You certainly embody that. I, personally, am going to miss you. I know a lot of others are as well.

You talk about passing the mantle to Senator CARDIN. Your mantle is so heavy, it is amazing to me you can even walk around, all you have done and all you have accomplished.

But you are the best. It has been an honor to serve with you, again, here in this capacity.

Mr. WARNER. Mr. President, I thank my good friend and colleague from Delaware. You mentioned naval aviation. It requires an extraordinary person to go into that program to fly those aircraft. I believe yours was a P–2; was it not?

Mr. CARPER. It was a P–3.

Mr. WARNER. I remember that airplane. It flew many missions. Your primary mission was watching the Soviets, I repeat the Soviet Navy, and its submarines operating off the shore and was vital to our security, to track and know where those submarines were because they had missile armaments which could inflict great harm on this country.

So I commend you, sir, for your service and I humbly thank you for your remarks.

Mr. CARPER. Mr. President, I would like to talk a little bit about the legislation Senator WARNER, Senator CARDIN, Senator LAUTENBERG, and others have crafted. It has been described as legislation that will accomplish three things: One, to eventually provide better transit service for folks in this part of the country, to help—whether you happen to work here, live here or visit here, the opportunity in years ahead, to get out of our cars, trucks and vans, leave them wherever they are, at home, in the parking lot or at work and take transit.

It will help the quality of our air. It will help reduce congestion in this part of our country. It will reduce our reliance on foreign oil. It works on all different kinds of levels.

I know Senator WARNER has done good work, along with Senators CARDIN and MIKULSKI and Senator WEBB. I also wished to say to Senator LAUTENBERG how much I appreciate his leadership in crafting the legislation, the Amtrak legislation, the rail safety legislation that is before us today.

On the rail safety legislation, this is the first time in 10 years that we have actually come back and taken up a major reform of rail safety. The legislation provides some money—about $1.5 billion—for rail safety programs over the next 5 years.

The best thing it does is with respect to something called positive train control systems. A terrible accident, a commuter train and freight train accident out in California earlier this month, could have been prevented had those trains been fitted with—especially, the commuter rail train—a positive train control system. This legislation requires the installation of that kind of system in all trains by the year 2015. I would argue that it should be

sooner. My hope is it will be in a number of trains before that date, but it should be on all trains by that date. In the situation in California, apparently the engineer may have been text messaging and missed a stop signal, ran the stop signal and ran right into a freight train, killed a lot of people, including him. Had we had this positive train control system in place, all that damage and heartache would have been spared.

Another major provision of this legislation on the rail safety side deals with hours of service. I used to think we flew a lot of hours. I spent a lot of time when I was on Active Duty in the Navy. People who work on trains spend a lot of time operating the trains as well. Currently, they are able to work up to 400 hours per month. Under current law, they are allowed to work up to 400 hundred hours per month compared to about 100 hours for commercial airline pilots. This legislation drops that limit by about a third, down to around 275 hours per month. That is still a lot of hours to work in a month but better than what they had been working with for years.

The last piece I want to mention on rail safety deals with the highway-rail grade crossing. This is a case where you don't have a rail overpass or a road going under a railroad bridge but a situation where you have the rail and the highway meeting at the same level. This legislation requires the 10 States with the most highway-rail grade crossing collisions to develop plans to address the problem within a year of enactment. It also requires each railroad to submit information to an inventory of highway-rail crossings, including information about warning devices and signage.

In short, this legislation is going to save lives. It is going to save money. It is going to provide a much better situation for people who are running and operating trains, people who are traveling on trains, and for those of us who are driving around in our cars, trucks, and vans, trying to get across a rail crossing.

Next I would like to turn to Amtrak, an issue that is near and dear to my heart. In our State, we have a lot of folks who take the train. Amtrak has a train station in Wilmington, DE, and that train station is about the 11th or 12th busiest in the country. A lot of people depend on Amtrak in my State, as they do up and down the Northeast corridor.

I used to serve on the Amtrak board of directors when I was Governor of Delaware. I rode Amtrak as a passenger. As someone who represents a State where we do a lot of repairs on locomotives, we do a lot of the repair work on the passenger and dining cars and so forth, I wanted to talk in sort of broad terms about this legislation.

Mr. President, what is the situation with the time?

The PRESIDING OFFICER. The Senate has an order to recess at 1:30.

Mr. CARPER. In that case, we better recess. I will have the opportunity later to pick up my remarks and talk about the Amtrak provisions in this bill.

I thank the Chair.

RECESS

The PRESIDING OFFICER. The Senate stands in recess until 2:30.

Thereupon, at 1:33 p.m., the Senate recessed until 2:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. TESTER.)

FEDERAL RAILROAD SAFETY IMPROVEMENT ACT OF 2007

Mr. BARRASSO. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WEBB. 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. WEBB. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SENATORS

Mr. WEBB. Mr. President, I know this afternoon at some point the majority leader intends to speak about the service of a number of the Members of this body who are going to be retiring at the end of the year. But seeing that people are elsewhere right now, I thought I might seize this moment and say a few words about two of my Republican colleagues with whom I have had long relationships, and both of whom I respect a great deal, and to wish both of them success as they leave this body.

SENATOR JOHN WARNER

The first is Senator John Warner. Right now, with the situation facing this country, we are in more turmoil, we are facing greater problems than at any time, probably, since the combination of the Great Depression and the end of World War II. We need people who are willing to work to solve the problems of this country rather than simply falling back into partisan rhetoric or simple party loyalties.

I think it can fairly be said that throughout his lifetime of service, and particularly his service in politics, there is one thing everyone can agree on about JOHN WARNER: He has always put the interests of the people of Virginia and the people of this country ahead of political party. He has been very clear at different times that he and I are in different parties. But this is an individual who has served this body with great wisdom and a deeply ingrained sense of fairness, and someone who has the temperament and the moral courage of a great leader.

Our senior Senator has a history and a family heritage involving public service. If you go into Senator WARNER's office, you will see a picture of a great-uncle who lost his arm serving in the War Between the States. His father was an Army doctor who participated in some of the most difficult campaigns of World War I. Senator WARNER himself enlisted at the age of 17 in the Navy toward the end of World War II and was able to take advantage of the GI bill to go to college. Then when the Korean war came about, he joined the Marine Corps, went to Korea as an officer of marines, and, in fact, remained as a member of the Marine Corps Reserve for some period of time.

He, as most of us know, gave great service in a civilian capacity in the Pentagon. He had more than 5 years in the Pentagon, first as Under Secretary of the Navy, and then as Secretary of the Navy, and after leaving as Secretary of the Navy, was the official responsible for putting together our bicentennial celebrations in 1976.

I first came to know JOHN WARNER my last year in the Marine Corps when I was a 25-year-old captain and was assigned, after having served in Vietnam, as a member of the Secretary of the Navy's staff. JOHN WARNER was the Under Secretary at the time. John Chafee—later also to serve in this body—was the Secretary. Then, toward the end of my time in the Marine Corps, JOHN WARNER was the Secretary of the Navy and, in fact, retired me from the Marine Corps in front of his desk when he was Secretary of the Navy. I have been privileged to know him since that time.

I was privileged to follow him in the Pentagon, when I spent 5 years in the Pentagon and also was able to serve as Secretary of the Navy.

Shortly after I was elected to this body, Senator WARNER and I sat down and worked out a relationship that I think, hopefully, can serve as a model for people who want to serve the country and solve the problems that exist, even if they are on different sides of this Chamber. We figured out what we were not going to agree upon, and then we figured out what we were going to be able to agree upon. I think it is a model of bipartisan cooperation on a wide range of issues, ranging from the nomination of Federal judges, to critical infrastructure projects in the Commonwealth of Virginia, to issues facing our men and women in uniform, to issues of national policy.

It has been a great inspiration for me, it has been a great privilege for me to be able to work with Senator WARNER over these past 2 years.

Last week was a good example of how bipartisan cooperation, looking to the common good, can bring about good results when Judge Anthony Trenga made it through the confirmation process, an individual whom Senator WARNER and I had interviewed and jointly recommended both to the White House and to the Judiciary Committee.

I am particularly mindful—I see the Senator; the senior Senator has joined us on the floor—I particularly am mindful of the journey I took upon myself my first day as a Member of the Senate when I introduced a piece of legislation designed to give those who have been serving since 9/11 the same educational opportunities as the men and women who served during World War II.

Perhaps the key moment in that journey, which over 16 months eventually allowed us to have 58 cosponsors of that legislation, including 11 Republicans, was when Senator WARNER stepped across the aisle and joined me as a principal cosponsor, and we developed four lead sponsors on that legislation—two Republicans, two Democrats; two World War II veterans, two Vietnam veterans—that enabled us to get the broad support of the Congress and eventually pass that legislation. History is going to remember JOHN WARNER as a man who accomplished much here during his distinguished tenure. He was the first Virginia Senator to support an African American for the Federal bench. He was the first to support a woman. He was the first Virginia Senator to offer wilderness legislation. Senator WARNER has never wavered in his determination to do what is right for America, even when it caused him from time to time to break with the leadership of his own party.

There are important legacies, but perhaps more than anything else, we will remember Senator JOHN WARNER's tenure here as having been a positive force for the people who serve in uniform. There is not a person serving in the U.S. military today or who has served over the past 30 years whose life has not been touched by the leadership and the policies of JOHN WARNER and whose military service has not been better for the fact that Senator WARNER, as a veteran, as someone who has served in the Pentagon, and as someone who served on the Armed Services Committee, understood the dynamic under which they had to live, understood the challenges they had to face when they served, and understood the gravity of the cost of military service. Senator JOHN WARNER has stood second to none in protecting our troops and their way of life.

When JOHN WARNER announced his retirement 13 months ago on the grounds of the University of Virginia, he reminded us that at the end of the day, public service is a rare privilege. In my work with him over these many years, and particularly over the last 2 years, I can attest to the fact that he certainly approaches this work in that humble spirit.

So on behalf of the people of Virginia and all those who have worn the uniform of the United States in the past 30 years, I wish to thank Senator WARNER for his exceptionally talented leadership and all he has done and his staff has done for our State and for our country. This institution will miss JOHN WARNER, his kindness, his humility, his wisdom, and his dedicated service. I know we in Virginia will continue to benefit from his advice and his counsel for many years to come.

CHUCK HAGEL

Mr. President, I also wish to say a few words today about Senator CHUCK HAGEL, who will be leaving this body.

CHUCK HAGEL and I have known each other for more than 30 years. We both came to Washington as young Vietnam veterans, determined to try to take care of the readjustment needs of those who had served in Vietnam. Senator HAGEL had been an infantry sergeant in Vietnam; wounded, came up, worked in the Senate for awhile, became a high-ranking official in the Veterans' Administration. He later ran the USO before he came to this body. He is known in this body as an expert on foreign affairs.

Again, as with Senator JOHN WARNER, he is someone who puts country first, who puts the needs of the people who do the hard work of society first. It has been a rare privilege for me to have made a journey with someone, beginning in the same spot in the late 1970s and ending up here in the Senate. I know this country will hear more from CHUCK HAGEL in the future. I certainly wish him well.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The senior Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I am very deeply moved by this moment. As a matter of fact, now—this is just a month or so short of 30 years—I can't think of another opportunity or moment in the Senate when I have been so moved and so grateful to a fellow Senator. I have served with five individuals, you being the fifth now, in the Senate to come from Virginia, to form the team we have all had, some different in different ways, but generally speaking, Virginia's two Senators have worked together on behalf of not only the Commonwealth but what is best for the United States.

I remember one time so vividly we stood together here at the desk on a rather complex issue, and there were clear political reasons for us to vote in a certain way. But you turned to me and you asked what I was going to do, and I replied, and you said: That is what I will do because that is in the best interest of the country though it may not be politically to our benefit, or possibly to our State. But that is this fine man whom I finished my career in the Senate with as my full partner and, most importantly, my deep and respected friend. Our relationship, as you so stated, started many years ago—over 30—when we worked with the Navy Secretary together.

You mentioned Vietnam. To this day, I think about that chapter in my life. I remember John Chafee, whom I am sure you recall very well. He and I one time were asked to go down to the Mall. The Secretary of Defense sent us down there, and we put on old clothes and went down, and there were a million young men and women—over a million—expressing their concerns about the loss of life, the war in Vietnam, and how the leadership of this country had not given, I believe, the fullest of support to those such as yourself, Senator, and Senator HAGEL, who fought so valiantly and courageously in that war.

In the years I have been privileged since that time to serve here in the Senate—I might add a footnote that Senator Chafee or then-Secretary of the Navy Chafee, and I was Under Secretary—went back directly to the Secretary of Defense and sat in his office, and that was sort of the beginning of the concept of ''Vietnamization'' when we tried to lay those plans to bring our forces home.

But anyway, in the years that passed, I remember so well working with Senator Mathias on the original legislation to establish the Vietnam Veterans Memorial. I felt strongly that it would be some tribute fitting to the men and women who served, as you did, so valiantly during that period. I think time has proven that while there was enormous controversy about that memorial, it has in a very significant measure helped those families and others who bore the brunt of that conflict, you being among them.

I thank the Senator from Virginia for working together this short period we have been here. As I leave, I leave with a sense of knowing that for our Virginia, but perhaps even more importantly, for the United States of America, there is one man in Senator WEBB who will always do what is right for his country and will fear absolutely no one in trying to carry out that mission. Whether it be a vote or a piece of legislation, or whatever it may be, he will persevere. He showed that on the GI bill legislation.

I was privileged, as I might say, just to be a corporal in your squad on that, but you led that squad with the same courage that you fought with in Vietnam and that you will fight with today and tomorrow and so long as you are a Member of the Senate. I hope perhaps maybe you might exceed my career of 30 years in the Senate, and that wonderful family of yours will give you the support my family—my lovely wife today and my children—has given me so that I could serve here in the Senate.

America will always look down on you as a proud son. I don't know what the future may be, but I know there are further steps of greatness that you will achieve, Senator. I wish you the best of luck from the depths of my heart. I thank you for these words today, similar to words we have shared, both of us, in speaking of our working partnership here in the Senate. I thank you, sir. I salute you.

Mr. President, I yield the floor.

Mr. WEBB. Mr. President, if I might address the senior Senator through the

Chair, it is a rare opportunity to say something like this on the Senate floor, but I will reiterate my appreciation for the leadership the senior Senator from Virginia has shown in my case since 1971—it is hard to believe—as an example, the example he has set here in the Senate for 30 years in terms of how to conduct the business of Government. I can think of no one whom I would rather have shared the past 2 years with in terms of learning the business of the Senate and having something of a handoff here in terms of how we take care of the good people of the Commonwealth of Virginia. There is only one other person in this body I can say these words to, but I say them from my heart: Semper fidelis, JOHN WARNER. Thank you very much.

Mr. WARNER. I thank you.

Mr. WEBB. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. 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. HARKIN. Mr. President, parliamentary inquiry: Is the Senate in morning business?

The PRESIDING OFFICER. The Senate is postcloture on the motion to concur.

CHRISTOPHER AND DANA REEVE PARALYSIS ACT

Mr. HARKIN. Mr. President, I come to the Senate floor with a heavy heart and a clear purpose. Last Thursday would have been the 56th birthday of a great actor, a devoted father and husband, Christopher Reeve. Many Americans got to know Christopher Reeve when he put on that blue and red uniform of Superman and acted in so many Superman roles. He was also on television and stage. So we always think of Christopher Reeve as the first Superman.

Then, in May of 1995, Christopher Reeve was involved in an equestrian accident. He was riding a horse and got pitched off the horse. He suffered injuries to his spinal column, starting in his neck, which left him paralyzed from the neck down.

In the years following the accident, Christopher Reeve not only put a face on spinal cord injury for so many, but he motivated neuroscientists around the world to conquer the most complex diseases of the brain and the central nervous system.

Even before I met Mr. Reeve in 1998, I was a big admirer. Of course, I liked Superman movies. Then I watched what he did after he had been paralyzed. After the accident, he could afford the very best doctors and nurses, the best caregivers and therapies. He could have just withdrawn into himself, focused on his own well-being which was a full-time job in and of itself.

Christopher Reeve made a different choice that defined him as a great human being. He chose to become the man whom I first met in 1998 when he first testified before the Senate Appropriations Subcommittee on Labor, Health, Human Services, and Education on which I was a ranking member at that time. I had been chairman before and then Senator SPECTER was ranking. In 1998, Senator SPECTER was chairman of that subcommittee. Mr. Reeve came on a mission to give hope and help to other people with disabilities and thus became a kind of real-life hero to people around the world.

Later on, I got to know Christopher Reeve as a friend, someone who had an impish sense of humor, a great smile, was warm and personable. He spent all of his waking time, days, thinking about and getting information about spinal cord injuries, research that had been done, how it was being researched here and in other parts of the world, at the same time finding time to direct a movie.

Christopher Reeve began to inform me and others on the committee that the kind of research we were doing into spinal cord paralysis was disjointed; it was not well put together. Then he went on a mission to think about, with others—with scientists and researchers and those of us in the Senate and the House—how we might accomplish pulling this research together in a more unified structure.

In 2002, I first introduced the Christopher Reeve Paralysis Act with bipartisan cosponsors. The bill has passed the House twice, but we have never succeeded in passing it here.

As I said, it is a bipartisan bill. It addresses the critical need to accelerate the discovery of better treatments and one day a cure for paralysis. As I said, currently paralysis research is carried out across multiple disciplines with no effective means of coordination or collaboration. Time, effort, and valuable research dollars are used inefficiently because of this problem. Families affected by paralysis are often unaware of critical research results, information about clinical trials, and best practices.

This bill will improve the long-term health prospects of people with paralysis and other disabilities by improving access to services, providing information and support to caregivers and their families, developing assistive technology, providing employment assistance, and encouraging wellness among those with paralysis.

In August of last year, the Health, Education, Labor, and Pensions Committee cleared this bill for full Senate consideration. Two months after that, our colleagues in the House passed the bill unanimously by voice vote. Yet for the last 12 months, this bill has languished in the Senate, as I understand it, due to the objections of one Senator, my friend, the junior Senator from Oklahoma. At least that is what I am told. I could be corrected, but that is what I am told.

In the past, I have heard the Senator from Oklahoma question our role in promoting health legislation because he has said sometimes in the past that too often we get caught up in one cause or another pushed by a celebrity and other worthwhile causes get left behind because they don't have someone famous out there pushing for them. I guess once in a while I might agree with that point. But even though this legislation has Christopher and Dana Reeve's names behind it, it was really written for the thousands of ordinary Americans living with paralysis and spinal cord injuries and their families and friends who pushed the cause of improved research and treatment.

I want to read a couple of stories of Americans today. One story belongs to Marilyn Smith of Hood River, OR. She is one of the many paralysis advocates who volunteer their time through the Unite to Fight Paralysis organization. She took the time recently to share her story with me. I want to read a portion of it for the RECORD. Here is what Marilyn said:

> Paralysis doesn't just happen to an individual, it happens to a family. In December of 2002, our son became a quadriplegic when a careless driver failed to tighten the lug nuts on one of his wheels. It came off and flew into our son's pickup, shattering his cervical vertebra. Our family was thrown into physical, emotional and financial chaos. We have done the best we could after this calamity, but our lives will never be the same. As parents, our greatest wish before we pass on is to see our son's health restored. We have traveled from Oregon to Washington, DC, for 4 straight years to lobby for passage of the Christopher and Dana Reeve Paralysis Act, a well-crafted piece of legislation with bipartisan support that will make a measurable difference in our lives.

I think Marilyn's story underscores the tremendous cost paralysis imposes on families. The Spinal Cord Injuries and Illness Center at the University of Alabama Birmingham has done a lot of work to quantify that cost. I believe their findings might surprise some of my colleagues.

According to the Spinal Cord Injury and Illness Center, the first-year cost of an injury to the C–1, C–4 vertebrae is upwards of $683,000, with costs in each subsequent year averaging out at more than $120,000. Think about that for a moment. That figure represents a cost of personal care attendants, medical treatment and therapy, transportation, and all the necessary modifications made to one's home.

Leo Halland of Yankton, ND, knows this cost all too well. He has been living with paralysis for the past 32 years. He, too, has a story to tell. I will read a short selection from a letter he sent over the weekend. He said:

> I know there is much in life I will never understand, and now near the top of that list are: One, how a single Senator can stop a piece of good legislation; and, two, how some of his colleagues can support those efforts. Failure to act on this legislation is doing great medical harm.

I just have to say, frankly, I am surprised there continues to be an objection to moving this bill. I negotiated this bill with my Republican colleagues before it was marked up in the

HELP Committee in July of last year. During the course of those negotiations, we received through Senator ENZI, who is the ranking member of that committee, specific requests to, one, remove authorizations for the titles related to the National Institute for Health Research. In the interest of getting legislation passed, we accepted this change. We removed the NIH reporting provisions in response to concerns that they were duplicative of reporting requirements in the NIH reauthorization legislation. So we took that out.

We responded to all of the feedback from the Department of Health and Human Services and the NIH by incorporating both substantive and technical changes they wanted.

At that point, we were assured there were no more objections, and the bill passed out of our committee with no amendments and no objections. We just passed it out of committee.

So given all of the efforts we made to meet concerns raised by Senators on the other side of the aisle, and given that Senators had an opportunity to file amendments at that time in the committee but chose not to, I had every expectation that the bill would pass the full Senate. Instead, it continues to be held due to one Republican objection. This bill is long overdue for passage.

When I introduced the bill 17 months ago, Dr. Elias Zerhouni, the Director of the NIH, spoke at a rally in support of the bill. They had suggestions on some changes which we did. But he spoke in support of the bill. Here is something Dr. Zerhouni said that day:

> So really as the Director of an institution that is committed to making the discoveries that will make a difference in people's lives, I feel proud and I feel pleased. But at the same time, I'm humbled. I'm humbled because in many ways [the Christopher and Dana Reeve Paralysis Act] is the harbinger of what I see as the combination of the public, the leadership in Congress, and the administration and government in our country that is absolutely unique, and humbled because at the same time, I know it contains a lot of expectations from us. And I am at the same time confident that we can deliver on these expectations of NIH, with our sister agencies throughout the government. But the key thing I would like to provide is an expression of commitment. At the end of the day, if you do not have leaders and champions that look at a problem in its entirety, today in the 21st century, you cannot make progress.

That was Dr. Zerhouni. I wholeheartedly agree with him. You have to look at it in its entirety. Progress is vital in science and biomedical research. It is also important in the legislative process. As Senators, of course, we have a duty to ensure due diligence in considering legislation. That is one of our responsibilities. But to keep this bill from getting an up-or-down vote, despite strong support from both sides of the aisle, and the fact that the House passed it unanimously, I am not certain that is exercising due diligence. I don't know what it is called, but I don't know if that is due diligence.

Brooke Ellison of Stony Brook, NY, is another passionate advocate. She was paralyzed from the neck down when she was 7 years old after she was struck by a car while walking home from the first day of school. She is now 25 years old. In the years since her accident, she has graduated from college—Harvard—with an undergraduate degree and a master's degree, and founded the Brooke Ellison Project for those facing paralysis and adversity, and she asked me to pass along these words.

> I have seen up close and in person how very quickly any one of our lives can change and we find ourselves facing challenges unlike anything we may have expected. Eighteen years ago, I learned this lesson in a personal and profound way. Yet each day, an increasing number of people find themselves in similar circumstances, and we need to do all we can to alleviate their suffering. Christopher Reeve lived his life as a testament to helping to reduce the challenges people suffering from paralysis face. The Christopher and Dana Reeve Paralysis Act is critical to changing the fate, and sometimes even dire conditions, that millions of people face. And the events in my life have shown me all too clearly how essential it is to be passed.

I wish to be clear; by putting this bill on hold, we are also putting Brooke Ellison and Leo Hallan and other people living in paralysis on hold. It tells the more than 400 Iraq war veterans who have returned with spinal cord injuries that they are on hold. It puts the needs of Bethany Winkler from Yukon on hold. She has been paralyzed for 7 years, since falling in an accident. She has taken the time to come to Washington to lobby for this legislation. I met Bethany in the past, and I can testify to what a passionate and effective advocate she is for the cause of paralysis research and care.

Although we often find ourselves on different sides of the table, I wish to say publicly I respect the fact that Senator COBURN believes strongly this legislation inappropriately grows the size of the Federal Government. I have heard that stated. I see my friend is on the floor, and he can state it if he wants. But if that is the case, I wish to say I disagree with that assessment. I am on the Appropriations Committee, sure, but I am on an authorizing committee as well, and this legislation appropriates no money for paralysis research. It doesn't appropriate any money for care or quality-of-life programs. It simply says we authorize funding for programs. So they still have to be funded through the regular appropriations process.

So I come down to the floor with renewed hope. This past week, the Senate passed several bills by unanimous consent with new authorization for Federal spending. Two of those bills, the Drug Endangered Children Act and the Emmett Till Unsolved Civil Rights Crime Act, which were also being held up, and again were authorizations for appropriations, received unanimous consent and were passed. So I have come to the floor today, and as soon as I finish, in another page or two, I will ask unanimous consent that the Christopher and Dana Reeve Paralysis Act pass.

But I am going to give two more cases. One is from Donna Sullivan, another of the many concerned advocates for paralysis research and care. Donna is fighting not for herself but for her son, and here is what she said:

> Three years ago, my son was the lone survivor of an airplane crash. His injuries were extensive, and my heart literally felt as if it was broken. After numerous operations and procedures, under the care of well-trained doctors in three States, he has overcome all of his injuries except for one, it is his spinal cord injury, which waits for science to move forward and allow him further recovery.
>
> Together, we have attended research symposiums and visited our legislators in Washington, DC, to share our story and the promise that research holds. It is our hope that the Senate will join others who understand the potential and release this bill. When you understand the potential paralysis research holds, it is difficult to ignore, and it is difficult for me to accept that some do.

Christopher Reeve spoke up passionately for people such as Donna Sullivan and her son. Christopher Reeve's untimely death in 2004 robbed the paralysis community of its most passionate and effective advocate. As we know, his widow, wife Dana, continued her husband's quest until her untimely death in 2006 of lung cancer. Across the country, thousands of ordinary Americans, whose lives have been touched by paralysis, have taken up Christopher and Dana Reeve's advocacy work at great cost to their health and wealth.

Well, I have one last story I have to share with you. It has to do with a young man—a big kid; strong. His dad had been in the Navy in World War II and imbued that in each of his kids. Each kid went in the military—different branches. But this one kid, Kelly—big Irish kid—he went in the Navy. He went in the Navy. He went to work on an aircraft carrier. He was one of the launch people, an enlisted guy on the deck of an aircraft carrier.

They were cruising off the coast of Vietnam. Unbeknownst to Kelly, on one of the planes—it was an A–6 Intruder—the pilot had run up his engine. The intakes on an A–6 are on the bottom. They are big intakes. He was not supposed to have run up his engine, but he ran up his engine to 100 percent of power. Kelly, doing his job, got too close to the intake and got sucked into the intake. He had a hard hat on—his Mickey Mouse ears and his hard hat on—and evidently the pilot, through later investigations, saw something going wrong with his engine, heard a thud in his plane, and pulled the power back. Someone saw Kelly's feet sticking out of the intake, and they got people up there and rushed him down to the infirmary on the ship and then put him in some kind of traction thing, got him off the ship, and got him back to the States.

I will never forget the day my sister called me about Kelly. It was my nephew. When my sister called me, I was a

Member of the House of Representatives, and she called me up to see what I could do to help. She was extremely distraught, as you can imagine. Kelly was 20 years old and had his life ahead of him. So I went to work, as any Congressman would, for my family, and I got him in at the VA hospital out in California, near Stanford, and that is the first time I flew out to see him. He was quadriplegic at the time. He couldn't move anything.

I can remember walking in there and seeing this kid—and I don't mean to be overly maudlin about this, but you see, I was a Navy pilot. I used to fly my plane around a lot of times, and these kids always looked up to their father because he was in the Navy and I was in the Navy. I was a Navy pilot. I still have pictures of my jet and young Kelly as a kid sitting in the cockpit of my jet with my helmet on dreaming that someday he, too, would do something such as that. So I kind of felt a lot of responsibility for this because I had encouraged him to get into the Navy, to go into aviation, to do things with airplanes.

I will never forget the first time I saw him lying in that hospital bed at Stanford—I think that is right, the Stanford VA hospital—and the look on his face. I mean, this kid was scared. He couldn't move anything, and he was wondering what was going to happen to him.

Well, he had good medical care, and the good news is that over some years he actually got the use of his arms back, through sheer will and determination. And through those years he then went back to school. I remember how tough it was for him, using a wheelchair to get around on campus. That was before the Americans with Disabilities Act. That was before we had ramps and widened doorways and things such as that. This was in the 1980s when he was going to school.

I remember his father building him ramps and stuff so he could get in and out of places and learn how to live. Well, that happened 28 years ago—28 years ago. Now, the good news is Kelly is alive and well. He lives by himself, in his own home, and has a van that has all these automatic lifts that put him into the van so he can drive himself around. He can't use the lower half of his body, but he can drive around.

He started a small business and he is very self-sufficient. I saw Kelly—well, whenever the Democratic Convention was—because he lives in Colorado, and so I went to see him. We were talking about this and that, a lot of things, and I can't begin to tell you what a profound effect Christopher Reeve had on my nephew's life. It seemed as though all of a sudden there was someone like him, who was big and strapping and full of life, with a lot of energy, and then one accident and that is it. So I could see Kelly could identify with someone such as a Christopher Reeve, a healthy, strong, vibrant man, and suddenly one accident and that is it. So he followed him. Kelly is on the computer, on the Internet, and he follows research all the time. During this period of time in the late 1990s, he became more and more encouraged by what Christopher Reeve was doing and how he was pulling all this stuff together. He kept asking me about it: What are you guys going to do? Are you going to pass this? Are you going to do something about paralysis research? Kelly follows this today to the nth degree.

Then Christopher Reeve passed away, and then his wife. I saw my nephew Kelly out in Colorado last month. Once again he asked me, he said: Are you going to get that bill passed or not?

I said: I don't know. I will try. I am still trying.

Of course he knows all about this. He knows it passed the House. He follows all this. He just wondered what the problem was.

I said: A person has a hold on it.

Can't you bring it up, do this?

I don't know if we can bring it up or not—go through cloture and debate and all that kind of stuff. I don't know. He reminded me it passed the House. I said: I know that, it passed the House unanimously. It passed out of our committee.

So I told Kelly when I saw him in August: We will come back in September and I will try another go at it and we will see what happens. I hope we get it passed.

Here we have the medical community, in the personage of Dr. Zerhouni, saying this does what we should be doing, bringing everything together, coordinating it. It authorizes appropriations but doesn't appropriate any money.

I can tell you, it is not just because there was a famous person behind it. There are people such as my nephew Kelly all over the United States who are wondering, are we going to pursue this? I don't like to give anyone false hope. My nephew is a realistic person. He has lived with this for 28 years now. But he still believes strongly that we ought to be pushing the frontiers and that we ought to be doing everything we can to promote research, of course—obviously into paralysis, because that is what affects him. If anybody wants to talk about this and what needs to be done, he can talk about it at greater length and in more depth and understanding than can I.

I was not going to do this until my colleague from Oklahoma came to the floor. I see him here. All I say is I hope we can move this bill. I am hopeful, after looking it over and understanding we do not appropriate any money, and looking at what we did with a couple of other bills earlier, we can get this bill through. I will be glad to engage in any colloquies such as that.

UNANIMOUS CONSENT REQUEST—S. 1183

I am constrained to ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 326, S. 1183, the Christopher and Dana Reeve Paralysis Act, that the committee substitute amendment be agreed to, the bill as amended be read a third time and passed, and the motions to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Reserving the right to object, first let me say to my colleague, I know he is dedicated to this cause. It is an important cause. I have four basic problems with what we are doing here.

We did negotiate this bill. I also expressed in public that I would not allow this bill to go unless we had a full debate on the Senate floor. That has never been in confusion.

I also stated if we were in fact to offset the authorizations in the bill with some of the wasteful spending that we have today—and I understand the contention by the Senator from Iowa, who is also an appropriator who does not believe this will lead to spending—if we do not believe it will lead to spending, why authorize it in the first place? It is a false hope.

The third point I would make is everything this bill wants to do can already be done, except name it after Christopher and Dana Reeve—everything. So what I would like is a unanimous consent request, after rebuttal from the Senator from Iowa, that I be given 10 minutes to explain my objections to the bill in detail, and also to offer for the record a letter from Dr. Zerhouni, dated July 30 of this year, in which he adamantly opposes any disease-specific bills. He outlined specifically why they should not be there.

The final point I would make, we spend $5.9 billion on this right now. We should spend more, but we do not have the money to spend more because this Congress will not get rid of $300 billion worth of wasteful spending. We appropriate $300 billion that is pure waste every year. It is not that we do not have the money. It is not that this bill will spend the money. It is not that we cannot have this; it can happen right now under the leadership at NIH. It is the fact that the very problems we are faced with today in terms of the financial collapse of this country and the liquidity of this country is because we have gone down a road of fiscal irresponsibility.

On that basis, I will object and await Senator HARKIN's rebuttal. I do congratulate him for his commitment and his dedication. I believe the people at NIH want to solve this as well as anybody else and they recognize that they already have the power to do this.

I will make one final comment. This bill could have come to the floor. We could have taken care of it in 2½ hours if we had debate and amendments. The majority leader refused to let this bill come to the floor.

It is important for the American people know what a hold is. A hold is saying: Let the bill come to the floor, but I don't want to pass it with my vote

unless I have an opportunity to debate it and amend it, and what has been done has precluded us on that.

We did a lot of negotiations on this. The one thing we couldn't get negotiated is offsetting the negotiating level. Everybody knows that is a nonstarter with me. That is the only way we establish fiscal discipline in this country.

The PRESIDING OFFICER (Ms. STABENOW). Objection is heard.

Mr. HARKIN. Madam President, as I mentioned, and I ask my friend from Oklahoma, two bills I understand went through by unanimous consent this week, the Drug Endangered Children's Act and the Emmett Till Unsolved Civil Rights Crimes bills. I understand the Senator from Oklahoma had holds on those bills. Is that correct?

Mr. COBURN. Absolutely. In response to your question, the Emmett Till bill, we attempted to do that. It was passed in connection with other bills, and we believed, since we had assurances that the appropriators would in fact take care of that inside the Department of Justice, we did not have that in the bill but outside, the appropriators would take care of that and we wouldn't spend additional money.

Mr. HARKIN. Do I understand from my friend from Oklahoma there was not an offset for the authorizations in that bill? And then the other was the Drug Endangered Children's Act. I am told there was not an offset for the authorization in that bill either. The Senator did not have a hold on that bill?

Mr. COBURN. No, I never had a hold on that.

Mr. HARKIN. Those were just two passed by unanimous consent that did not have——

Mr. COBURN. Will the Senator yield for a moment?

Mr. HARKIN. Certainly.

Mr. COBURN. What I can tell the Senator is I have held every bill that comes before this body that we have an objection to constitutionally, or from the Director of NIH, that does spend money that is already for them.

Mr. HARKIN. I ask my friend from Oklahoma, did the director of NIH—I don't have a copy of that letter. Did the Director of NIH object to this bill? Because he already said he supported it.

Mr. COBURN. I will gladly deliver to the Senator a copy of his letter. You can read it. What he objects to is any disease-specific bill. The reason for that is very simple. There are over—let me give you the exact number. There are 12,161 subcategories of diseases. His principle is we ought to let the scientists decide the direction of the research, not Congress. Because if we decided on this and we set it up and a consortium will take it directly from the research—if we did that on everything, we would have the most misguided, misdirected, and wasteful expenditures on research you could imagine. He lists specifically the fact that we had 2,036 categories and over 12,000 subcategories, and philosophically he objects to all disease-specific bills.

Mr. HARKIN. I respond to my friend from Oklahoma, one of the reasons he wouldn't mention this is because, as my friend from Oklahoma surely knows, paralysis is not a specific disease. Paralysis can happen across a wide spectrum of diseases and illnesses and conditions. So this is not a specific disease. In that way, this is not a disease-specific bill as such, and that is probably where the confusion comes in. Because Dr. Zerhouni was very supportive of this approach; I read it in his comments that he made. But he is against disease-specific authorizations or appropriations. I can tell the Senator from Oklahoma, so am I, and I chair that. I chair it now. I have been ranking member or chair of that subcommittee going back 18 years. I cannot remember one time ever appropriating specifically one disease over another.

There are times, of course, I say to my friend from Oklahoma, in which we as legislators, as public servants, take information and input from our constituents or from the country and through the hearing process—and this is usually on the authorizing side more than the appropriating side—try to give some guidance and direction to those to whom we give our taxpayers' money. Again, we have prodded NIH in the past to perhaps do certain things.

I mean we, the Congress, have started different institutes at the National Institutes of Health. At different times people come together and say there should be an institute to look at this and we, as public policy people, set that up.

Then there are times when we get the Director of NIH, or some of the other heads, some of these people here from these different institutes, and we ask them, What are you doing about this kind of research? Spinal muscular atrophy, which I never heard of before until a few years ago, I found out it is even more prevalent and has a higher mortality rate than muscular dystrophy. But they weren't doing much research into spinal muscular atrophy, so we talked about that, we explored that. We talked about a lot of things in cancer or Parkinson's disease, in which we explored with these heads of NIH what the public wants and what we are hearing from the public. They take that into account. They may make some adjustments one way or the other.

I don't see anything wrong with that. That is part of our legitimate role as public servants, and responding to the legitimate requests and needs of the public. The people who work at NIH, and the people who run these institutes, are not high priests of some religious order who do not answer to anyone except the head person. They have to answer to the public. These are public moneys that go in there.

Sometimes we consult with them, we talk with them, bring them information and say, here, the public wants to know why we are not doing more in this area. They take that into account, sometimes respond—sometimes better than others—sometimes not. But at least that is the input we have and that is what we are saying here with this legislation. We are not telling them exactly what they have to do.

Again, the Senator from Oklahoma says they can do everything that is in this bill. But they are not doing it. That is the point. They are not doing it. You can disagree. You can say they should not do it. I did not hear the Senator from Oklahoma say they should not be doing what we have in the bill. He is not saying that. All I heard him say was that he wanted to debate it for a couple of hours and offer an amendment.

I say to my friend from Oklahoma, as a member of the HELP Committee from which this bill came, the Senator from Oklahoma had all kinds of opportunities in the committee to amend this bill. For all I know, some of the changes we made may have come from him. They came through Senator ENZI, who is the ranking member, and we incorporated them into the bill. But the Senator from Oklahoma cannot deny that he was a member of this committee when this bill passed out of committee. If the Senator from Oklahoma wanted to amend it, he had every opportunity to do so at that time. Yet no objection was raised when we passed it out of committee; only when we get it here on the floor.

We operate around here a lot of times on unanimous consent. And we usually do it on bills that are generally accepted by everybody. We hotline, and our staffs look at them to see whether anyone has an objection. This bill has been hotlined on both sides of the aisle. Out of 100 Senators, only one Senator has an objection, the Senator from Oklahoma.

Now, again, people wonder—this one letter from this one woman says: How can one Senator stop something like this? Well, you are seeing one Senator can.

Now, again, to the extent that the Senator from Oklahoma has a legitimate point, his point is that this could be brought up under the normal process and debated and passed. Well, it looks as though we are going to be back again on Wednesday. I will have to consult with our leadership. But if the Senator from Oklahoma would agree to a couple of hours of debate, an amendment that would be voted up or down, if he has an amendment or two, and then final passage, maybe we could do that on Wednesday.

I do not know what the heck we are going to be doing Wednesday. Quite frankly, we could do that. I understand we are going to be in tomorrow, but no legislative business can be done tomorrow under the Jewish holiday, but we could on Wednesday.

So if the Senator from Oklahoma wants to enter into an agreement for an hour or two, I do not know if anyone

else wants to debate it. If he wants to offer an amendment or two or something like that, maybe we can have a vote on it, voice vote it. Maybe he wants a record vote on it. I do not know. But I have not heard any kind of a suggestion from the Senator from Oklahoma that we could do something like that.

So, again, we operate around here in a spirit of comity. What that means is we kind of trust one another. You know, I kind of trust the Senator from Michigan; I trust the Senator from Idaho on a lot of things. We build ourselves on trust. We do not try to pull the wool over someone's eyes here. We do not try to slip something through to which someone may have an objection.

So if we have bills like this we hotline them. We have them called around. Lord knows, we have plenty of staff around here. They look at all of these things to see if there is something in a bill their Senator would object to or want to change. We do that for bills that are generally widely accepted. A lot of times bills come back: There is no objection. Go ahead and pass them through.

I thought this was one of those simply because it came out of committee. The Senator from Oklahoma was on the committee—is on the committee—and had no objections when it came out of committee. We had incorporated all of the changes that Senator ENZI gave us. We incorporated those plus changes from NIH and the Department of Health and Human Services. So it is very frustrating then to have this objection at this time.

Now, one other point the Senator from Oklahoma said. He said this is an authorization for appropriations. That is true as most of the bills are that we pass around here. One way or the other it is an authorization. But he says that will lead to new spending and blah, blah, blah. That is not necessarily true. It may be that we may want to put some money in this program, but we may want to take it from someplace else. We could do that. That has been done a lot around here. We may think that, well, perhaps we will take a little bit here and a little bit here and put it into this. Appropriations committees do that all the time. So it is not necessarily true this is going to lead to any new spending. It may lead to a realignment of spending but not necessarily new. So the Senator from Oklahoma is not quite correct that it would lead to new spending.

Secondly, paralysis is not a disease-specific illness. It cuts across all kinds of diseases, illnesses, and conditions. Then I do not know—the Senator mentioned something about $5.9 million. I brought that down, but I have no idea what that is all about.

I also have a letter from the Congressional Budget Office, dated July 25, 2008, to the Honorable KENT CONRAD as chairman of the Committee on Budget. There were certain questions in here that I thought were pertinent to one of the objections raised by the Senator from Oklahoma.

Question No. 1: Does an authorization of future appropriations provide the authority for Federal programs or agencies to incur obligations and make payments from the Treasury?

Answer: No. A simple authorization of appropriations does not provide an agency with the authority to incur obligations or make payments from the Treasury.

Question: Even if legislation authorizes appropriations for a program, is it not the case that a subsequent act of Congress is required before an agency can spend money pursuant to the authorization?

Answer: Yes.

This is from the head of the Congressional Budget Office.

For discretionary programs created through an authorization, the authority to incur obligations is usually provided in a subsequent appropriations act. An agency must have such an appropriation before it can incur obligations.

Question No. 4: If no new spending occurs under authorizing legislation, does it have the effect of increasing the Federal deficit and/or reducing the Federal surplus?

Answer: No. An authorization of appropriations by itself does not increase Federal deficits or decrease surpluses. However, any subsequent appropriation to fund the authorized activity would affect the Federal budget.

I ask unanimous consent this letter appear at this point in the RECORD, as well as the July 30, 2008, letter to Congressman BARTON from Dr. Zerhouni.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 25, 2008.

Hon. KENT CONRAD,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This letter responds to the questions you posed on July 17, 2008, about the impact on the federal budget from enacting legislation that authorizes future appropriations but does not affect direct spending or revenues. Consequently, this letter does not address legislation that would permit agencies to incur obligations in advance of appropriations (for example, legislation providing new contract authority).

Question #1: Does an authorization of future appropriations provide the authority for federal programs or agencies to incur obligations and make payments from the Treasury?

Answer: No. A simple authorization of appropriations does not provide an agency with the authority to incur obligations or make payments from the Treasury.

Question #2: Can an agency or program spend money without the authority from Congress to incur obligations and make payments from the Treasury?

Answer: No. An agency is not allowed to spend money without the proper authority from Congress to incur obligations. (See 31 U.S.C. §1341, which outlines limitations on expending and obligating funds by officers and employees of the United States Government.)

Question #3: Even if legislation authorizes appropriations for a program, isn't it the case that a subsequent act of Congress is required before an agency can spend money pursuant to the authorization?

Answer: Yes. For discretionary programs created through an authorization, the authority to incur obligations is usually provided in a subsequent appropriations act. An agency must have such an appropriation before it can incur obligations. (Legislation other than appropriation acts that provides such authority is shown as increasing direct spending.)

Question #4: If no new spending can occur under the authorizing legislation, does it have the effect of increasing the federal deficit and/or reducing the federal surplus?

Answer: No. An authorization of appropriations, by itself, does not increase federal deficits or decrease surpluses. However, any subsequent appropriation to fund the authorized activity would affect the federal budget.

Question #5: Would CBO's projection of federal debt change as a result of enacting legislation that only authorizes future appropriations? Is it not correct that the agency's projection of future debt would be identical both before and after the enactment of such legislation?

Answer: Enacting legislation that only authorizes future appropriations would not result in an increase in CBO's projection of federal debt under its baseline assumptions.

I hope this information is useful to you.

Sincerely,

PETER R. ORSZAG,
Director.

DEPARTMENT OF HEALTH & HUMAN SERVICES, NATIONAL INSTITUTES OF HEALTH,
Bethesda, MD, July 30, 2008.

Hon. JOE BARTON,
Ranking Member, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR MR. BARTON: This letter responds to your request to update you on implementation of the NIH Reform Act's provisions requiring trans-NIH research coordination supported by a Common Fund.

I am pleased to report that trans-NIH research has become a vital component of our research enterprise. The NIH Reform Act has enabled this Agency to adapt to new research opportunities while continuing to pursue the latest and best science. Congress has appropriated $495.6 million to support such coordinated research projects as molecular libraries, metabolomics technology development, the human microbiome, epigenomics, computational biology, clinical research and high risk science. These endeavors reflect the value of research not defined by any single disease, but by gaps in our knowledge of human biological systems that play a role in all diseases.

As examples, the Microbiome and Epigenome initiatives are the result of technological advances and discoveries emanating from the Human Genome Project. The subsequent innovations in high-throughput sequencing and other techniques have given us tools to search for microorganisms associated with the human body that have not been previously identified. The Microbiome project will decipher this underworld of particles and define their role in health and disease Similarly, epigenetics follows the success of the Genome Project by focusing on the regulation of gene expression, leading to the understanding of how our genes respond to developmental and environmental signals. Such research efforts are accomplished solely through collaborations and the focus on basic biology unrelated to specific organ systems or diseases.

We also have created multiple-Institute collaborations for the Obesity Research Task Force, the Blueprint for Neuroscience, the NIH Nanotechnology Task Force and the NIH Pain Consortium.

This trend should continue in the best interests of scientific discovery. As I have repeatedly testified before Congress, the key transformation from yesterday's approach to medical research to the science of today has been the convergence of concepts, opportunities and needs across all conditions and diseases. As we learn more about the molecular causes of diseases, we have found great similarities among the mechanisms that lead to diseases—once thought unrelated. Increasingly, research in one field finds unexpected application in another. The greatest research advances of recent years involve the fields of molecular and cell biology as well as genomics and proteomics. These applications will not be limited to specific diseases or populations. Greater interdisciplinary efforts will be required as the mysteries of human biology are uncovered. The approaches mandated by the NIH Reform Act will require NIH to seek new ways of conceptualizing and addressing scientific questions. The translation from discovery to patient care will be better facilitated.

The scientific boundaries between NIH's Institutes and Centers have become blurred by the interdisciplinary coordination among them. The functional integration required by the Reform Act has helped this process. As you consider legislation affecting NIH in the future, I caution you that it would be a grave mistake to go backwards in mandating disease-specific research at a time when barriers need to be torn down, not rebuilt.

Recent discoveries demonstrate common characteristics for many varying diseases. These discoveries have spawned new ideas, methods and technologies leading to a new era of personalized medical treatment that will predict and preempt disease while requiring greater participation of patients in their own care. We are moving from the current paradigm of late, reactive intervention to a future paradigm of early intervention characterized by treatment tailored to the personal makeup of each patient.

We are discovering the underpinnings of disease at a staggering rate. For example, in the case of type 2 diabetes, one of the greatest health threats facing our Nation, we have progressed from having no knowledge of genetic factors ten years ago to discovering two genes associated with the disease five years ago, to 16 genes today. And in a matter of days, an additional 14 genes will be revealed. These discoveries are fueled by various components of medical research, including basic genomics that are part of our multidisciplinary approach to disease research.

We are certain that the best approach to research at NIH is the functional integration of research programs at our Institutes and Centers. The flexibility provided in the NIH Reform Act allows us to adapt to changes in science by pursuing the common factors of disease. Of course, NIH will focus on individual diseases, as appropriate and in accord with independent, peer-reviewed science. However, disease-specific mandates, while well intended, might undermine the progress we have made.

Please let me know if you are interested in additional details of NIH's implementation of the Reform Act. I have sent a similar letter to Chairman Dingell.

Sincerely,

ELIAS A. ZERHOUNI,
Director.

Mr. HARKIN. So, again, I see my friend from Oklahoma has departed the floor briefly.

Madam President, I put in a unanimous consent request. Has it been objected to?

The PRESIDING OFFICER. It has.

Mr. HARKIN. I heard there was a reservation.

The PRESIDING OFFICER. The Senator did object.

Mr. HARKIN. It has been objected to.

Mr. CRAIG. May I inquire of the Senator how much more floor time he will take?

Mr. HARKIN. I am about done.

Well, I am sorry for so many people who suffer from paralysis in this country who really have, many of them, traveled to Washington at their own expense, at great personal not only expense but inconvenience and trouble and effort—can you imagine what it must be like—who had every reason to believe this would pass and give them new hope, new encouragement that we were now going to be able to bring a new focus, coordination, to this.

Now, again, the Senator says they can do everything that is in this bill already. The fact is, they are not. That is why we are here. That is why we are Senators. That is why we are public servants. That is why the public elected us to come here and do things, to get the Government to do things that it is not doing or to stop it from doing something that it is doing.

This is one of the things we ought to be telling the people who are involved in this research they ought to be doing. They ought to do this. We do it all the time. And if they will not do it, we ought to be telling them to do it. I am sorry, again, that this Christopher and Dana Reeve Paralysis Act has been stopped by a single Senator. I wish we could find some way of getting around it. I ask my friend from Oklahoma if he does not mind, the Senator said something about debating this bill and opening it for amendment.

We are going to be here on Wednesday. Now, I have not cleared this with our leadership—I have to do that, of course; I do not run the Senate. But I would have to clear it with our leadership, and then our leadership would have to clear it with the other side. But if we can get a couple of hours on Wednesday to debate this bill and amend it in a 2-hour period of time, with an up-or-down vote on an amendment or two, would that be acceptable to the Senator?

Mr. COBURN. It would be more than acceptable provided the bill comes to the floor and offsets the authorizations. The problem we have is that in the last year, in your subcommittee alone on appropriations, we had 398 million dollars' worth of earmarks outside of the authorization process. None of them were authorized.

Now you want to spend more money on programs that you want to authorize, but you will not take away the $398 million of earmarks that were never authorized. That is my whole point. Bring the bill to the floor, offset some spending somewhere else, and we will not even have to go to the floor. Just offset it; you can have the bill.

But the fact is, nobody wants to offset it. The intention is to spend this money. Even though we play the games, how did we get $9.6 trillion in debt? We got it playing this same game, saying: Here is $115 million; it does not cost anything. But that is really untrue because it does. If you authorize it, you are going to spend more money. We have grown 61 percent since 2001 in terms of discretionary spending in this country, and we are broke. And we have a financial crisis in front of us.

I am trying to stand and say, if you want to do something, get rid of some of the 300 billion dollars' worth of waste, which I consider 398 million dollars' worth of earmarks that were unauthorized waste. So it is easy to bring it up. Bring this bill without the authorizing money, put it in, you got it.

Mr. HARKIN. I say to my friend from Oklahoma again, the Senator from Oklahoma did not object to a bill passing this week by unanimous consent that has an authorization for appropriations in it. Is that not correct?

Mr. COBURN. That is true.

Mr. HARKIN. I say to my friend from Oklahoma, that is very true, on the Emmett Till bill, but not on this one.

Mr. COBURN. We received assurances that it would be offset at the appropriations level.

Mr. HARKIN. Well, I can assure my friend—I said this when my friend from Oklahoma was off the floor—the Senator from Oklahoma seems to say that since it was an authorization for appropriations in here, that we are going to appropriate new money. That is not always the case. Sometimes the Appropriations Committee will take money from other things; maybe take a little bit here, take a little bit here and put it into something else. That happens a lot, I can tell the Senator, as an appropriator.

So it does not always necessarily follow because we authorize the money that we are going to add new money. We could take it from other places. We do not know.

Mr. COBURN. In response to the Senator through the Chair, that is a rarity that occurs here. The fact is, the Federal Government is growing three times faster than the income of the people in this country. It is because we will not put our own financial house in order.

I want to do the best we can do for people with paralysis. I think we ought to get rid of some of the 380 billion dollars' worth of waste and double the money in NIH. That is what I think. But we will not, nobody can, including my colleague from Iowa. When I have offered amendments on the floor to get rid of wasteful spending, rarely, if ever, have you joined me to get rid of the wasteful spending. Instead, we have continued wasteful spending.

Just like we are going to talking about Amtrak. Amtrak has a $100 million subsidy. Nobody in this country,

other than us, would allow Amtrak to continue losing $100 million a year on food subsidies on the train. No airline does that. No bus company does that. But because we have a $2.6 billion subsidy, we think it is fine that we should subsidize people's food on the train.

I can give you a thousand examples of things that we should be doing that we are not. I am not opposed to the efforts that you want to try to accomplish. What I am saying is we need a discipline change in this Congress. The American people have had it with us. We are wasting money hand over foot. And it is not what you want to do is bad, I am for what you want to do, I am saying let's get some discipline and let's make some priority choices.

Every family out there has to choose among priorities. They have to make a hard choice on what is important and what is not.

This is important, yes. We have told your staff the moment this passed the committee that we were going to hold it on the Senate floor unless it was offset. That is not a new threat. That is not news to your staff. They have known that for a long time, and so does every Member of this body. In fact, you received a letter from me in January of 2007 that said very specifically: If you bring a bill to the floor that is not offset, that is going to spend new money, unless we are going to get it debated and offer amendments, we are going to object. So that is where we stand.

Mr. HARKIN. I say to my friend, he just let a bill go through this week that had an authorization for appropriations on it and let it go through under unanimous consent, but not this one. So I see it is up to the Senator from Oklahoma, as one Senator, to decide what is good and what is bad around here.

Mr. COBURN. Well, we also stopped 10 billion dollars' worth of new authorizations this year. We also stopped $10 billion. There is no question the Emmett Till bill went through with the assurances. I am not 100 percent.

Mr. HARKIN. What assurances? I am an appropriator. I did not give you any assurances. No one asked me about it. So, obviously, now the Senator from Oklahoma has set himself up as the arbitrator of what is good and bad and right and wrong and everything else around here.

Now, come on, there are 100 Senators around here.

I wish to respond to one other thing about Amtrak. The Senator from Oklahoma mentioned the airlines. This is something I know a little bit about. I fly a lot of airplanes. Every commercial airline in the country now uses GPS, global positioning satellites. Do you know how much they spent to put all those satellites up there? Zero. The taxpayers of this country put up billions of dollars. We maintain them. We keep them in orbit. When one decays, we put another one up. We keep 24 in orbit all the time. Not only do our airlines use it, every airline around the world uses it, as do ships and everybody else. That is not a subsidy for the airlines? How about all the traffic controllers? They don't work for the airlines, they work for the Government. How about all the navigation systems we maintain, the Approach System, the ILSs, and everything else, paid for by the taxpayers? We appropriate money around here all the time for airports, runway lights, approach systems that all the airlines use. They don't pay for all of those facilities. How about all the airports? Local cities provide the land.

If my friend really wants to see how much we are subsidizing the airlines, add it up. It would be a heck of a lot more than what we are subsidizing Amtrak. But I am not opposed to that, subsidies for transportation, for new technologies, for moving people. I am not opposed.

The Senator from Oklahoma is sort of saying we subsidize Amtrak but we don't the airlines. I didn't mean to get into that, but that is the point I was trying to make.

Lastly, on this issue of offsetting authorizations, now we have to offset every authorization that comes up here. I want to ask the Senator from Oklahoma—we just passed a Defense authorization bill, authorizes a lot of new things in there. I ask the Senator from Oklahoma, were any of those offset?

Mr. COBURN. Absolutely not. I voted against it and proudly did so because we had $16.8 billion worth of earmarks in there that will be forced onto the American taxpayer that will never see the light of day. They were in the report language, and we put something in the bill that said you couldn't amend it. None of those are competitively bid; $16 billion worth of earmarks, none of them competitively bid. So what happens? Defense authorization, we got $16 billion that we probably could have bought for 10, but because we have a system that says we are not going to watch out for the taxpayer, we will not do it.

So what I would say to the Senator is, what you want to do is great. I am not against it. How you are doing it I am against. Unless we change how we do things here, until we start becoming responsible fiscally, there has to be somebody putting on the brakes. I don't want to be known as a Senator who blocks research, but in fact, as the doctor related, this can all be done, and they are probably doing it.

The Senator from Iowa voted for the reform of NIH. You proudly voted for the reform of NIH. Paralysis is a disease-specific category because it is based on a problem in terms of mobility. So it falls into a category.

I don't know whether he wants this specifically, but what I am saying to you is, if you will bring a bill with $115 million worth of offsets to the floor in terms of authorization, we will say yes tomorrow.

The point is, until we establish with the American people that we are going to be as wise with their money as they are with their money, then we have to do some changing.

I do not apologize at all for standing in the way of this bill on principle. Somebody has to say timeout in this country in terms of spending. A newborn child born this year faces $400,000 in unfunded liability. When you fund the $115 million and if you offset it with something else, something else will get offset. The average increase in this area has been about 7.5 percent per year. What is the name of all those children who aren't going to get to go to college, will not have a great opportunity economically for the future, because we won't live within our means?

The last time I knew, when the airlines made money, they paid taxes. So, in fact, they are contributing to all those things that were mentioned because they are taxed at one of the highest corporate tax rates in the world. One of the reasons the airlines can't compete is because we have a tax rate that essentially is close to 50 percent by the time we add in State income taxes. So they participated in the development of all those programs. They are great advancements.

Let's finish this debate. Let's talk off the floor. I will gladly work with Senator HARKIN to accomplish whatever he wants, but I will not break down on the letter I sent in January of 2007 that says I believe we have to change the way we operate. I know there is tremendous resistance to that in this body. I understand that. But the American people don't understand it. What they understand is they have to make hard choices. Either we mean to fund the $115 million or we are sending a charade to the people who want this bill passed. It is one or the other. The fact is, they have had a chance.

I will also put in the RECORD that in the last Labor-HHS-Education appropriations bill, there was $105 million that Senator HARKIN specifically put in for earmarks that he directed. That is real spending. That is enough to pay for the whole bill over 10 years.

The fact is, we have a major disagreement on specifics on how we control and how we change this country. I will fight for the taxpayer every time. I apologize to the Senator for some of my emotion. It is because I am thinking about the kids who are coming, not the political realm of today. I understand that we need to do more in NIH. I am on public record to take that to $60 billion. I will pay for it, easily pay for it. There is $80 billion worth of fraud in Medicare. What have we done about that? Nothing. We gutted the very program that cut spending for medical devices, durable medical equipment, the last bill through here. We had a way to save over $2 billion a year. We gutted it. The Senator voted for it. He voted to gut the $2 billion worth of savings.

So there are plenty of things we can do, but what we are not going to do anymore with my consent is to pass

bills that increase the liability for our children in the future, even when we do it for the sake of doing something good.

I yield the floor.

Mr. HARKIN. You can look at society and say there are a lot of problems out there. You can look at this Congress and say we spend a lot of money that we don't agree on. There is a lot of money spent in this Congress I don't like, that I don't agree with. But does that mean this one Senator should stand here and stop good things from happening just because I don't like the way something is being spent, the way something is being done, that I should use the privilege of being a Senator, a privilege, a right, a privilege of being a Senator to just stop something that is good?

There are 435 Members of the House, not one objection; 99 Members of the Senate, not one objection. But one Senator, the Senator from Oklahoma, is concerned about deficits and about appropriations. OK. I agree. There are some problems. We have to face our deficits and debt. Does that mean, then, that we stop every good thing from happening around here until that is taken care of? That is taking the privilege of being a Senator way beyond what we ought to have a right to do, to stop something like this just because we are upset about something else that is bad about spending.

Heck, I can share with the Senator from Oklahoma a lot of horror stories about how we are wasting money in this Government. He doesn't have a corner on that market, I assure him. Some of the things he may think are wasteful, I might agree. Maybe some of the things I think are wasteful, he may not agree. I don't know. But that is how we work things out here, in a collegial manner, working together to try to get these things solved.

It is very hard to explain, when I tell people that one Senator can stop something like this. They don't understand how that is possible, but it is. One Senator can stop things around here. I wish this weren't so in this case because there are too many people with paralysis who were counting on us to get this done and move ahead to coordinate the research in paralysis and bring all of it together. But we never give up. We just keep trying.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from New Mexico.

Mr. DOMENICI. Are we in morning business?

The PRESIDING OFFICER. We are postcloture on the motion to concur.

Mr. DOMENICI. I ask unanimous consent to speak for 6 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ECONOMIC BAILOUT

Mr. DOMENICI. Madam President, the House of Representatives today defeated the proposed financial rescue plan devised by a bipartisan, multi-institutional group. This action will precipitate an economic catastrophe for the United States of America. While the initial response to this ill-advised action has been so far limited to equity markets and corporate bond markets, I predict the defeat of this plan will soon permeate our entire economy. It will also have serious and not completely predictable consequences in all markets throughout the world.

The plan has many features in it that those who oppose had sought. It added many new safeguards for the taxpayer. Yet a rigid adherence to an ideological purity on both sides that has never existed in our Nation led many in the House to reject this plan.

I do not know right now in what form the consequences of this action will hurt the average American. Higher interest rates for houses and other things, other long-term purchases, a continued freeze on the tax credit markets, loss of jobs and contraction of the economy, loss of billions of dollars in pension plans—the consequences will come.

This action cannot be the last word this Congress has to say. I urge everyone involved to begin to work again immediately on adjustments to the plan that will at least satisfy a majority in the House.

This Congress has an approval rating at an alltime low. None of us should be surprised as to why. We cannot let the situation lie as it now is as a consequence of not passing in the House of Representatives. The leadership and those Members who feel compelled to get something done for the United States in a moment of great economic peril should come together and see to it that we do what is right.

It is difficult to do what is right because frequently our people do not understand. There are those who are obviously concerned that those who vote don't understand and indicate that we should not have a big bailout. This is not a big bailout bill. We got off on the wrong path when we started talking about bailouts.

There are no bailouts here. What we are going to do is buy assets, buy mortgages, buy promissory notes, buy things of value that, as of today, are very low in value and are clogging the pathways for money to flow. We are going to buy those. We are not going to bail anybody out. When we buy those, the channel will be open again. The road will be opened. The freeway will be opened. The cars will run. Money will flow. The liquid channels will become liquid again. Unless and until we do that, they are clogged.

The clogged items, the things that clog up our money market lines, are going to be purchased by this rescue plan. They will be owned by this rescue plan. This rescue plan will hold these assets as nobody else could hold them. It is too big a quantity and you cannot afford to hold them, but we can hold them and then sell them later. There is good indication and justification that if we do not wait too long that this rescue plan will sell these assets and perhaps we will come out with more money than we paid for the rescue plan.

We need this mechanism because in our democracy our President does not have the authority to do it. So somebody must do it, and it means Congress must, even though it is complicated, even though it is comprehensive, and even though it is hard for the public to understand. We must continue to explain this to the public. They will be wondering today and tomorrow and the next day, as banking institutions fail, as other things around them that have money at the bases will stop working right.

As I said, so far the equity markets—that is the stock markets—they can see those falling perhaps by historically large numbers, percentages. Corporate bond markets—we have already seen the effect on them. But there will be other things happening that will make the people understand. But it should not be that we have to let all of these terrible things happen in order to get our heads together and know it is going to happen and try to fix it and tell our people we have to fix something that is broken and that will only cause them and their families more grief and more hard times if we do not use a rescue plan to buy those assets that are clogging the financial highways and freeways so that money will flow.

I know I have spoken two or three times on the subject. Some will say that is enough. But I will speak and I will argue and I will debate and I will attend meetings for as long as they go on with Senators and Representatives in an effort to make the vote that happened today not the last action on this terribly difficult subject for the people of the United States—a rescue plan to let the financial markets work in America.

The greatest financial markets in the world are soon to be rubbish, are soon to be in terrible shape. The best will turn out to be the least. In the meantime, we are all going to suffer. Just remember, without the flow of money we can hardly do anything in our country. We can hardly buy anything. We can hardly sell anything. Anything you look at of value can hardly happen without the flow of money, credit cards, checking accounts, bonds. All of those things we have become acquainted with that are taken for granted are in jeopardy because of what I have just described and what we hope has been described over and over.

For those who read, I urge they read the speech of Senator LAMAR ALEXANDER this morning on the subject. He used a metaphor that I have given to a group of Senators of a freeway full of automobiles at high speed going down the road, and each one of those cars was something valuable happening in America. When the six lanes of the

road were clogged by a six-car accident, the cars loaded with good things for America, financial things, were all stopped because of the car wreck.

Now, if that metaphor makes sense, what our rescue proposal says is, go out and buy the salvage and get it out of the road. Let the cars flow, and each of those cars that contains things that will make our lives different and valuable will be flowing down the road. The salvage can be repaired and, believe it or not, sold for more than we bought it at in salvage off the highway.

That is as best I can do. As somebody said: But we need just one or two words to express it. Somebody answered and said: Yes, the American people like one or two words, but they also like a story. So I just told them the best story I can of what this is all about.

I hope before too long there will be more support so Members of the Congress, the House in particular, will be strengthened by some changes in public opinion that will give them confidence to vote for this rescue plan.

Madam President, I yield the floor and suggest the absence of a quorum.

Madam President, I withdraw that suggestion and yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Well, Madam President, we certainly need to confront the challenges we are facing now with this banking situation. I know Senator DOMENICI is so eloquent and speaks with such conviction on it and believes strongly that we need to get busy.

The underlying business, however, at this time does remain the Amtrak bill, the reauthorization. That is the legislation the majority leader, Senator REID, has brought up. I would assume that the leadership is trying to figure out what to do in light of the House vote. If they want to proceed and discuss that legislation, I will certainly be glad to yield the floor to them. But I do think we need to talk about this reauthorization of Amtrak.

I have watched this issue for a number of years and have drawn increasingly concerned. The legislation provides $9.7 billion for Amtrak and passenger rails through 2013 for operating and capital grants and debt repayment.

Operating—that means in simple language they are losing money, so we are going to make up their losses. Capital grants means they want more money to help them expand the system. Instead of the Amtrak system itself paying for this on a normal basis, they want the taxpayer to pay for it. Debt repayment—we have seen a lot of people having debt and not being able to pay their debt. It appears Amtrak needs a bailout because they cannot pay their debts. I wish we were in better shape, but the fact is, we're not.

It also includes an amount of $1.5 billion for the Washington Metro Area Transit Authority—this is another $1.5 billion on top of the money that has been put in that program for some time. What is it for? For capital and preventative maintenance. I guess that means keeping the system running.

I will talk a little bit more about that in a minute. But I would note that in 1997, a little over a decade ago, Congress had a big discussion about Amtrak and what to do about it, and there was a consensus that the system be fundamentally reformed and that there be new accountability for Amtrak. It provided, in 1997, that by 2002 there would be no more Federal subsidies to Amtrak.

I tell you, we do not have accountability in this Government of ours. It is not functioning sufficiently in my view, and one reason is we make assertions, and when things do not work out the people who did not succeed at whatever task they were given—we just give them more money, and they know that. They expect that to happen, so they do not make the tough decisions necessary to be successful.

Kenneth Mead, the former Department of Transportation inspector general who dealt with accountability, succinctly stated it this way:

> The mismatch between the public resources made available to fund inner city passenger rail service, the total cost to maintain the system that Amtrak continues to operate, and the proposals to restructure the system comprise a dysfunction that must be resolved in the reauthorization process of the Nation's inner city rail system.

Now, the Heritage Foundation, an exceptionally fine think tank, has looked at this, and they have concluded that we do not have the reform that Inspector General Mead said was necessary. In fact, they say that fundamentally this reauthorization makes little reform at all of significance, and this request for money may be the biggest Amtrak has ever asked for. I say we have a problem.

Let me share a few thoughts. I know many people have a romantic attraction to rail systems and want to see them successful and think we could do well if we could have more rails and people would ride the rails and it would save energy and we would all be happy and we could just, I guess, like the Orient Express, play cards and eat meals on white table cloths. Well, let's look at the reality of what we are dealing with.

I do not think Amtrak is going to work in Alabama. Our population is too diverse, and the routes it runs do not seem to fit the traffic patterns of people. I wish it could. I do not want to be a person to say don't send Amtrak through my State. Few people probably benefit from it. Few people might have a job depending on it. But sometimes we as a nation have to ask ourselves what is the proper utilization of our money, and are we making any progress.

I do not think you can justify many, perhaps most, of the routes Amtrak is running, but some of them could be. Some more of them could perhaps become viable if the losses they were taking in this system on bad routes were put into some of the marginal routes, where they upgraded them and they could run the system better, cleaner, and more timely, with fewer delays, and that kind of thing. But fundamentally the romantic view that we are going to have some sort of major international rail system does not seem to be realistic.

I remember as a child growing up in the country we used to say—I grew up on the railroad tracks. It was not but a couple hundred yards from my house to the railroad track. My daddy had a country store there. There were three country stores in that neighborhood and one railroad depot. So we had a passenger train.

When I was a young kid, a passenger train came through there. But there has not been a passenger train through Hybart, AL, in 40, 50 years. Now there is only one store left in the community and no railroad depot. It has been closed for many years.

Things happen. This country changes. People change. Let me ask this question to my colleagues. Would the Nation be better off if somebody in Washington, DC, said: Oh, that is such a shame. This little town of Hybart might lose their three stores, and they might have the depot closed. Maybe we ought to fund the railroad, give them enough money, bail them out, so they can continue to operate their passenger train through there. Would we be better off if we had done that? I do not think so. I hate to see it happen.

We also had a little post office attached to the house of my neighbor, and they closed that a number of years ago. That was heartbreaking. Mrs. Hybart from Hybart ran the post office. When she retired, they closed it. We hated to see that, but maybe the Postal Service was right. Maybe it was such a small operation it couldn't be justified to be continued. Somebody has to make decisions somewhere.

So let me point this out to my colleagues. Using my home State as an example, we have a train that goes through Birmingham and on up to Washington. Birmingham is our largest city. What are your options if you are in Birmingham and want to come to Washington, DC, our Nation's Capital? If you want to go on a commercial airline, which most people do, frankly, there are several flights every day, direct flights from Birmingham to Washington. If you take your personal vehicle you can leave anytime that you desire. You can leave early in the morning or you can leave midday, whatever. If you take the train, though, there is only one train a day leaving, and you have to leave at precisely that time or you don't get on the train. So that limits options at the beginning.

When people are deciding when and how to make a trip, they ask themselves these questions: What about the time it takes to make a trip from Birmingham to Washington, DC? Well, the air time is about 2 hours 12 minutes. The personal vehicle, if you drive by

car, we calculate 11 hours. It may be 10 or 11 hours. By train, it is 18 hours.

How many stops would you make? If you take an airline, of course, a direct flight, there is only one stop—at Washington. If you take your vehicle, maybe you make four or five stops, three or four stops. Let's assume you make four. But Amtrak, Amtrak makes 18 stops, and it does not take the shortest route to the Nation's Capital.

What about cost? How much does it cost? I was surprised, actually, when we looked at these numbers. I questioned my staff. Could it be an error? This is what they told me: The primary cost of a round-trip airline ticket from Birmingham to Washington is $328. It has gone up some. That is what they tell me is the recent fare for this trip. If you look at your automobile, and there is only one person in the car—you may have four—but if one person is driving to Washington, it is about $200 for the gasoline at the current high prices; $4 or so a gallon. What about the Amtrak train ticket that is going to take 18 hours instead of 2, what does it cost? Four hundred and forty-five dollars.

So you think this may have something to do with why people are choosing to fly or drive, rather than take the train? I kind of wish it wasn't so. I wish there was some way we could make this different than it is, but those are the facts and that is why many of the Amtrak routes are not practical.

People say: Well, why don't we make more routes, more trips, more trains, more often every day, and maybe more people would use it. I don't think so. I think the losses would swell even larger. You can't make this happen, in my view. I wish we had a different statement I could say about it, but that is it.

One reason we maintain these routes around the country that are losing money substantially is because Congress maintains them because politics gets into it. Nobody wants to stand, as I am doing right now, and suggest it is not going to be the end of the world for the State of Alabama if we don't have an Amtrak running through there, if it is costing the taxpayers billions of dollars every year to keep it running.

I wish to mention, briefly, the Washington Metro earmark of $1.5 billion. This includes Northern Virginia and the Maryland suburbs—some of the richest, most prosperous areas in the country. But they want us to send huge amounts of money here to fund the extension of their subway, their train system. I think we have a right—the people outside this area need to ask why they should do that.

Let me share this. My home county that I have been talking about has double-digit unemployment. It is reported by the New York Times that in my county—Wilcox County, where I grew up and went to school—the average citizen spends a larger percentage of their income on gasoline than any other county in America. So I guess what we are talking about now is we are going to ask people in my county who are struggling to get by with high unemployment rates and low wages and long distances to work, to subsidize a big, fancy subway system extension and operation that goes beyond, what I think is fair. What principle is being utilized to decide this is a good allocation of limited wealth in America?

So this is a huge mark. It is a huge item. Let me tell my colleagues how huge it is. Our State, as I recall, under the formula for highway distribution moneys, with every State in America, is about average. Alabama is about an average size State in population and probably in size. The tax revenue from gasoline comes to the Federal Government and we allocate it out by complex formulas that we have fought over for years. Alabama and Mississippi felt as though we weren't being fairly treated, but we are doing a little better now under the formula. But the amount of money Alabama gets, as I recall, it is not much over $500 million a year for the entire interstate highway system in Alabama to be utilized with the State highway money: $500 million per year. Whereas, they who are pushing this Metro system—$1.5 billion payment—would, in one project alone, be three times the annual funds that my State gets for highways. I don't think that is fair. I know it is a huge project. But, it is not a project I think can be justified. I wish we could do this and that would be good.

Somebody said: Well, Government employees like it. Many of them live out that way. Well, I have to tell my colleagues that Government employees are treated pretty well. You may not know this, but one reason they take subways is most of the agencies subsidize their ticket. If you take the Metro, the Government agency gives you a transportation allowance. So they have tried everything they can to incentivize riding the subway, but the Metro is still losing money. This is an additional subsidy from the Federal Government to the Washington Metro.

So I have to tell my colleagues I believe this is an important matter. I do not believe this legislation is sound. I don't think it is good for the taxpayers. I believe it is, in many ways, including this very large, one appropriation of $1.5 billion, that is clearly unfair to the rest of the country. We shouldn't pass it. I am sorry the majority leader seems determined to move forward with this bill. But as I said, I would not object if he sets it aside temporarily, to discuss what we are going to do about the financial crisis.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

TRIBUTE TO SENATOR DOMENICI

Mr. COCHRAN. Madam President, it is with mixed feelings of remorse and pleasure that I speak on the subject of the retirement from the Senate of my colleague and friend from New Mexico, PETE DOMENICI. He and his wife Nancy have been close and dear personal friends. When I was elected to serve in the Senate, they reached out to my wife Rose and me and made us feel at home and very comfortable in our new Senate environment. That was 30 years ago.

The Domenici family will surely be missed, but I know we will stay in touch. I wouldn't be surprised to get a call from PETE if he sees or hears about my not doing right on an issue he feels deeply about. He is not bashful, nor easily intimidated, and he is going to continue to be consulted for advice and counsel from time to time by me and others who respect him so highly and realize they would benefit from his good judgment and insight.

From public works to budget and energy, to appropriations, he has been a conspicuous and forceful advocate of public policy in the Senate committees. His contributions to public policy during the years of his service in the Senate are unsurpassed, and the genuineness of the respect in which he is held by his colleagues is unequaled. It has been a great honor to have served with PETE DOMENICI. I extend my sincere congratulations to him on his outstanding career in the Senate.

SPACED-BASED INTERCEPTOR STUDY

Mr. KYL. Madam President, today I wish to describe an important step towards providing the American people with a global, persistent ballistic missile defense system. This step is the space-based interceptor, SBI, study that was recently funded in H.R. 2638, the fiscal year 2009 Continuing Resolution, which contains the fiscal year 2009 appropriations for the Department of Defense.

Congress appropriated $5 million for the Secretary of Defense to conduct an independent assessment of a space-based interceptor element of our missile defense system. This is the first time since the Clinton administration and a Democrat-controlled Congress in 1993 cancelled all work towards a space-based layer missile defense system that we have the potential to expand our space-based capabilities from mere space situational awareness to space protection.

In the past 15 years, the ballistic missile threat has substantially increased and is now undeniable. Today, at least 27 nations have ballistic missile defense capabilities, and last year alone over 120 foreign ballistic missiles were launched. North Korea and Iran are developing and proliferating ballistic missile technology and continue to be major threats to our allies and our deployed forces.

Developments in China, as illustrated in the 2008 Annual Report on Military Power of the People's Republic of China, raise the concern about accidental or unauthorized launches of

intercontinental ballistic missiles, ICBMs, by China's military.

In addition to the long-established threat of ballistic missiles as a delivery system for weapons of mass destruction, on January 11, 2007, the world witnessed the vulnerability of space assets when China launched a ballistic missile to destroy a satellite. This capability extends beyond China; the Director of National Intelligence recently testified, ''over the last decade, the rest of the world has made significant progress in developing counter space capabilities.''

Every part of our daily lives depends upon the capability and reliability of our space systems. An attack on our space systems would not only adversely affect our military and intelligence systems, but also items such as: the Internet backbone, financial systems, navigation systems, manufacturing inventory control systems, emergency response systems, and weather tracking. Our vulnerabilities have not gone unnoticed; Wang Hucheng, an analyst for the People's Liberation Army has called our space systems the ''soft ribs'' of the U.S. military.

The $5 million appropriation for the SBI study allows the Secretary of Defense to enter into a contract with one or more independent entities to review the feasibility and advisability of developing a space-based interceptor element to the ballistic missile defense system. It is clear from the project tables in H.R. 2638, specifically the Program Element numbers in those tables, that Congress understood the importance of funding this study.

I have the utmost confidence in Secretary Gates to make the decision about what research and development entity should perform this study. I would like to recommend that an entity like the Institute for Defense Analysis, IDA, lead the study. IDA has the experience and technical expertise to provide policymakers a complete picture of the merits of a space-based interceptor system.

The study could lead to the development of new technologies and concepts that would provide the United States, our allies, and our deployed forces protection from the threat of rapidly proliferating ballistic missile technology, as well as the rising threat of attacks on our vulnerable national security space systems.

I would like to share the views of a few senior military leaders about what they believe to be the benefits of conducting the space-based interceptor study.

GEN Kevin Chilton, Commander of United States Strategic Command, stated:

> Space based systems have great potential to address many significant global missile defense challenges. The high ground space provides could alleviate many geographic and political challenges.

GEN Henry Obering, Director of Missile Defense Agency, stated, the study is ''a pragmatic hedge against an uncertain future, not an acquisition program for space-based missile defenses. It is opportunity to learn—while there is time to learn—what is possible in space against the day when emerging threats may compel us to decide.''

MG Thomas Deppe, Vice Commander of Air Force Space Command stated:

> Starting the preliminary studies and analysis on a space-based layer now will provide time to understand the potential benefits and technological challenges of such a system. Early studies help to reduce risk and better determine cost and feasibility of any space-based endeavor by identifying required technologies.

The United States must study space-based defenses now while we actually have the time to gather the data necessary to make informed policy decisions and before we are forced to make a decision in a time of crisis.

I would like to thank Senators INHOFE, ALLARD, and SESSIONS for their support in ensuring this important initiative was funded.

This study—some in this body have been afraid of—will help Congress understand what a space-based layer in our missile defense system could do to defend this Nation from ballistic missile attacks and threats to our space systems.

Mr. ALLARD. Madam President, I would like to associate myself with the remarks of Senators KYL and INHOFE. I supported the Space Test Bed study requested by the President. I would have preferred to be here today urging that my fellow Senators keep an open mind until that study can begin providing data to policy makers.

Yet there are those who refuse to study—even study—whether space-based interceptors can offer added defensive capability against ballistic missile threats to the United States, our allies, our deployed forces, even our national security space systems. As a result, this space interceptor study is the best we could get out of the Congress this year.

Let there be no mistake, this is an important step forward. I am pleased to have been able to help to push this study across the finish line.

I urge the Secretary of Defense to move quickly to get this study underway so that the next administration and the next Congress can build on today's study and finally move past the ivory tower debate about the weaponization of space.

Mr. INHOFE. Madam President, I strongly agree with Senator KYL in regard to the space-based interceptor study. This study provides the Secretary of Defense an independent assessment of a space-based interceptor element of our missile defense system. I think we all agree that a layered missile defense capability provides us with the best defense against ballistic missile delivered weapons of mass destruction as well as a defense against attacks against our satellites which have become so necessary to what we do militarily and economically.

This study will be an independent investigation into the technical feasibility and cost effectiveness of incorporating a space-based layer to our ballistic missile defense system. The study is neither a procurement program nor an attempt to weaponize space. It could lead to the development of new technologies and concepts that would provide the United States, our allies and our deployed forces protection from the threat of rapidly proliferating ballistic missile technology, as well as the rising threat of attacks on our vulnerable national security space systems.

As Senator KYL stated, last year 120 foreign ballistic missiles were launched. North Korea, Iran, and China remain likely suspects in ballistic missile proliferation and China has proven its ability to attack satellites. Recent Russian aggression in Georgia and reports on the state of China's military raise concerns about accidental or unauthorized launches of ICBMs.

The threat exists. It is important to do these studies now in order to develop the technologies and the defenses we need. Waiting until our Nation or our allies are attacked is too late. Wishing away the threat, as some in this Congress would have us do, is not a solution.

I thank my colleagues for this important move to ensure the safety of our Nation. Having the knowledge gleaned from this study will allow us to decide on the next step, should it be necessary.

CHANGES TO S. CON. RES. 70

Mr. CONRAD. Madam President, section 225 of S. Con. Res. 70, the 2009 budget resolution, permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other levels in the resolution for legislation that enhances medical care and other benefits for America's veterans and servicemembers. The revisions are contingent on certain conditions being met, including that such legislation not worsen the deficit over the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

I find that S. 3001, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, which was cleared by Congress on September 27, satisfies the conditions of the reserve fund for America's veterans and servicemembers. Therefore, pursuant to section 225, I am adjusting the aggregates in the 2009 budget resolution, as well as the allocation provided to the Senate Armed Services Committee.

I ask unanimous consent to have printed in the RECORD the following revisions to S. Con. Res. 70.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009—S. CON. RES. 70; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 225 DEFICIT-NEUTRAL RESERVE FUND FOR AMERICA'S VETERANS AND SERVICEMEMBERS

[In billions of dollars]

Section 101	
(1)(A) Federal Revenues:	
FY 2008	1,875.401
FY 2009	2,029.661
FY 2010	2,204.695
FY 2011	2,413.285
FY 2012	2,506.063
FY 2013	2,626.571
(1)(B) Change in Federal Revenues:	
FY 200	−3.999
FY 2009	−67.738
FY 2010	21.297
FY 2011	−14.785
FY 2012	−151.532
FY 2013	−123.648
(2) New Budget Authority:	
FY 2008	2,564.237
FY 2009	2,538.265
FY 2010	2,566.826
FY 2011	2,692.486
FY 2012	2,734.102
FY 2013	2,858.843
(3) Budget Outlays:	
FY 2008	2,466.678
FY 2009	2,573.277
FY 2010	2,625.751
FY 2011	2,711.447
FY 2012	2,719.529
FY 2013	2,851.939

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009—S. CON. RES. 70; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 225 DEFICIT-NEUTRAL RESERVE FUND FOR AMERICAS VETERANS AND SERVICEMEMBERS

[In millions of dollars]

Current Allocation to Senate Armed Services Committee	
FY 2008 Budget Authority	119,050
FY 2008 Outlays	118,842
FY 2009 Budget Authority	126,030
FY 2009 Outlays	125,863
FY 2009–2013 Budget Authority	668,567
FY 2009–2013 Outlays	667,908
Adjustments	
FY 2008 Budget Authority	0
FY 2008 Outlays	0
FY 2009 Budget Authority	−27
FY 2009 Outlays	7
FY 2009–2013 Budget Authority	−2
FY 2009–2013 Outlays	−8
Revised Allocation to Senate Armed Services Committee	
FY 2008 Budget Authority	119,050
FY 2008 Outlays	118,842
FY 2009 Budget Authority	126,003
FY 2009 Outlays	125,870
FY 2009–2013 Budget Authority	668,565
FY 2009–2013 Outlays	667,900

FURTHER CHANGES TO S. CON. RES. 70

Mr. CONRAD. Madam President, section 223 of S. Con. Res. 70, the 2009 budget resolution, permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other levels in the resolution for legislation that invests in America's infrastructure, including rail projects. The revisions are contingent on certain conditions being met, including that such legislation not worsen the deficit over the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

I find that H.R. 2095, the Federal Railroad Safety Improvement Act, satisfies the conditions of the reserve fund for investments in America's infrastructure. Therefore, pursuant to section 223, I am adjusting the aggregates in the 2009 budget resolution, as well as the allocation provided to the Senate Commerce, Science, and Transportation Committee.

I ask unanimous consent to have printed in the RECORD the following revisions to S. Con. Res. 70.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009—S. CON. RES. 70; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 223 DEFICIT-NEUTRAL RESERVE FUND FOR INVESTMENTS IN AMERICA'S INFRASTRUCTURE

[In billions of dollars]

Section 101	
(1)(A) Federal Revenues:	
FY 2008	1,875.401
FY 2009	2,029.667
FY 2010	2,204.701
FY 2011	2,413.291
FY 2012	2,506.069
FY 2013	2,626.577
(1)(B) Change in Federal Revenues:	
FY 2008	−3.999
FY 2009	−67.732
FY 2010	21.303
FY 2011	−14.779
FY 2012	−151.526
FY 2013	−123.642
(2) New Budget Authority:	
FY 2008	2,564.237
FY 2009	2,538.268
FY 2010	2,566.829
FY 2011	2,692.492
FY 2012	2,734.110
FY 2013	2,858.852
(3) Budget Outlays:	
FY 2008	2,466.678
FY 2009	2,573.280
FY 2010	2,625.754
FY 2011	2,711.453
FY 2012	2,719.537
FY 2013	2,851.948

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009—S. CON. RES. 70; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 223 DEFICIT-NEUTRAL RESERVE FUND FOR INVESTMENTS IN AMERICA'S INFRASTRUCTURE

[In millions of dollars]

Current Allocation to Senate Commerce, Science, and Transportation Committee	
FY 2008 Budget Authority	13,964
FY 2008 Outlays	9,363
FY 2009 Budget Authority	14,432
FY 2009 Outlays	10,250
FY 2009–2013 Budget Authority	75,918
FY 2009–2013 Outlays	49,960
Adjustments	
FY 2008 Budget Authority	0
FY 2008 Outlays	0
FY 2009 Budget Authority	3
FY 2009 Outlays	3
FY 2009–2013 Budget Authority	29
FY 2009–2013 Outlays	29
Revised Allocation to Senate Commerce, Science, and Transportation Committee	
FY 2008 Budget Authority	13,964
FY 2008 Outlays	9,363
FY 2009 Budget Authority	14,435
FY 2009 Outlays	10,253
FY 2009–2013 Budget Authority	75,947
FY 2009–2013 Outlays	49,989

INSPECTOR GENERAL REFORM ACT

Mr. LIEBERMAN. Madam President, I am proud to note that Congress, Saturday, voted to pass and send to the President the Inspector General Reform Act of 2008. This bipartisan bill reflects the broad congressional support for the outstanding work of our inspectors general and our desire to ensure that these important and unique Government officials are given the tools and the accountability to perform at their very best. I want to commend my colleagues, Senator MCCASKILL and Senator COLLINS, with whom I cosponsored this bill in the Senate, for their leadership and hard work on this issue. I also want to recognize the efforts of Congressman COOPER of Tennessee in the House, who has worked diligently on this legislation or some version of it through several Congresses.

It has been 30 years since Congress, as part of its post-Watergate reforms, passed the Inspectors General Act of 1978 that created an Office of Inspector General in 12 major departments and agencies to hold those agencies accountable and report back both to the agency heads and Congress on their findings. The law was amended in 1988 to add an inspector general to almost all executive agencies and departments.

The experiment has been a great success, hailed as a sort of consumer protector for the taxpayer deep within each agency. IG audits generate billions of dollars in potential savings each year. They also safeguard something even more valuable public trust

in our Government by exposing shortcomings in Government practices and official conduct. Some of these efforts generate front page headlines, but most of it unfolds quietly but critically behind the scenes as the IGs help their respective agencies establish effective and efficient programs and practices that make the most of the taxpayers' hard-earned dollars.

It is not an easy job to undertake and, over the years, we have become aware of several instances where the independence of inspectors general appears to be under siege. It is vital that Congress reiterate its strong support for the internal oversight IGs can provide and ensure they have the independence they need to carry out this vital, but often unpopular work.

Unfortunately, we are also aware of instances in which the watchdog needs watching—that is, situations where the inspector general has behaved improperly or failed to provide vigorous oversight.

This legislation attempts to address both problems.

It includes an array of measures designed to strengthen the independence of the inspectors general, such as requiring the administration to notify Congress 30 days before attempting to remove or transfer an IG. This would give us time to consider whether the administration was improperly seeking to displace an inspector general for political reasons because the IG was, in effect, doing his or her job too well. It requires that all IGs be chosen on the basis of qualifications, without regard to political affiliation.

The legislation would codify and strengthen the existing IG councils, creating a unitary council that can provide greater support for IGs throughout the Government.

The bill would provide greater transparency of IG budget needs, including funds for training and council activities, to help ensure the IG offices have the resources they need for their investigations.

The legislation also adjusts IG pay. It prohibits bonuses for IGs to remove a potential avenue for improper influence by the agency head. To compensate for this ban and to reflect the importance of the work they do, most IGs would receive an increase in their regular pay. Currently, some IGs earn less than other senior officials in their agency and sometimes even less than some of their subordinates.

Our bill also enhances IG accountability by strengthening the Integrity Committee that handles allegations against inspectors general and their senior staff, and facilitating greater oversight of the Integrity Committee by Congress.

Both the House and Senate versions of this bill received overwhelming bipartisan support, and since Senate passage last spring we have worked with the House to craft the consensus language that has now won congressional approval. We have also worked with the administration to address many of their initial concerns, and it is my great hope that the President will promptly sign this bill into law.

AFRICA

Mr. FEINGOLD. Madam President, last week I chaired a hearing on the ''resource curse'' and Africa's management of its extractive industries. In too many parts of Africa, a wealth of natural resources that should be fueling economic development are instead sources of corruption and conflict. This is especially the case with Sub-Saharan Africa's leading oil-producing nations. Just a few days ago, Transparency International released its corruption index, naming of Africa's top 3 oil producers—Chad, Equatorial Guinea, and Sudan—among the top 10 most corrupt countries. This corruption as well as the discrepancy between persisting poverty and skyrocketing revenues is a recipe for instability in these countries, breeding weak and failing states.

Nowhere are the consequences of the ''resource curse'' more acute or alarming than Nigeria's Delta region. For the last three decades, local communities there have been marginalized politically and economically as oil companies, with the government's backing, have seized some of the world's richest oil deposits. And, while the private sector is pervasive, the federal government is virtually absent—replaced by roving bands of criminals, working in many cases for local governors. The weak infrastructure, lack of opportunities for political participation by local communities, endemic poverty, influx of arms, and presence of lootable extractives have turned the delta into a powder keg over recent years.

In that swamp—and I say ''swamp'' both literally and metaphorically—have arisen several armed groups that seek to appeal to the legitimate grievances of communities for both political and criminal ends. These groups, many of which claim to be part of a loose coalition called the Movement for the Emancipation of the Niger Delta, or MEND, have targeted oil companies operating in the region, kidnapping employees for ransom and attacking pipelines and other installations. Simultaneously, they have become heavily involved in the lucrative trade in oil stolen from the delta's vast pipelines which is called ''bunkering.'' Some estimates suggest that as much as 10 percent of Nigeria's current production is siphoned off illegally, creating a shadow economy that undermines the security of the wider Gulf of Guinea region.

The Nigeria Government's response to the Delta crisis—sporadic military campaigns, empty promises of development and half-hearted attempts at political dialogue—has only made matters worse. In many cases there are definite but ambiguous links between the military and the militants—each out for personal gain as the political economy of war perpetuates the illicit nature of these activities. In addition, the military campaigns to date have only served to provoke the insurgency, leading to fighting that has left civilians killed and displaced. Furthermore, the lack of clear distinction between the security forces of the oil companies and the Nigerian military feeds communities' perception that the two are interchangeable. Meanwhile, despite promises made, there has still not been a serious initiative to address the underdevelopment of the region. The necessary revenues are clearly available with Nigeria's economic boom, but a lack of political will prevails. This is in part because there are officials at the federal, state, and local levels who continue to benefit from the instability in the delta, either by their involvement in the illegal oil trade or other corruption.

Without a commitment from the top leadership in Nigeria—as well as support from key members in the international community—a growing number of individuals at the top will continue to profit, while those at the bottom have almost no say in the development of their society. Genuine peacemaking in the delta region will require not only legitimate political negotiations but a convincing case for transforming the illicit war economy into one of peace. There will need to be viable institutions, not one hollowed out from corruption, which can address economic and political decisionmaking. And there will need to be opportunities for local communities to engage and hold their leaders accountable. Only then will we begin to see change in the delta.

Under this administration, the United States has made few efforts to address the instability in the Niger Delta, despite Nigeria being a key U.S. partner and the fifth largest source for U.S. oil imports. I recognize that the insecurity in the delta makes it very hard for our embassy officials—who are doing great work in an already tough posting—to travel there, but without consistent diplomatic outreach and presence in the region, our ability to engage is severely handicapped. How can we be sure the information we are getting is valid if we don't have our own eyes and ears to help inform our strategic thinking? The information gap in the Niger Delta is a very real deficit even though it may not seem pressing compared to some of the other national security threats we face. Getting our diplomatic corps into one of the world's most neglected regions will help us identify the full scope of the area's problems and come up with a sound plan for addressing them.

In June, I wrote to Secretary Rice, expressing my concern and inquiring about the potential for more frequent diplomatic travel to the region. I understand that along with the security concerns, financial costs also play a role here. But the costs to U.S. long-term security of not directly engaging this problem now are much greater.

The work of our diplomats on the ground though must be backed by high-level support from Washington. On the Niger Delta—or Nigerian affairs in general, for that matter—we have not seen adequate leadership from the Secretary of State or the President. Looking to the next administration, we must re-engage at all levels. This must be a top priority for whoever becomes the next Assistant Secretary for African Affairs, and I will work in my capacity in Congress to ensure we give greater attention to the crisis in the delta. We must think creatively about how we can rally our international partners and muster the many resources at our disposal to push for a comprehensive solution. In the months and years ahead, I believe there are few more pressing issues in terms of U.S. security and interests in Africa.

Now is the moment to engage. Just over a week ago, insurgents in the delta declared an ''oil war,'' after accusing the Nigerian military of new and unprovoked attacks. The 6 days of conflict that ensued between the militants and Nigerian soldiers were the most intense violence the region had seen in years. Reports suggest that oil output was cut by at least 150,000 barrels, but more importantly the violence left hundreds of people killed and many more displaced. I fear that we may only see this situation get worse as all sides, regardless of their rhetoric, cling to military strategies that only further entrench this conflict.

Nevertheless, there is an opportunity here to use this escalation to refocus international attention on this crisis and jumpstart a comprehensive political process to address its underlying causes. In the last month, there have been some positive developments that can be built upon.

First, President Yar'Adua recently announced the creation of 40-person technical committee and an entire ministry for the Niger Delta. If managed well and held accountable, these entities hold the potential to finally deliver on promises for economic development in the delta, especially infrastructure construction and job creation.

Second, the Government has called for the development of a certification scheme to track the theft and lucrative sale of so-called ''blood oil.'' It is unclear how such a scheme would work or whether the will really exists in Abuja to support it, but this provides an entry point to discuss ways to improve maritime security. A 2005 report by the Center for Strategic and International Studies suggested that better surveillance of two river systems alone could make a huge dent in the illicit oil trade in the delta.

Third and finally, it should be noted that Nigeria's ranking improved in this week's Transparency International's corruption index, suggesting some progress has been made. Of course, these rankings are not precise and far more progress is needed.

Mr. President, I realize that this situation is very complex and that many talented and thoughtful people have met over the last decade in various conferences, workshops, and summits to devise plans for peace in the delta. I am not under the illusion that stabilizing this region will be easy or straightforward, but I do know that the United States does not currently have the institutional leadership, resources, or coordination that we need to effectively engage in that undertaking and wield meaningful leverage. As we look ahead to the next administration and Congress, this must change not only the sake of African communities caught in the midst of violence and poverty but also for our own security.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Madam President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through an address set up specifically for this purpose 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:

I am worried about our country. The Senate is in a position to do something about it. Currently we are being kicked around by oil interests both abroad and within our boundaries. This must come to an end. [Misinformation is being circulated about energy.] For example, if we drill in new areas in Alaska it will affect gas prices of a penny a gallon ten years from now—this is a ridiculous statement. They have no basis for a stupid statement like that. I believe we need to eliminate importation of oil on principle. It is essential to drill by opening up new fields in Alaska, offshore on Pacific coast, the Atlantic coast, and the Gulf of Mexico. Shell Oil indicates that they can extract oil from shale for $28 per gallon. Even with government subsidies, I advocate a crash program to start extracting oil from shale and from oil sands in Canada. It requires energy to extract oil from shale. Why not atomic energy to extract that oil? In American Falls, we are trying to get a coal gasification plant. We could use your help in running that through. Potentially this can be a cheap source of hydrogen. American Falls has the potential of truly being in a county of power. There is also the potential of using plant materials for alcohol production. We have an incredible debt. This is a way of solving that debt problem. All things are possible; we have the means to do it. We can solve our energy problems while simultaneously turning America around economically.

JIM, *Moscow*.

What I want a Senator for Idaho to vote for legislation that will help solve our climate crisis. And a Senator who does not couch his words in terms such as utilizing proven reserves; that means you want to drill in ANWR, right? You are the problem, not the solution.

BUD, *Victor*.

Thank you for asking for our input on this incredibly important matter. I own and operate a 3,000-acre diversified farming operation in Oakley. I raise potatoes, wheat, barley, corn and alfalfa. I probably do not need to say any more about how energy prices are affecting my operation. Not just fuel alone, but so many other inputs that we depend on such as fertilizer, chemicals, PVC pipe for underground irrigation are going up faster than fuel. In the Idaho potato business, we depend on a national market to stay viable because of our distance from large population areas. The cost of sending a semi-trailer load (450 cwt.) of potatoes to Florida is currently over $6,000. That is making it far more difficult to compete with the local growers, even though their product is usually inferior to Idaho.

As far as my view of a solution. Drill here and drill now! It is ludicrous and maddening what the liberals has done in curtailing our ability to use our own resources. They are 100% responsible for this mess, and they will pay down the road if they do not realize it soon. As a nation, we are on the verge of an energy crisis that I am not sure we can ever recover from, if it occurs. Their plan to push conservation and tax the big oil companies is simply irresponsible. No one ever saved their way into prosperity. We need to turn the oil companies loose to tap our own reserves and build more refineries, and allow private enterprise to develop new sources of energy.

Thanks again for this opportunity to vent.

RANDY, *Oakley*.

I ride my bike so my gas price is $0/gallon. Plus, my pollution impact is non-existent, impact to the roads minimal and impact to my health is high.

MIKE, *Boise*.

Our concrete and sand and gravel business uses between 30,000 and 40,000 gallons of diesel fuel per month. So our unexpected increase in costs is almost $500,000 this year. The knee-jerk answer to this problem I hear is ''you guys just pass it along to the consumer''. But we have commitments to certain prices on our jobs. Jobs in our industry do not get repriced every night when fuel goes up. So we cannot pass all of the increase along and so profits suffer.

The other side of this is what about the consumer of our products? What does he do with that kind of increase? He is the homeowner, the small contractor, the big contractor, the farmer, or the dairy owner. He takes the hit so we can export our whole productive economy to foreign countries that hate us anyway. How much of this run up is speculation? When the bubble bursts, will the federal government bail out the speculators?

DAVID, *Rupert*.

I have got a story on energy prices for you. My story is based on fact from the congressional record of Senator Crapo's voting history.

Once upon a time (in 2007), there was a good energy bill (H.R. 6) that supported the research and development of alternative fuels. (This should have been done a long time ago so the work could have been done ahead of time so it is ready we need it, instead of now when it is an ''emergency'', but the Congress did not care about it then.)

There was an amendment to this bill (1505) proposed by Sen. Inhofe that would have given many billions of dollars to the oil companies instead of having that money go to supporting alternative cleaner renewable energy resources. There had already been a history of [giving billions of dollars in tax breaks to the oil companies. I believe that the oil companies have suppressed information on cleaner energy, pollution impact on the environment, and vehicle efficiency technologies through media spin. Senator Crapo says he is a good man and supports cleaner energy sources instead of the oil companies. But when the vote for the Inhofe amendment came up, he voted for it. And the nation lived miserably ever after.]

Seriously, when you go along with the president on such outrageous things as imprisonment and torture of people in secret prisons for indefinite periods without charges filed, suspension of habeas corpus, illegal wiretapping of U.S. citizens without warrants and then giving retroactive immunity to the telecoms for doing it, etc., etc., I find it hard to take seriously your claim that you have the public's best interest in mind. You are voting along with the president's wishes in serious violations of the Constitution. It is against your oath of office, and you should not be doing it.

ROCKFORD, *Boise.*

Historically, the United States has paid less at the pump than all other industrialized nations. Today—with the alleged heinous increases—we continue to pay less than Canada does at the pump (over $2/liter) and as you know it is from Canada that we get most of our oil. I approve of protecting the environment at the pump.

Thanks for asking

LYNN, *Island Park.*

I support your recent position of the ''global warming'' legislation that would have resulted in higher gas prices and higher energy costs, in general. I cannot believe that Congress has failed to act on measures to make this nation independent of OPEC's monopoly; we saw the current situation coming way back in the 1970s with long gas lines etc. I am an environmentalist; however, I believe we should responsibly develop all potential oil reserves including off the coasts and in ANWR. This ''global warming'' hysteria is plain old hogwash, and a lot of players are or will make millions off people's fears. It is a proven fact that the planet and the oceans have been in a cooling state since 1998; the record snowfalls in Idaho this year are testimony. It has been shown that the activity on the sun if far more important than man's activities when it comes to changing climate. Man's activities simply make things worse than they would be naturally.

BILL.

Thank you for taking the time to ask about the people here in Idaho. Recently my husband lost his job. With high gas prices, it has been difficult for his to travel to job interviews. I have had to find a new job, because I cannot afford the 40-minute drive to and from work everyday. My father and mother live in Logan, Utah. My dad has cancer and became very ill last February. He became paralyzed from the cancer, choking off the spinal cord. Luckily, he is recovering very well. But both my parents need help. Unfortunately, with the high gas prices, I have not been able to visit my parents in three months. My family cannot afford to take a vacation. Not even a short drive to Yellowstone Park. With no job for my husband, sky-high gas prices, high food prices, we cannot do anything. My husband may end up taking a job 8½ hours away from us. With gas prices, we will be lucky to see him once a month. This is a sad realization for me and my three children.

My in-laws and several friends are farmers. Their lives are a struggle. Farmers are talking about selling their beloved farms for housing developments. This will happen is the gas prices do not come down. Then where will we be? There will be no food for anyone. At least, we will not be able to afford the food in the stores. The future is looking bleak for the people in our areas.

Senator Crapo, please do something to help the people of Idaho. Let the Senate know we here in Idaho do not want to lose everything. Help the prices go down; help the people feel they can enjoy life.

KATRINA, *Idaho Falls.*

I am the Director of Career Services at ITT Technical Institute here in Boise. Many of our students are driving from as far away as Ontario, Oregon, to come to our school. Since the gas prices have increased, we are seeing it impact our enrollment level and our drop level. Many of our students would love to take the bus to our campus, but our classes get out at 10:30 at night and there are no busses running late enough to get them home. Why is it we do not have buses that run at least until midnight on all of the major streets in the valley? I know that more people would ride bus if it actually accommodated their work, school, and shopping schedules. How can we get out of our cars, when there are no viable alternatives?

I am a baby boomer taking care of elderly parents. As I age and my parents age, I am more aware of the dangers we face with elderly drivers on our roads. Their reflexes are slower, their hearing is bad, and their eyes are often clouded with cataracts. We need a safe an efficient way of transporting people of all ages around the city.

Our elderly and disabled are often confined to their homes where they are out of our sight. Many of them are living at or below the poverty level. These prices are forcing those who already have cut back on everything to now look at whether or not they can even buy food.

To make alternative transportation even worst, we do not have roads that our designed to accommodate both cars and bicycles. I would actually ride a bike to work, or even walk if their was more than 12 inches between me and the cars that are going 45 miles per hour along side me.

My last word is, drill now in the U.S., and help us to become less dependent on countries that hate us. The entire world is looking to find alternative to gas and we have been trying to find alternatives ourselves since the 70s. We are not the only nation hurting from energy prices. Are we so arrogant that we think we are the only ones who are hurting from this, or the only ones who will solve the problem? Alternatives to gas, is not something that will be solved overnight. We can drill safely and we can do it quickly. We know where it is, all we need to do is drill. So while the world is looking for a solution. Let us drill and improve our public transportation systems.

BARBARA, *Boise.*

I bought this 2004 Toyota pickup when gas hit $2 a gallon and traded a V8 4 X 4 gas guzzling Hot rod Dodge! I had to trade it for a car when it hit $4.13 a gallon on June 13, 2008. I have a few friends and relatives that are not so lucky! The dealerships will not take their late model 4 X 4 V8's or Diesels in trade. These aforementioned vehicles are now nearly worthless. In some cases, the owners owe more than twice as much as they are worth.

Drill Drill Drill Build Build Build more refineries. Take the handcuffs off the oil industry. Give huge tax incentive and cut the [rhetoric] about windfall profits.

PERRY, *Meridian.*

Thank you for this opportunity to comment on the current energy situation in Idaho. The increase in gasoline prices has definitely had an impact upon my family. We are feeling the pinch not only in fuel prices but in the prices of everything we buy. We recently purchased two used three-cylinder cars, a Geo Metro and a Subaru Justy as an attempt to save on commuting costs. Sadly, there does not seem to be anything we can do about our other increasing costs.

We are firm believers in the viability of nuclear power. I believe that we have the solution to most of our energy needs already in hand in the form of nuclear power generation. France and Japan produce 85% of their electricity by nuclear power and neither nation has reported any significant problems. We have the technology and the resources to make it safe and economical. The American masses who oppose the use and expansion of this technology are driven by fears based on outdated information and are lead by uninformed or self promoting fear mongers. We need to move quickly to support nuclear technology. We need to expound on the facts and expose the purveyors of false information.

Nuclear power produces far less pollution and has a far safer history than any other type of power generation technology. The waste generated by nuclear power generation can be captured and safely stored in a can until we develop the technology to permanently dispose of it. Can we say the same for fossil fuel-based energy production? No, we spew it out into the atmosphere where it affects everything and everyone. If those who claim that the world is being destroyed by global warming truly believed their own rhetoric they would support the expansion of nuclear power generation. I believe the solution to the so called ''nuclear waste problem'' could have been developed by now had we continued our research funding and as a result we would not be facing the energy crisis we now find ourselves in.

If you would like additional information with supporting documentation I would be happy to provide it. I am not a nuclear scientist and do not profess to be an expert at all. I only hope to see this viable technology considered as part of our policy to reduce foreign oil dependency.

TIM, *Boise.*

In 2004 my mother-in-law passed away in Filer. My father-in-law was not coping well without his wife. My wife and I live in Soda Springs. We made the decision to have the wife move back to Filer with her dad for awhile. She found a great job in Twin and things were going well so we purchased another home in Twin and she stayed there helping her family, Dad and making much more money with a career in Twin Falls that was not available in Soda Springs. This was fine until last year when fuel started rising. With two homes, double utilities and raising gas prices our weekly commutes of 177 miles between Soda and Twin all but ended. We are in the process of moving the wife back to Soda and renting out the Twin Falls home. Fuel costs and rising costs in general have created a huge hardship for us. With both of our incomes, it is just cheaper to combine in Soda rather than try to commute. With two good incomes, you would think we would be in fat city! We give up a very good income by my wife moving back to Soda. We have almost divorced over this as it has caused so much stress.

My thoughts on energy: I know we have much natural gas and it burns in vehicles

but no infrastructure to utilize it. It is also clean. I also know this country has a huge supply of coal. The Germans refined gas from coal in WW2. The tree huggers and go gooders will never permit it. We need to stop any use of foreign oil as soon as possible. They have us over a barrel . . . no pun intended.

BOB and DIANNE, *Soda Springs*.

I am a disabled 52-year-old man on a fixed income; SSI. I am a past City of Pocatello employee for almost 20 years in the field of law enforcement. I have no retirement and depend solely on SSI income. I was born and raised in Pocatello, worked for the municipality and now struggles to survive. I now stay home or go to medical appointments. I no longer has discretionary funds, not even for gas.

That's my story, and I'm stuck with it.

MICHAEL.

Thank you so much for your honest interest in the everyday Idahoan and the effect that gas prices have on our lives. I do not have a unique story to share with you. I am wholeheartedly in agreement that we need new sources for our energy usage. I believe that we need to drill for oil on our own soil. It would seem to me that there must be ways to do that and keep environmental concerns in mind. I believe that there are things that can be done to make vehicles use gasoline more efficiently; perhaps even run on alternate materials. Public transportation needs updated and should include ways to help all members of our population.

I am very fortunate that my husband and I have jobs that have not been cut due to the recent rise in energy costs, but we are making changes in the way we live our day. I got a job closer to home, we stopped going for evening drives as a form of entertainment, we are not going on a vacation this summer, we combine our errands into one trip, we had a more efficient heating/cooling system installed in our home, and got a more efficient roof. We are doing what we know how to do, as I imagine are most people.

I do want to suggest that docking the oil companies with wind-fall taxes isn't going to help. They will just hike the prices of the gas to cover their taxes. Some creative minds need to be gathered together to help the U.S. get themselves out of the mess they've gotten themselves into. It is time to cut the ties with eastern oil producers. That would seem a much more efficient and strong message than fighting with their countries' leaders. Big oil companies will, no doubt, have to make some changes to the way they do business. We all have to make changes. So many people have lost their jobs. For some people, the cost of gas offsets the income they make by going to work.

I hope these thoughts will be of some help to you. I thank you, again, for working to help all of us.

PEGGY, *Boise*.

NATIVE AMERICAN HOUSING ASSISTANCE

Mr. DORGAN. Madam President, today I applaud the passage of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2008, NAHASDA. This act will continue to provide thousands of homes for American Indian and Alaska Native families.

The bill passed today reauthorizes and enhances the Native American Housing Assistance and Self-Determination Act, NAHASDA, adopted in 1996. The act provides formula-based block grant assistance to Indian tribes, which allows them the flexibility to design housing programs to address the needs of their communities.

The system set up by this housing law has been very successful in addressing the housing crisis in Indian Country, and this reauthorization will go even further in providing homes to thousands of Indian families who desperately need them. Instead of being a one size fits all national program; it provides grants to tribes, allowing them to tailor housing programs to fit their needs. It has already enabled thousands of families to rent and own homes, and now thousands more will have access to much needed housing.

Despite the continued success of NAHASDA, there is still a housing crisis in Indian Country, where 90,000 Indian families are homeless or underhoused. Of those who do have housing, approximately 40 percent of on-reservation housing is considered inadequate, and over one-third of Indian homes are overcrowded.

The legislation passed today will strengthen NAHASDA by providing tribes with increased flexibility, with the goal of producing more homes in Indian Country. The bill will allow funds to be utilized for community buildings such as daycare centers, laundromats, and multipurpose community centers, with the hope of not only building homes but also building communities. The bill also authorizes a study to assess the existing data sources for determining the need for housing and funding programs.

Adequate housing is the first and most necessary step in building a strong community, and many people in Indian Country have gone on for far too long without a roof over their heads. This bill is more than just a housing act—it will give tribes more authority over their own land and truly help build stronger communities in Indian Country.

Mr. President, please allow me to thank Leader REID, Senator MURKOWSKI, Senator DODD, Senator INOUYE, Senator AKAKA and Senator SHELBY for their commitment in getting this legislation passed.

Thank you to the Senate staff for their hard work on this bill, including Allison Binney, Heidi Frechette, Tracy Hartzler-Toon, David Mullon, Jim Hall, Jenn Fogel-Bublick, and Mark Calabria.

Also, thank you to Representative KILDEE, Representative FRANK, Representative WATT, and their staff, Kimberly Teehee, Dominique McCoy, Cassandra Duhaney, and Hilary West.

Finally, this bill would not have been possible without the tireless work of tribal leaders, the National American Indian Housing Council, the National Congress of American Indians, the National Indian Health Board, and Indian housing advocates.

(At the request of Mr. REID the following statement was ordered to be printed in the RECORD.

NASA

• Mr. NELSON of Florida. Madam President, we have just passed the NASA reauthorization bill. It is noteworthy that next week, October 1, the 50th anniversary of the start of the National Aeronautics and Space Administration, and if my colleagues will recall, that was 1958. My colleagues may remember what was happening. The Soviet Union had surprised us by putting into orbit the first satellite, Sputnik and America, in midst of the cold war among two superpowers, was absolutely shocked that we were behind in our technology; that we could not be premier. Then, lo and behold, 3 years later, they shocked us again by putting the first human in orbit, Yuri Gagarin, for one orbit when, in fact, we only had a rocket, the Redstone, that could get a human into suborbit. Then we put Alan Shepard and subsequently Gus Grissom in suborbit, and then, in the meantime, the Soviet Union put Titov into several orbits. Of course, the eyes of the world then focused in on Cape Canaveral, when a young marine, one of the original seven American astronauts, named John Glenn, climbed into that capsule knowing that the Atlas rocket had a 20-percent chance of failure. He rode it into the heavens for only three orbits. There was an indication on the instrument panel that his heat shield was loose, and as he started the deorbit burn, John Glenn knew that if that was an accurate reading, on reentry into the Earth's fiery atmosphere, heating up in excess of 3,000 degrees Fahrenheit, he would burn up. It is that memorable time when we heard his last words before he went into the blackout period on radio transmissions: John Glenn humming ''The Battle Hymn of the Republic.'' It is hard to tell that story without getting a lump in my throat.

Of course, what then happened, months before we flew John Glenn, we had a young President who said: We are going to the Moon and back within 9 years. This Nation came together. It focused the political will, it provided the resources, and it did what people did not think could be done.

A generation of young people so inspired by this Nation's space program started pouring into the universities, into math and science and technology and engineering. That generation that was educated in high technology has been the generation that has led us to be the leader in a global marketplace by producing the technology, the innovations, the intellectual capital that has allowed us to continue to be that leader.

So it is with that background that this Senator, who has the privilege of chairing the Space and Science Subcommittee within the Commerce Committee, wants to say: Happy birthday, NASA. We are sending to the House of

Representatives tonight this NASA reauthorization bill, which will give the flexibility to the next President, and his designee as the next leader of NASA, the flexibility in a very troubled program that has not had the resources to do all the things that are demanded of it to try to continue to keep America preeminent in space; also to continue to have access to our own International Space Station that we built and paid for; and then to chart out a course for the future exploration of the heavens that will keep us fulfilling our destiny of our character as an American people, which is that by nature we are explorers and adventurers.

We never want to give that up. If we ever do, we will be a second-rate nation. But we would not because we have always had a frontier, a new frontier. In the development of this country, it used to be westward. Now it i upward and it is inward and that is the frontier we want to continue to explore.

So happy birthday, NASA. It is my hope that we will have the House of Representatives take this up on their suspension calendar tomorrow.

I wish to give great credit to the staff who are in the room for the majority and the minority. They all have worked at enormous overload—Chan Lieu and Jeff Bingham. Jeff, despite the fact of having suffered a heart attack earlier this year, and we didn't even let him out of his recuperative bed but that I was on the phone with him getting him to start corralling all these other Senators and House Members so we could get a consensus, so we could come together in an agreement.

The result tonight is the fact that this has been cleared in a 100-Member Senate, when Senators are on edge and they are always looking for something to object to, and there is no objection here, as ruled by the Presiding Officer.

My congratulations to all the people, to the staff of the Commerce Committee, and to the staff of the Science and Technology Committee in the House of Representatives, chaired by Congressman BART GORDON of Tennessee. I am very grateful for everybody coming together and making this happen.

I want to say a special thanks to all of the Senate staff who worked so hard on the NASA authorization bill. Not just Chan Lieu and Jeff Bingham, but also Ann Zulkosky and Beth Bacon on the Commerce Committee, as well as Art Maples, my Congressional Fellow. We also had tremendous support from our legislative council, Lloyd Ator and John Baggley. Thank you all for your hard work and dedication.●

ADDITIONAL STATEMENTS

CEDAR RAPIDS COMMUNITY EDUCATION

● Mr. HARKIN. Madam President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Cedar Rapids Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts, everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Cedar Rapids Community School District received Harkin grants totaling $4,912,132 which it used to help modernize and make safety improvements throughout the district. Six Harkin construction grants totaling $3,750,000 have helped with several projects. A 1999 grant was used to help build Viola Gibson Elementary School, and Harkin grants helped the district build additions for science and fine arts at Jefferson, Kennedy, and Washington High Schools; additions which included media centers and additional classrooms at Hoover, Roosevelt, and McKinley Middle Schools and Pierce and Wilson Elementary Schools and to also make plumbing and HVAC improvements at McKinley. These schools are the modern, state-of-the-art facilities that befit the educational ambitions and excellence of this school district. Indeed, they are the kind of schools that every child in America deserves.

The district also received six fire safety grants totaling $1,162,132 to make improvements at buildings throughout the district. The improvements included upgraded fire alarm systems, electrical work and other safety repairs. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Cedar Rapids Community School District. In particular, I would like to recognize the leadership of the board of education—John Laverty, Keith Westercamp, Lisa Kuzela, Ann Rosenthal, Melissa Kiliper-Ernst, Mary Meisterling, and Judy Goldberg, and former board members Richard Bradford, Ken Childress, Doug Henderson, Jeff Ilten, Dennis Kral, Becki Lynch, Susan McDermott, Ron Olson, and Al Smith.

I would also like to recognize superintendent David Markward, former superintendent Lew Finch, and staff members including Doug Smith, Bob Gertsen, Steve Graham, Susan Peterson, Tom Day, Chris McGuire, Barb Harms, Brian Krob, Kathy Conley, Connie Tesar, Wayne Knapp, Larry Martin, Bill Utterback, Joyce Fowler, Tim Virden, Rick Netolicky, Becky DeWald, Ralph Plagman, Bob Tesar, Terry Strait, Mary Wilcynski, Shannon Bucknell, Richard Sedlacek, Ken Morgan, Valerie Dolezal, Mike Allen, Steve Hilby, Kristen Ricky, Brian Litts, Gregg Petersen, Kathleen Reyner, and David Dvorak, and the following individuals from Shive Hattery: George Kanz, Keith Johnk, Jim Knowles, Doug DuCharme, Tim Fehr, and Chad Siems.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Cedar Rapids Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

CHARITON COMMUNITY EDUCATION

● Mr. HARKIN. Madam President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Chariton Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction

Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Chariton Community School District received several Harkin fire safety grants totaling $193,750 which it used to install fire alarm systems with emergency lighting and smoke detectors, replace doors with fire rated doors, and upgrade emergency exits in all five district facilities. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute superintendent Paula Wright and former superintendent Robert Newsum, the entire staff, administration, and governance in the Chariton Community School District. In particular, I'd like to recognize the leadership of the board of education—president Chuck Crabtree, vice president Nick Hunter, Craig Huff, Craig Scott and Dave Rich as well as buildings and grounds director; Dave DeBok.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Chariton Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

CLARKE COMMUNITY EDUCATION

● Mr. HARKIN. Madam President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Clarke Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Clarke Community School District received three Harkin fire safety grants totaling $331,099 which it used to replace wiring and install fire escapes, fire doors, alarm systems, heat detectors, emergency lighting, and firewalls in district school buildings. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute superintendent Ned Cox and former superintendent Steve Waterman and the entire staff, administration, and governance in the Clarke Community School District. In particular, I would like to recognize the leadership of the board of education—president Linda Henry, vice president Ed White, Michael Evink, Mark Jones, Jeff Wilken, Steve O'Tool, and Larry Gibbs, and former board members Doug Stearns, Kris Lange, Kathy Seelinger, Duane Otto, Darwin Downing, Joni Nelson, Chuck DeVos, Carol Reisinger, Roger Cole, Michael Motsinger, and Kevin Dorland.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Clarke Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

DOWS COMMUNITY EDUCATION

● Mr. HARKIN. Madam President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Dows Community School District and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program, its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire-safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Dows Community School District received a 2002 Harkin grant totaling $77,787 to help replace boilers and ceiling tiles at the elementary and middle schools. The district also received two fire safety grants totaling $51,291 for emergency lighting, heat detectors, and other repairs at the schools. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Dows Community School District. In particular, I would like to recognize the leadership of the board of education—Marty Osterman, Kristi Hinkle, Jon Bakker, Betty Ellis, and Corey Jacobson, and former board members Shelly Howard and Steve Tassinari. I would also like to recognize superintendent Dr. Robert Olson,

former superintendent Lyle Schwartz, board secretary Carol Hanson, and elementary school principal Sara Pralle.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Dows Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

GLENWOOD COMMUNITY EDUCATION

● Mr. HARKIN. Madam President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Glenwood Community School District and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire-safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Glenwood Community School District received a 2002 Harkin grant totaling $871,000 which it used to help install a new HVAC system at the High School. This school is a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, it is the kind of school facility that every child in America deserves. The district also received a fire safety grant totaling $36,048. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Glenwood Community School District. In particular, I would like to recognize the leadership of the board of education, Bill Agan, David Warren, Frank Overhue, Theresa Romens, and Linda Young, and former members, Nancy Krogstad, Paul Speck, and Marland Gammon. I would also like to recognize director of operations Dave Greenwood and former school improvement coordinator Kerry Newman and current superintendant Dr. Stan Sibley.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have got to do better.

That is why I am deeply grateful to the professionals and parents in the Glenwood Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them and wish them a very successful new school year.●

MOC-FLOYD VALLEY COMMUNITY EDUCATION

● Mr. HARKIN. Madam President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the MOC-Floyd Valley Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The MOC-Floyd Valley Community School District received two Harkin fire safety grants totaling $140,380 which it used to install new wiring, emergency lighting and doors at Hosper Elementary School and at the high school and to install fire detection systems and fire doors as well as perform electrical work at four other schools. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the MOC-Floyd Valley Community School District. In particular, I would like to recognize the leadership of the board of education—Gerald VanRoekel, Patty Thayer, Deb DeHaan, Shane Jager, Dan Duistermars and former board members Ed Grotenhuis and Harry VanderPol. Superintendent Gary Richardson and former superintendent Les Douma and buildings and grounds director Jim VanOmmeren should also be commended for their work on the grant application and implementation.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the MOC-Floyd Valley Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

MOUNT AYR COMMUNITY EDUCATION

• Mr. HARKIN. Madam President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Mount Ayr Community School District and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Mount Ayr Community School District received several Harkin fire safety grants totaling $124,500 which it used to repair fire safety problems. The grants were used to install new heat and smoke sensors, self-closing fire doors, evacuation lighting, and improved emergency exits and to rewire the fire panel. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute superintendent Russ Reiter, the entire staff, administration, and governance in the Mount Ayr Community School District. In particular I would like to recognize the leadership of the board of education—president Rod Shields, former president and board member Craig Elliott, Beth Whitson, Dave Richards, James Uhlenkamp, and board secretary Jeanette Campbell. I would also like to recognize former superintendent Bill Decker who was instrumental along with the district staff in applying for and implementing the first grants. Also, the work of the following people should be cited: head custodian Clint Poore, secondary head custodian Mike Gilliland, and local contractor Ed Rotert.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Mount Ayr Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them and wish them a very successful new school year.•

NORTH IOWA COMMUNITY EDUCATION

• Mr. HARKIN. Madam President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the North Iowa Community School District and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire-safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The North Iowa Community School District received several Harkin grants totaling $812,000 which it used to help modernize the school building and to make safety improvements. The district received a 2001 Harkin grant for $225,000 to help with classrooms for preschool and before and after school programs. The district received a 2002 grant for $437,500 to help make renovations in the auditorium and to improve accessibility at the elementary school and at the high school. This school is a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, it is the kind of school facility that every child in America deserves. The district also received $150,000 in fire safety grants to make safety improvements at schools throughout the district.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the North Iowa Community School District. In particular, I would like to recognize the leadership of the board of education—Rande Giesking, Diedre Willmert, Renae Sachs, Matt Duve, Julie Balvance, Andrea Bakker, and Michael Holstad, and former board members Kim Ruby, Irven Olsen, Deb Wirth, Brandi Trent, David Brue, Dale Coy, Mark Ostermann, Tom Rygh, Jeff Heitland, Bruce Heetlans, and Christian Miller. I would also like to recognize superintendent Larry D. Hill, board secretary Cheryl Benn, Charlie Smith, K. Lynn Evans, Dr. John Laflen, and Brian Blodgett.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the North Iowa Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.•

SIOUX CITY COMMUNITY EDUCATION

• Mr. HARKIN. Madam President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today to salute the dedicated teachers, administrators, and school board members in the Sioux City Community School District and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction

Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire-safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Sioux City Community School District received six Harkin grants totaling $2,225,000 which it used to help modernize and make safety improvements throughout the district. The district received a 2000 grant for $500,000 to help with a science classroom addition to East Middle School and a 2002 grant for $1 million to install a new HVAC system which improved efficiency and indoor air quality at North High School. The district received four fire-safety grants totaling $725,000 for fire alarms, emergency lighting, and other repairs in several schools throughout the district. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Sioux City Community School District. In particular, I would like to recognize the leadership of the board of education—president Doug Batcheller, vice president John Meyers, James Daane, Greg Grupp, Walt Johnson, Nancy Mounts and Jackie Warnstadt and former board members Anne James, Flora Lee, John Mayne, Judy Peterson, Bob Scott, Valorie Kruse, Ron Jorgensen, and Barbara Benson. I would like to recognize superintendent Dr. Paul Gausman, former superintendent Larry D. Williams, director of operation and maintenance Mel McKern and supervisor for environmental systems Ralph Guenther.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Sioux City Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them and wish them a very successful new school year.●

TITONKA CONSOLIDATED COMMUNITY EDUCATION

● Mr. HARKIN. Madam President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Titonka Consolidated Community School District, and to report on their participation in a unique federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts, everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Titonka Consolidated Community School District received a 2005 Harkin grant totaling $500,000 which it used to help build a new middle school and an addition at the elementary school. These schools are modern, state-of-the-art facilities that befit the educational ambitions and excellence of this school district. Indeed, they are the kind of schools that every child in America deserves. The district also received a fire safety grant totaling $25,000 which it used to update sprinkler systems in the district.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Titonka Consolidated Community School District. In particular, I'd like to recognize the leadership of the board of education—Laura Phelps, Allison Anderson, Gloria Bartelt, Leroy Hoffman and Daryl Chapin as well as former board member Lori Miller. I would also like to recognize superintendent Ron Sadler, Allen Boyken of Titonka Savings Bank, Jeff Carlton of Boyken Insurance, and the staff of Holland Contracting and Allers Associates Architects. Two members of the local community who were also instrumental in the project were Rhonda Sexton and Kathy Studer.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Titonka Consolidated Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

TRIBUTE TO ROSE LARSON

● Mr. JOHNSON. Madam President, I wish today to recognize Rose Larson of Rapid City, SD. This summer, Rose retired from Federal service after a career spanning over 21 years.

Rose worked as an office manager in the Rapid City district office for Senator Tom Daschle for approximately 18 years and joined my district office staff in March 2005. Over her years of service, she provided consistent and commendable service to both myself and Senator Daschle. Her expertise with the various office technologies often kept the offices up and running efficiently. She was also able to effectively serve as a front line of communication for the general public when they contacted my office with comments on issues of importance.

Over 11 years ago, Rose was diagnosed with breast cancer. She fought cancer with a steadfast passion and commitment to beat the disease. Her success has served as inspiration to others who have battled and are currently battling cancer. She has worked tirelessly to educate friends, family, and the general public on cancer prevention, treatment, and how to fight the disease. She has worked with the American Cancer Society on Relay for Life events in western South Dakota and helped develop teams to raise money to fight cancer. Rose is a beacon of hope and help to many South Dakotans fighting cancer.

I want to congratulate Rose Larson for her many years of public service. Often she worked behind the scenes with little or no credit, but her dedicated service and knowledge of her duties was instrumental in the successful operation of the congressional offices she worked in.

I want to wish Rose all the best in her retirement. I want to thank her for her great work ethic, her professionalism but most of all, her friendship.●

TRIBUTE TO GEORGE STRANDELL

● Mr. JOHNSON. Madam President, I wish today to recognize and commend George Strandell of South Dakota for his nearly 40 years of service to Golden West Telecommunications Cooperative, Inc. George is retiring after serving the past 8 years as general manager and chief executive officer of Golden West.

George worked for 19 years as a primary engineering consultant for the Golden West Telecommunications Cooperative before being hired as the company's outside plant engineer. He served in that capacity for 4 years before serving 8 years as district manager and then 8 years as general manager of Golden West.

Throughout his career, George had dedicated himself to building effective relationships and partnerships on behalf of Golden West and the independent telecommunications industry. He is well-respected throughout South Dakota, the region and Nation as an effective communicator, an administrator willing to tackle and resolve personnel and industry challenges and issues. He is able to effectively communicate to elected leaders and officials on issues affecting Golden West customers, employees, and the independent industry.

Throughout his career, he has always worked hard to put the customer first. He has helped expand and enhance Golden West's role in the industry, among allies and associates, but also improved the company's ability to serve rural communities and customers and the overall general public.

George provided steadfast oversight to the South Dakota Network, which was formed by a number of South Dakota independent telecommunications firms to offer customers more choice in long distance service. George spent considerable time and effort working with other managers to ensure the network's success to move voice, data, and video over 20,000 miles of fiber optics throughout the region. Access lines have increased under George from 31,000 in 2000 to 43,000 in 2008, as well as Internet access increasing from 5,000 to 23,000 in the same period.

On a national level, George has been a stalwart advocate in promoting and assisting the independent industry. He has served on numerous boards and committees that have advanced the promotion and understanding of the issues affecting the independent telecommunications firms and their customers.

Over the years, I have relied on George's guidance and understanding of the many issues affecting the telecommunications industry. I have appreciated his insight and input and I want to wish him all the best in this well-deserved retirement. I know that whatever his pursuits in retirement, he will approach them with the same level-headed, calm, and committed approach that earned him deep respect over his accomplished career with Golden West.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

At 11:02 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 496. An act to reauthorize and improve the program authorized by the Appalachian Regional Development Act of 1965.

S. 2482. An act to repeal the provision to title 46, United States Code, requiring a license for employment in the business of salvaging on the coast of Florida.

S. 3560. An act to amend title XIX of the Social Security Act to provide additional funds for the qualifying individual (QI) program, and for other purposes.

H.R. 2638. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

H.R. 3068. An act to prohibit the award of contracts to provide guard services under the contract security guard program of the Federal Protective Service to a business concern that is owned, controlled, or operated by an individual who has been convicted of a felony.

H.R. 5001. An act to authorize the Administrator of General Services to provide for the redevelopment of the Old Post Office Building located in the District of Columbia.

H.J. Res. 62. Joint resolution to honor the achievements and contributions of Native Americans to the United States, and for other purposes.

The enrolled bills and joint resolution were subsequently signed by the President pro tempore (Mr. BYRD).

At 11:11 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 440. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate:

The message also announced that the House has passed the following bills, without amendment:

S. 906. An act to prohibit the sale, distribution, transfer, and export of elemental mercury, and for other purposes.

S. 1738. An act to require the Department of Justice to develop and implement a National Strategy Child Exploitation Prevention and Interdiction, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute child predators.

S. 2816. An act to provide for the appointment of the Chief Human Capital Officer of the Department of Homeland Security by the Secretary of Homeland Security.

S. 2840. An act to establish a liaison with the Federal Bureau of Investigation in United States Citizenship and Immigration Services to expedite naturalization applications filed by members of the Armed Forces and to establish a deadline for processing such applications.

S. 3325. An act to enhance remedies for violations of intellectual property laws, and for other purposes.

S. 3569. An act to make improvements in the operation and administration of the Federal courts, and for other purposes.

S. 3597. An act to provide that funds allocated for community food projects for fiscal year 2008 shall remain available until September 30, 2009.

S. 3605. An act to extend the pilot program for volunteer groups to obtain criminal history background checks.

S. 3606. An act to extend the special immigrant nonminister religious worker program and for other purposes.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 1777) to amend the Improving America's Schools Act of 1994 to make permanent the favorable treatment of need-based educational aid under the antitrust laws.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 5057) to reauthorize the Debbie Smith DNA Backlog Grant Program, and for other purposes.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 5571) to extend for 5 years the program relating to waiver of the foreign country residence requirement with respect to international medical graduates, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 6460) to amend the Federal Water Pollution Control Act to provide for the remediation of sediment contamination in areas of concern, and for other purposes.

At 11:24 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5932. An act to designate the facility of the United States Postal Service located at 2801 Manhattan Boulevard in Harvey, Louisiana, as the ''Harry Lee Post Office Building''.

H.R. 6197. An act to designate the facility of the United States Postal Service located at 7095 Highway 57 in Counce, Tennessee, as the ''Pickwick Post Office Building''.

H.R. 6489 An act 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. 6558. An act to designate the facility of the United States Postal Service located at 1750 Lundy Avenue in San Jose, California, as the ''Gordon N. Chan Post Office Building''.

H.R. 6585 An act to designate the facility of the United States Postal Service located at 311 Southwest 2nd Street in Corvallis, Oregon, as the ''Helen Berg Post Office Building''.

H.R. 6834. An act to designate the facility of the United States Postal Service located at 4 South Main Street in Wallingford, Connecticut, as the ''CWO Richard R. Lee Post Office Building''.

H.R. 6837. An act to designate the facility of the United States Postal Service located at 7925 West Russell Road in Las Vegas, Nevada, as the ''Private First Class Irving Joseph Schwartz Post Office Building''.

H.R. 6859 An act to designate the facility of the United States Postal Service located at 1501 South Slappey Boulevard in Albany, Georgia, as the ''Dr. Walter Carl Gordon, Jr. Post Office Building''.

H.R. 6902. An act to designate the facility of the United States Postal Service located at 513 6th Avenue in Dayton, Kentucky, as the ''Staff Sergeant Nicholas Ray Carnes Post Office''.

H.R. 6982. An act to designate the facility of the United States Postal Service located at 210 South Ellsworth Avenue in San Mateo, California, as the ''Leo J. Ryan Post Office Building''.

H.R. 7081. An act to approve the United States-India Agreement for Cooperation on Peaceful Uses of Nuclear Energy, and for other purposes.

H.R. 7082. An act to amend the Internal Revenue Code of 1986 to permit the Secretary of the Treasury to disclose certain prisoner return information to the Federal Bureau of Prisons, and for other purposes.

H.R. 7083. An act to amend the Internal Revenue Code of 1986 to enhance charitable giving and improve disclosure and tax administration.

The message further announced that the House has passed the following bills, without amendment:

S. 3015. An act to designate the facility of the United States Postal Service located at 18 S. G Street, Lakeview, Oregon, as the ''Dr. Bernard Daly Post Office Building''.

S. 3082. An act to designate the facility of the United States Postal Service located at 1700 Cleveland Avenue in Kansas City, Missouri, as the ''Reverend Earl Abel Post Office Building''.

S. 3477. An act to amend title 44, United States Code, to authorize grants for Presidential Centers of Historical Excellence.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 360. Concurrent resolution recognizing the important social and economic contributions and accomplishments of the New Deal to our Nation on the 75th anniversary of legislation establishing the initial New Deal social and public works programs.

H. Con. Res. 376. Concurrent resolution congratulating the 2007–2008 National Basketball Association World Champions, the Boston Celtics, on an outstanding and historic season.

H. Con. Res. 378. Concurrent resolution expressing support for designation of September 6, 2008, as Louisa Swain Day.

H. Con. Res. 429. Concurrent resolution recognizing the importance of the United States wine industry to the American economy.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 84. Concurrent resolution honoring the memory of Robert Mondavi.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 928) to amend the Inspector General Act of 1978 to enhance the independence of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 2786) to reauthorize the programs for housing assistance for Native Americans.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 5265) to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Becker, congenital, distal, Duchenne, Emery-Dreifuss facioscapulohumeral, limb-girdle, myotonic, and oculopharyngeal, muscular dystrophies.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 6063) to authorize the programs of the National Aeronautics and Space Administration, and for other purposes.

At 12:11 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3174. An act to amend titles 28 and 10, United States Code, to allow for certiorari review of certain cases denied relief or review by the United States court of Appeals for the Armed Forces.

H.R. 6146. An act to amend title 28, United States Code, to prohibit recognition and enforcement of foreign defamation judgments.

H.R. 6838. An act to establish and operate a National Center for Campus Public Safety.

H.R. 7084. An act to amend section 114 of title 17, United States Code, to provide for agreements for the reproduction and performance of sound recordings by webcasters.

H.R. 7177. An act to authorize the transfer of naval vessels to certain foreign recipients, and for other purposes.

The message further announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

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

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 426. Concurrent resolution recognizing the 10th anniversary of the establishment of the Minority AIDS Initiative.

At 12:24 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 100. Joint resolution appointing the day for the convening of the first session of the One Hundred Eleventh Congress and establishing the date for the counting of the electoral votes for President and Vice President cast by the electors in December 2008.

ENROLLED BILLS SIGNED

At 2:29 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 3229. An act 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.

H.R. 5265. An act to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Becker, congenital, distal, Duchenne, Emery-Dreifuss facioscapulohumeral, limb-girdle, myotonic, and oculopharyngeal, muscular dystrophies.

H.R. 5872. An act to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the Boy Scouts of America, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 29, 2008, she had presented to the President of the United States the following enrolled bills:

S. 496. An act to reauthorize and improve the program authorized by the Apalachian Regional Development Act of 1965.

S. 1046. An act to modify pay provisions relating to certain senior-level positions in the Federal Government, and for other purposes.

S. 1382. An act to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1810. An act 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. 2482. An act to repeal the provision of title 46, United States Code, requiring a license for employment in the business of salvaging on the coast of Florida.

S. 2606. An act to reauthorize the United States Fire Administration, and for other purposes.

S. 2932. An act to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States.

S. 3009. An act to designate the Federal Bureau of Investigation building under construction in Omaha, Nebraska, as the ''J. James Exon Federal Bureau of Investigation Building''.

S. 3560. To amend title XIX of the Social Security Act to provide additional funds for the qualifying individual (QI) program, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–8111. A communication from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Fluid Milk Substitutions in the School Nutrition Programs'' (RIN0584–AD58) received September 26, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8112. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General John R. Wood, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–8113. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of General Benjamin S. Griffin, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC–8114. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((Docket No. FEMA–8041)(73 FR 53748)) received on September 26, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–8115. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' ((Docket No. FEMA–B–1005)(73 FR 53750)) received on September 26, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–8116. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' ((44 CFR Part 65)(73 FR 54321)) received on September 26, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–8117. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((73 FR 53747)(Docket No. FEMA–8039)) received on September 26, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–8118. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off West Coast States; Pacific Coast Groundfish Fishery; End of the Pacific Whiting Primary Season for the Catcher-processor, Mothership and Shore-based Sectors'' (RIN0648–XK03) received on September 26, 2008; to the Committee on Commerce, Science, and Transportation.

EC–8119. A communication from the Inspector General, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''Review of Medicare Contractor Information Security Program Evaluations for Fiscal Year 2005'' received September 26, 2008; to the Committee on Finance.

EC–8120. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Guidance regarding WHFITs'' (Notice 2008–77) received on September 26, 2008; to the Committee on Finance.

EC–8121. A communication from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2008-154—2008-163); to the Committee on Foreign Relations.

EC–8122. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of action on a discontinuation of service in acting role, designation of an acting officer, and nomination for the position of Inspector General; to the Committee on Health, Education, Labor, and Pensions.

EC–8123. A communication from General Counsel, Corporation for National and Community Service, transmitting, pursuant to law, the report of a rule entitled ''AmeriCorps National Service Program'' (RIN3045–AA23) received on September 26, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–8124. A communication from Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Control of Communicable Diseases; Restrictions on African Rodents, Prairie Dogs, and Certain Other Animals'' ((Docket No. FDA–2003–N–0427)(21 CFR Parts 16 and 1240)) received on September 26, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–8125. A communication from the Deputy Director for Operations, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' (29 CFR Parts 4022 and 4044) received on September 26, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–8126. A communication from the Senior Vice President, Public Policy, Advocacy and the Research Institute, Girl Scouts of the United States of America, transmitting, pursuant to law, a report entitled ''Girl Scouts of the USA 2007 Annual Report''; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–436. A resolution adopted by the Senate of the State of Alaska urging Congress to pass legislation to open the coastal plain of the Arctic National Wildlife Refuge to oil and gas exploration, development, and production; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION

Whereas, in 16 U.S.C. 3142 (sec. 1002 of the Alaska National Interest Lands Conservation Act (ANILCA)), the United States Congress reserved the right to permit further oil and gas exploration, development, and production within the coastal plain of the Arctic National Wildlife Refuge; and

Whereas the oil and gas industry, the state, and the United States Department of the Interior consider the Arctic coastal plain to have the highest potential for discovery of very large oil and gas accumulations on the continent of North America, estimated to include as much as 10,000,000,000 barrels of recoverable oil and significant amounts of natural gas; and

Whereas, while new oil and natural gas field developments on the North Slope of Alaska, such as Alpine, Northstar, and West Sak, may temporarily slow the decline in production, only giant coastal plain fields have the theoretical capability of increasing the production volume of Alaska oil and gas to a significant degree; and

Whereas the state's future energy independence would be enhanced with additional natural gas production from the North Slope of Alaska, including what are expected to be significant gas reserves in the Arctic National Wildlife Refuge, and the development of those reserves would enhance the economic viability of the proposed Alaska Natural Gas Pipeline; and

Whereas the proposed Alaska Natural Gas Pipeline and the Trans Alaska Pipeline System are transportation facilities that will be and are national assets that are integral to satisfying the present and future needs of the United States; and

Whereas the ''1002 study area'' is part of the coastal plain located within the North Slope Borough, and many of the residents of the North Slope Borough, who are predominantly Inupiat Eskimo, are supportive of development in the ''1002 study area''; and

Whereas enhancements in technology can be used in a manner that minimizes the area within the refuge that is used for exploration and development, while providing the nation with a needed supply of oil and gas; and

Whereas the oil and gas industry is using innovative technology and environmental practices in the new field developments at Alpine and Northstar, and those techniques are directly applicable to operating on the coastal plain and would enhance environmental protection beyond traditionally high standards; and

Whereas the oil and gas industry has shown at Prudhoe Bay, as well as at other locations along the Arctic coastal plain, that it is capable of conducting oil and gas activity without adversely affecting the environment or wildlife populations; and

Whereas opening the coastal plain of the Arctic National Wildlife Refuge now allows sufficient time for planning environmental safeguards, development, and national security review; and

Whereas the state will ensure the continued health and productivity of the Porcupine caribou herd and the protection of land, water, and wildlife resources during the exploration and development of the coastal plain of the Arctic National Wildlife Refuge; and

Whereas 8,900,000 of the 19,000,000 acres of the refuge have already been set aside as wilderness; and

Whereas the 1,500,000-acre coastal plain of the refuge makes up only eight percent of the 19,000,000-acre refuge, and the development of the oil and gas reserves in the refuge's coastal plain would affect an area of only 2,000 to 7,000 acres, which is less than one-half of one percent of the area of the coastal plain; and

Whereas the continued competitiveness and stability of the state and its economy require that the Senate consider national trends toward renewable energy development; and

Whereas the Senate encourages the use of revenue from any development in the Arctic National Wildlife Refuge for the development of renewable energy resources in the state; be it

Resolved, That the Senate urges the United States Congress to pass legislation to open the coastal plain of the Arctic National Wildlife Refuge to oil and gas exploration, development, and production, and that the Senate is adamantly opposed to further wilderness or other restrictive designation in the area of the coastal plain of the Arctic National Wildlife Refuge; and be it further

Resolved, That the oil and gas exploration, development, and production be conducted in a manner that protects the environment and the naturally occurring population levels of the Porcupine caribou herd on which the Gwich'in and other local residents depend, that uses directional drilling and other advances in technology to minimize the development footprint in the ''1002 study area,'' and that uses the state's workforce to the maximum extent possible; and be it further

Resolved, That the Senate urges the United States Congress to pass legislation opening the ''1002 study area'' for oil and gas development while continuing to work on measures for increasing the development and use of renewable energy technologies; and be it further

Resolved, That the Senate opposes any unilateral reduction in royalty revenue from exploration and development of the coastal plain of the Arctic National Wildlife Refuge and any attempt to coerce the State of Alaska into accepting less than the 90 percent of the oil, gas, and mineral royalties from the federal land in Alaska that was promised to the state at statehood.

POM–437. A joint resolution adopted by the Senate of the State of Colorado concerning state implementation plan credits for remote vehicle emissions testing programs; to the Committee on Environment and Public Works.

SENATE JOINT RESOLUTION 08–014

Whereas Colorado's IM 240 enhanced emissions inspection and repair program was enacted to comply with the federal ''Clean Air Act'' program requirements of the federal Environmental Protection Agency (EPA) and is included in the Colorado State Implementation Plan approved by the EPA; and

Whereas the use of remote sensing technology has been determined to be effective in identifying automobile tailpipe emissions that are cleaner than necessary to achieve compliance with the IM 240 program, and a remote sensing rapid screen program is currently being implemented in the Denver metropolitan area; and

Whereas pursuant to House Bill 06–1302, the Colorado Department of Public Health and Environment is conducting a pilot program to determine whether remote sensing technology can effectively identify high-emitting vehicles in a full-scale program; and

Whereas the high-emitter pilot program is anticipated to be completed no later than July 2010; and

Whereas the implementation of a remote sensing rapid screen program, coupled with a high-emitter identification and repair program, could result in a more efficient and cost-effective means of achieving greater vehicle emissions reductions than the current IM 240 enhanced emissions inspection and repair program; now, therefore, be it

Resolved by the Senate of the Sixty-sixth General Assembly of the State of Colorado, the House of Representatives concurring herein: That, at the conclusion of Colorado's high-emitter pilot program, the EPA is urged to quickly complete its evaluation of whether the high-emitter identification and repair program, coupled with the rapid screen program, may receive state implementation plan emission reduction credits equivalent to those received for the IM 240 enhanced emissions inspection and repair program; be it further

Resolved, That copies of this Joint Resolution be sent to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, each member of Colorado's Congressional delegation, and the Administrator of the EPA.

POM–438. A joint memorial adopted by the Senate of the State of Colorado memorializing Congress to restore funding for the federal Edward Byrne Memorial Justice Assistance Grant Program; to the Committee on the Judiciary.

SENATE JOINT MEMORIAL 08–001

Whereas the Edward Byrne Memorial Justice Assistance Grant Program is the largest justice assistance grant provided to states, and it funds state and local government efforts in a broad range of activities such as drug treatment and enforcement, criminal reentry initiatives, crime prevention, and corrections activities; and

Whereas the Edward Byrne Memorial Justice Assistance Grant Program provides vital criminal justice funding for states because its flexible grant purposes permit states to innovate in a wide variety of criminal justice programs based on shifting community needs; and

Whereas forty percent of the moneys from the Edward Byrne Memorial Justice Assistance Grant Program are sent to local law enforcement agencies in counties and municipalities and sixty percent of the moneys are distributed through the state governments; and

Whereas grants may be used to provide personnel, equipment, training, technical assistance, and rehabilitation of offenders who violate state and local laws; and

Whereas grants may also be used to provide assistance, other than compensation, to victims of offenders; and

Whereas from 2003–07, Colorado's Edward Byrne Memorial Justice Assistance Grant Program funding has been reduced from a high of $8,013,014 in 2003 to $4,304,517 in 2007, a fifty-five percent reduction; and

Whereas in the federal ''Consolidated Appropriations Act, 2008'', Pub. L. 110–161, that was signed into law in December 2007, the Edward Byrne Memorial Justice Assistance Grant Program was cut by sixty-seven percent from $520,000,000 in federal fiscal year 2007 to $170,000,000 in federal fiscal year 2008; and

Whereas the Edward Byrne Memorial Justice Assistance Grant Program currently funds the following programs at the following levels in the state of Colorado:

The 20th JAG Initiative: Probation Department, 20th Judicial District—$117,952

Mental Health Institute Initiative: Colorado State Public Defender's Office—$69,154

Sex Offender Registration and DNA Project: Colorado Department of Corrections—$60,515

Girls Enhanced Treatment and Transition Services: Colorado Division of Youth Corrections—$135,775

CrossPoint Enhanced and Intensive Outpatient Program: University of Colorado Health Sciences Center—$113,603

Gender-Specific Treatment for Women Offenders: University of Colorado Health Sciences Center—$157,328

Violent Criminal Apprehension Project: Colorado Department of Corrections—$68,750

Evaluation of the SOA-R: Colorado Division of Mental Health—$82,386

Differentiated TX for Domestic Violence Offenders: University of Colorado at Denver—$66,391

Developing a Placement Tool for Juvenile Sex Offenders: Colorado Judicial Department, State Court Administrator—$20,000

Intensive Supervision Probation (ISP) Evaluation: Colorado Judicial Department, State Court Administrator—$29,906

CSP Resource and Incident Mapping Project: Colorado State Patrol—$149,310

CBI Case Management System Business Plan Development: Colorado Bureau of Investigation—$75,000

Improving the Effective Administration of Justice: Colorado State Governor's Office—$69,882

Two Rivers Drug Enforcement Team (TRIDENT): City of Glenwood Springs, Police Department—$69,214

Montezuma County Drug Task Force: District Attorney's Office, 22nd Judicial District—$76,000

West Metro Drug Task Force: Jefferson County, Sheriffs Department—$76,000

Summit County Drug Enforcement: Summit County, Sheriffs Office—$58,564

Larimer County Multi-Jurisdictional Drug Task Force: City of Fort Collins, Police Services—$85,500

16th Judicial District Drug Task Force: District Attorney's Office, 16th Judicial District—$58,332

Eagle County Drug Task Force: Eagle County, Sheriffs Office—$85,500

San Luis Valley Drug Task Force: City of Alamosa, Police Department—$93,970

Eastern Colorado Plains Drug Task Force: Yuma County, Sheriffs Department—$147,628

Crisis Communication Throw Phone Project: Teller County, Sheriffs Department—$10,000

Delta/Montrose Drug Task Force: City of Montrose, Police Department—$44,530

GRAMNET: City of Craig, Police Department—$90,245

Project Snow Blower: Lake County, Sheriffs Department—$35,345

Canon City-Fremont County Drug Task Force: City of Canon City, Police Department—$59,040

Metro Gang Task Force: City of Aurora, Police Department—$100,000

South Metro Drug Task Force: Arapahoe County, Sheriffs Department—$66,293

Boulder County Drug Task Force: Boulder County, Sheriffs Department—$95,000

Weld County Task Force: City of Greeley, Police Department—$114,091

North Metro Task Force: City and County of Broomfield, Police Department—$118,750

Prisoner Transport Partitions: Bent County, Sheriffs Department—$1,420

Hazardous Materials Safety Initiative: Town of Dillon, Police Department—$12,000

Internet Sexual Predators Adjunct: District Attorney's Office, 1st Judicial District—$35,000

Tribal Court Drug Screening and Security: Southern Ute Indian Tribe—$50,975

Chinook West: Town of Nederland—$22,708

Ignacio Social Responsibility Training: Town of Ignacio—$34,715

Mentoring Program for the Brown Center: Montrose County, Health and Human Services—$22,660

Reintegration and Recovery Preparation Program: El Paso County, Sheriff's Office—$132,400

Transition Program: Mesa County, Sheriff's Department—$74,675

Correctional Counseling Program: Logan County, Sheriff's Department—$10,000

Pilot Crisis Intervention Team Case Management Program: City of Colorado Springs, Police Department—$86,204

Substance Abuse Evaluation, Testing, and Treatment: City of Arvada, Municipal Court—$6,000

Arapahoe County Aftercare Program: Arapahoe County, Sheriff's Department—$68,414

Finger/Palm Print Database: Arapahoe County, Sheriff's Department—$44,650

A Ten-Co. Partnership/Supervised Pretrial Release: Jefferson County, Criminal Justice Planning—$23,790

Technical Evidence Equipment: Larimer County, Coroner/Medical Examiner—$3,200

Pueblo Police Department Technological Upgrade: City of Pueblo, Police Department—$39,758

Mobile Command Center: City of La Junta, Police Department—$29,650

Mobile Communication and Safety Upgrade: Town of Ault, Police Department—$53,515

Technology Improvement Program: City of Westminster, Police Department—$83,087

Western Elbert County Emergency Operations Center: Town of Elizabeth, Police Department—$18,154

Enhanced Traffic Safety: City of Dacono, Police Department—$3,005

4 Wheel Drive Vehicle Requisition: Town of Kiowa, Police Department—$5,500

Emergency Power and Fuel: Town of Elizabeth, Police Department—$2,889

Acquisition of LIDAR Speed Measuring Device: Town of Frederick, Police Department—$3,000

Crackdown on Underage Drinking: Mineral County, Sheriff's Office—$3,000

Weapons Safe, Vehicle Maintenance and Supplies: Town of Blanca, Marshal's Office—$3,000

Traffic Accident Reduction Project: Logan County, Sheriff's Department—$3,750

Speed Enforcement Program: Montezuma County, Sheriff's Department—$5,500

Longmont Domestic Violence Awareness Program: City of Longmont, Police Department—$3,000

Operation Snapshot: City of Brighton, Police Department—$3,336

Safer Community Through Traffic Control: City of Monte Vista, Police Department—$2,817

Equipment Supplies for Professional Development: Summit County, Sheriffs Office—$3,750

Enhanced School Security Monitoring: City of Lamar, Police Department—$5,400

Officer Safety and Communications: Kit Carson County, Sheriffs Department—$5,082

Project Quick Shot: Lake County, Sheriffs Department—$4,000

Emergency Incident Response: Dolores County, Sheriffs Department—$3,538

Securing Radar Equipment for Patrol: Montrose County, Sheriffs Office—$2,970

High Quality Camera and Digital Imaging Computer: City of Silverthorne, Police Department—$3,750

Communications Upgrade—2007: Town of Minturn, Police Department—$3,249

800 MGz Radio Purchase: City of Fountain, Police Department—$3,600

Efficiency Equipment Request: Sedgwick County, Sheriffs Office—$4,300

Community Policing Enhancement: Town of San Luis, Police Department—$3,750

Supplies and Operating Needs: Town of Granby, Police Department—$3,319

Night Vision Devices: City of Montrose, Police Department—$1,164

Vehicle Computer Project: Town of Mancos, Marshal's Office—$3,469

Low Profile LED Lightbars: Town of Vail, Police Department—$3,600

Community Safety: Reducing Speeds on Main Street: City of Frisco, Police Department—$3,500

Traffic Safety Program: Town of Winter Park, Police Department—$3,750

Support for Probation Services: Southern Ute Indian Tribe—$3,750

Sheriff Patrol Enhancement: Archuleta County, Sheriffs Department—$4,820

MDT Interoperability Upgrade: Town of Gilcrest, Police Department—$3,583

Computer 2008: City of Ouray, Police Department—$3,200

Major Crime Scene Readiness: City of Brush, Police Department—$3,275

Meeting the Demands of Substantial Growth: Yuma County, Sheriffs Department—$3,168

Upgrades for Public and Officer Safety: Town of Fowler, Police Department—$4,580

Mobile Technology Upgrade: Town of Empire, Police Department—$2,608

Patrol Rifle Project: Town of Victor, Police Department—$2,000

Patrol Car Computers: Town of Cedaredge, Marshal's Office—$3,750

Community Safety Compliance and Security Enhancement: Conejos County, Sheriffs Department—$4,653

Residential/School Zone Speed Reduction Program: City of Eagle, Police Department—$5,220

Vehicle Replacement: Town of Hugo, Marshal's Office—$6,000

Improving Auxiliary Capacity: City of Estes Park, Police Department—$5,000

Interoperability and Data Sharing: Town of Milliken, Police Department—$3,750; and

Whereas the Colorado state budget, like other state budgets, is facing a shortfall for the upcoming fiscal year and cannot fill the funding gap left by the federal cut in programs currently funded by the Edward Byrne Memorial Justice Assistance Grant Program; and

Whereas this drastic cut in funding will result in the dissolution or discontinuance of many law enforcement and criminal justice programs; and

Whereas programs that are shut down due to lack of funding cannot simply be restarted when the funding returns because there are informants, ties to the community, and personnel that will be lost with the funding shortfall; so as a result, programs must be rebuilt from scratch; and

Whereas by law, the federal Department of Justice, which is responsible for distributing the moneys for the Edward Byrne Memorial Justice Assistance Grant Program, cannot write checks to local law enforcement agencies for less than $10,000; therefore any state or local entity that received less than $30,000 in the federal fiscal year 2007 will receive no moneys in the federal fiscal year 2008; now, therefore, be it

Resolved by the Senate of the Sixty-sixth General Assembly of the State of Colorado, the House of Representatives concurring herein: (1) That we, the members of the Colorado General Assembly, urge Congress to restore funding for the Edward Bryne Memorial Justice Assistance Grant Program and thereby continue the financial support that is critical to enabling local law enforcement agencies to continue protecting the lives and property of citizens in their communities; and (2) That we urge Colorado's congressional delegation to support funding for the Edward Byrne Memorial Justice Assistance Grant Program through emergency supplemental spending bill legislation. Be it further

Resolved, That copies of this Joint Memorial be sent to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Majority Leader and the Minority Leader of the United States Senate, the Majority Leader and the Minority Leader of the United States House of Representatives, and the members of Colorado's Congressional delegation.

POM–439. A joint resolution adopted by the Senate of the State of Colorado concerning endorsement of the federal ''Post 9/11 Veterans Educational Assistance Act of 2007''; to the Committee on Veterans' Affairs.

SENATE JOINT RESOLUTION 08–015

Whereas men and women serving in the United States Armed Forces put their lives on hold in order to serve and protect our country and, as such, deserve a tangible expression of our gratitude; and

Whereas the federal ''Post 9/11 Veterans Educational Assistance Act of 2007'' seeks to expand the list of educational benefits offered to United States military service men and women who have served in the Armed Forces since the terrorist attacks of September 11, 2001; and

Whereas the proposed legislation amends the GI Bill that was passed in the 1940s after World War II to help Veterans readjust to civilian life and to enable them to pursue education and training upon their return from military service; and

Whereas occupational instability is only one of several postwar readjustment problems with which veterans have struggled since their military service, as reported by the National Vietnam Veterans' Readjustment Study; and

Whereas it is of paramount importance that the federal government extend provisions of educational assistance to military personnel serving in the post-9/11 era to help offset the postwar readjustment problems endured by so many veterans to this day; and

Whereas several military and veterans groups, such as the Enlisted Association of the National Guard of the United States (EANGUS), the Veterans of Foreign Wars (VFW), the Vietnam Veterans of America (VVA), and the Air Force Sergeants Association (AFSA), have voiced support for the proposed legislation; now, therefore, be it

Resolved by the Senate of the Sixty-sixth General Assembly of the State of Colorado, the House of Representatives concurring herein: (1) That we, the members of the Colorado General Assembly, support the federal ''Post 9/11 Veterans Educational Assistance Act of 2007''; and (2) That we encourage members of Congress to adopt this legislation in order to enable our country's military service men and women to pursue their educational goals so they can further enrich lives. Be it further

Resolved, That copies of this Joint Resolution be sent to Colorado's Congressional delegation, each member of the United States Senate, the United Veterans Committee of Colorado, and Jim Webb, United States Senator for Virginia.

POM–440. A resolution adopted by the California State Lands Commission relative to supporting the enactment by Congress of the Ocean Conservation, Education, and National Strategy for the 21st Century Act (HR 21); to the Committee on Commerce, Science, and Transportation.

POM–441. A collection of petitions forwarded by the Benefit Security Coalition relative to establishing a more equitable method of computing cost of living adjustments for Social Security benefits; to the Committee on Finance.

POM–442. A collection of petitions from a Polish-American organization relative to concerns regarding Social Security benefits and the Windfall Elimination Provision; to the Committee on Finance.

POM–443. A report from the United Nations World Tourism Organization entitled ''Destination Management and Marketing: Two Strategic Tools to Ensure Quality Tourism''; to the Committee on Foreign Relations.

POM–444. A communication from the Latvian Saeima (Parliament) relative to the Republic of Latvia's independence day; to the Committee on Foreign Relations.

POM–445. A communication from the Parliamentary Assembly of the Organization for Security and Co-operation in Europe relative to the Astana Declaration and adopted resolutions; to the Committee on Foreign Relations.

POM–446. A resolution from the Mayor and City Council of the City of North Miami Beach relative to granting temporary protective status to Haitians in the United States; to the Committee on the Judiciary.

POM–447. A letter from a private citizen relative to Native Americans and the healthcare system; to the Committee on Indian Affairs.

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. REID (for Mr. KENNEDY (for himself, Mr. OBAMA, and Mr. KERRY)):

S. 3648. A bill to amend the Fair Labor Standards Act to require employers to keep records of non-employees who perform labor or services for remuneration and to provide a special penalty for employers who misclassify employees as non-employees, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WYDEN (for himself and Mr. BROWNBACK):

S. 3649. A bill to amend section 114 of title 17, United States Code, to provide for agreements for the reproduction and performance of sound recordings by webcasters; to the Committee on the Judiciary.

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 3650. A bill to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI (for herself, Mr. STEVENS, Mr. AKAKA, and Mr. INOUYE):

S. 3651. A bill to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. CANTWELL (for herself and Mr. LIEBERMAN):

S. 3652. A bill to provide for financial market investigation, oversight, and reform; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. CLINTON (for herself, Mr. FEINGOLD, and Mr. BROWN):

S. 3653. A bill to amend the Agricultural Marketing Act of 1946 to provide for country of origin labeling for dairy products; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. REED:

S. 3654. A bill to improve research on health hazards in housing, to enhance the capacity of programs to reduce such hazards, to require outreach, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

ADDITIONAL COSPONSORS

S. 714

At the request of Mr. AKAKA, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 714, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. 826

At the request of Mr. MENENDEZ, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 826, a bill to posthumously award a Congressional gold medal to Alice Paul, in recognition of her role in the women's suffrage movement and in advancing equal rights for women.

S. 1069

At the request of Ms. SNOWE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1069, a bill to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss.

S. 2668

At the request of Mr. KERRY, the names of the Senator from Alaska (Ms. MURKOWSKI), the Senator from Wisconsin (Mr. KOHL) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 3047

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 3047, a bill to provide for the coordination of the Nation's science, technology, engineering, and mathematics education initiatives.

S. 3273

At the request of Mr. LUGAR, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 3273, a bill to promote the international deployment of clean technology, and for other purposes.

S. 3283

At the request of Mr. TESTER, the names of the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from New Jersey (Mr. MENENDEZ), the Senator from North Dakota (Mr. DORGAN), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from California (Mrs. FEINSTEIN), the Senator from Rhode Island (Mr. REED), the Senator from Virginia (Mr. WEBB), the Senator from Missouri (Mrs. MCCASKILL), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Pennsylvania (Mr. CASEY), the Senator from Hawaii (Mr. INOUYE), the Senator from Iowa (Mr. HARKIN), the Senator from Washington (Mrs. MURRAY) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 3283, a bill to award a congressional gold medal to Dr. Joseph Medicine Crow, in recognition of his especially meritorious role as a warrior of the Crow Tribe, Army Soldier in World War II, and author.

S. 3429

At the request of Mr. SCHUMER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 3429, a bill to amend the Internal Revenue Code to provide for an increased mileage rate for charitable deductions.

S. 3490

At the request of Mr. CARDIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 3490, a bill to amend the Neotropical Migratory Bird Conservation Act to reauthorize the Act.

S. 3498

At the request of Mr. VOINOVICH, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 3498, a bill to amend title 46, United States Code, to extend the exemption from the fire-retardant materials construction requirement for vessels operating within the Boundary Line.

S. 3507

At the request of Mr. REED, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 3507, a bill to provide for additional emergency unemployment compensation.

S. 3610

At the request of Mr. MENENDEZ, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3610, a bill to improve the accuracy of fur product labeling, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MURKOWSKI (for herself, Mr. STEVENS, Mr. AKAKA, and Mr. INOUYE):

S. 3651. A bill to provide for the settlement df certain claims under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, the Tlingit and Haida people, the first people of Southeast Alaska, were perhaps the first group of Alaska Natives to organize for the purpose of asserting their aboriginal land claims. The Native land claims movement in the rest of Alaska did not gain momentum until the 1960s when aboriginal land titles were threatened by the impending construction of the Trans Alaska Pipeline. In southeast Alaska, the taking of Native lands for the Tongass National Forest and Glacier Bay National Monument spurred the Tlingit and Haida

people to fight to recover their lands in the early part of the 20th Century.

One of the first steps in this battle came with the formation of the Alaska Native Brotherhood in 1912. In 1935, the Jurisdictional Act, which allowed the Tlingit and Haida Indians to pursue their land claims in the U.S. Court of Claims, was enacted by Congress.

After decades of litigation, the Native people of southeast Alaska received a cash settlement in 1968 from the Court of Claims for the land previously taken to create the Tongass National Forest and the Glacier Bay National Monument. Yes there was a cash settlement of $7.5 million but the Native people of southeast Alaska have long believed that it did not adequately compensate them for the loss of their lands and resources.

Beware the law of unintended consequences. When the Native people of southeast Alaska chose to pursue their land claims in court they could not have foreseen that Congress would ultimately settle the land claims of all of Alaska's Native people through the Alaska Native Claims Settlement Act of 1971. Nor could they have foreseen that they would be disadvantaged in obtaining the return of their aboriginal lands because of their early, and ultimately successful, effort to litigate their land claims. Sadly this was the case.

The Alaska Native Claims Settlement Act of 1971 imposed a series of highly prescriptive limitations on the lands that Sealaska Corporation, the regional Alaska Native Corporation formed for southeast Alaska, could select in satisfaction of the Tlingit and Haida land claim. None of the other 11 Alaska based regional Native corporations were subject to these limitations. Today, I join with Mr. STEVENS, Mr. AKAKA and Mr. INOUYE to introduce legislation to right this wrong.

For the most part, Sealaska Corporation has agreed to live within the constraints imposed by the 1971 legislation. It has taken conveyance to 290,000 acres from the pool of lands it was allowed to select under the 1971 act. As Sealaska moves to finalize its land selections it has asked the Congress for flexibility to receive title to certain lands which it was not permitted to select under the prescriptive, and as Sealaska believes, discriminatory, limitations contained in the 1971 legislation.

The legislation we are introducing today would allow Sealaska to select its remaining entitlement from outside of the withdrawal areas permitted in the 1971 legislation. It allows the Native corporation to select up to 3,600 acres of its remaining land entitlement from lands with sacred, cultural, traditional or historical significance. Substantial restrictions will be placed on the use of these lands.

Up to 5,000 acres of land could be selected for non-timber related economic development. These lands are called ''Native Futures'' lands in the bill. Other lands referred to as ''economic development lands'' in the bill could be used for timber related and nontimber related economic development. These lands are on Prince of Wales Island.

Sealaska observes that if it were required to take title to lands within the constraints prescribed by the 1971 legislation it would take title to large swaths of roadless acres in pristine portions of the Tongass National Forest. The lands it proposes to take for economic uses under this legislation are predominantly in roaded and less sensitive areas of the Tongass National Forest.

The pools of lands which would be available to Sealaska under this legislation are depicted on a series of maps referred to in the bill. It must be emphasized that not all of the lands depicted on these maps will end up in Sealaska's ownership. Sealaska cannot receive title to lands in excess of its remaining acreage entitlement under the 1971 legislation and this legislation does not change that entitlement.

Earlier in the 110th Congress, several of our friends in the other body introduced H.R. 3560 to address these issues. Over the past year, Sealaska and the communities of southeast Alaska have worked collaboratively in good faith to identify issues that may arise from the transfer of lands on which those communities have relied for subsistence and recreation out of the Tongass National Forest and into Native corporation ownership. My colleagues in the Alaska congressional delegation and I have devoted a great deal of time in reaching out and encouraging comment from southeast Alaska on H.R. 3560. Sealaska has itself conducted numerous public meetings on the bill in southeast Alaska. I believe that these efforts have helped us to formulate a bill that addresses the concerns we most frequently heard.

The legislation we are introducing today is different from H.R. 3560 in numerous respects. In some cases, the lands open to Sealaska selection have changed from those which were referred to in H.R. 3560 to accommodate community concerns. Our conversations have led to precedent setting commitments by the Sealaska Corporation to maintain public access to the economic development lands it receives on Prince of Wales Island for subsistence uses and recreational access. These commitments are laid out in Section 4(d) of our bill.

Sealaska has also offered a series of commitments to ensure that the benefits of this legislation flow to the broader southeast Alaska economy and not just to the corporation and its Native shareholders. These commitments are memorialized in a letter from Sealaska's chairman, Alaska State Senator Albert Kookesh, and its president and chief executive officer, Chris E. McNeil, Jr.

It comes as no secret to anyone that this legislation is introduced as we enter what may be the final hours of the 110th Congress. There will not be sufficient opportunity in the remaining hours of this Congress to consider the legislation. It will need to be reintroduced in January 2009. We hope that we can move on it in the early part of the 111th Congress.

In the meantime, we encourage and welcome comments from the people and communities of southeast Alaska on the revised legislation and hope that we will be able to productively use the next few months to identify and resolve any issues or concerns that remain before the 111th Congress begins.

Mr. President, I ask unanimous consent that the text of the bill and a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3651

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 ''Southeast Alaska Native Land Entitlement Finalization Act''.

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1)(A) in 1971, Congress enacted the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) to recognize and settle the aboriginal claims of Alaska Natives to land historically used by Alaska Natives for traditional, cultural, and spiritual purposes; and

(B) that Act declared that the land settlement ''should be accomplished rapidly, with certainty, in conformity with the real economic and social needs of Natives'';

(2) the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)—

(A) authorized the distribution of approximately $1,000,000,000 and 44,000,000 acres of land to Alaska Natives; and

(B) provided for the establishment of Native Corporations to receive and manage the funds and that land to meet the cultural, social, and economic needs of Native shareholders;

(3) under section 12 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611), each Regional Corporation, other than Sealaska Corporation (the Regional Corporation for southeast Alaska) (referred to in this Act as ''Sealaska''), was authorized to receive a share of land based on the proportion that the number of Alaska Native shareholders residing in the region of the Regional Corporation bore to the total number of Alaska Native shareholders, or the relative size of the area to which the Regional Corporation had an aboriginal land claim bore to the size of the area to which all Regional Corporations had aboriginal land claims;

(4)(A) Sealaska, the Regional Corporation for Southeast Alaska, 1 of the Regional Corporations with the largest number of Alaska Native shareholders, with more than 21 percent of all original Alaska Native shareholders, did not receive land under section 12 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611);

(B) the Tlingit and Haida Indian Tribes of Alaska was 1 of the entities representing the Alaska Natives of southeast Alaska before the date of enactment of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.); and

(C) Sealaska did not receive land in proportion to the number of Alaska Native shareholders, or in proportion to the size of the

area to which Sealaska had an aboriginal land claim, in part because of a United States Court of Claims cash settlement to the Tlingit and Haida Indian Tribes of Alaska in 1968 for land previously taken to create the Tongass National Forest and Glacier Bay National Monument;

(5) the Court of Claims cash settlement of $7,500,000 did not—

(A) adequately compensate the Alaska Natives of southeast Alaska for the significant quantity of land and resources lost as a result of the creation of the Tongass National Forest and Glacier Bay National Monument or other losses of land and resources; or

(B) justify the significant disparate treatment of Sealaska under the Alaska Native Claims Settlement Act (43 U.S.C. 1611);

(6)(A) while each other Regional Corporation received a significant quantity of land under sections 12 and 14 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611, 1613), Sealaska only received land under section 14(h) of that Act (43 U.S.C. 1613(h)), which provided a 2,000,000-acre land pool from which Alaska Native selections could be made for historic sites, cemetery sites, Urban Corporation land, Native group land, and Native Allotments;

(B) under section 14(h)(8) of that Act (43 U.S.C. 1613(h)(8)), after selections are made under paragraphs (1) through (7) of that section, the land remaining in the 2,000,000-acre land pool is allocated based on the proportion that the original Alaska Native shareholder population of a Regional Corporation bore to the original Alaska Native shareholder population of all Regional Corporations; and

(C) the only land entitlement of Sealaska derives from a proportion of leftover land remaining from the 2,000,000-acre land pool, estimated as of the date of enactment of this Act at approximately 1,700,000 acres;

(7) despite the small land base of Sealaska as compared to other Regional Corporations (less than 1 percent of the total quantity of land allocated pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), Sealaska has—

(A) provided considerable benefits to shareholders; and

(B) been a significant economic force in southeast Alaska;

(8) pursuant to the revenue sharing provisions of section 7(i) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(i)), Sealaska has distributed more than $300,000,000 during the period beginning on January 1, 1971, and ending on December 31, 2005, to Native Corporations throughout the State of Alaska from the development of natural resources, which accounts for 42 percent of the total revenues shared under that section during that period;

(9) as a result of the small land entitlement of Sealaska, it is critical that the remaining land entitlement conveyances to Sealaska under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) are fulfilled to continue to meet the economic, social, and cultural needs of the Alaska Native shareholders of southeast Alaska and the Alaska Native community throughout Alaska;

(10)(A) the conveyance requirements of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) for southeast Alaska limit the land eligible for conveyance to Sealaska to the original withdrawal areas surrounding 10 Alaska Native villages in southeast Alaska, which precludes Sealaska from selecting land located—

(i) in any withdrawal area established for the Urban Corporations for Sitka and Juneau, Alaska; or

(ii) outside the 10 Alaska Native village withdrawal areas; and

(B) unlike other Regional Corporations, Sealaska was not authorized to request land located outside the withdrawal areas described in subparagraph (A) if the withdrawal areas were insufficient to complete the land entitlement of Sealaska under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

(11) 44 percent (820,000 acres) of the 10 Alaska Native village withdrawal areas established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) described in paragraph (10) are composed of salt water and not available for selection;

(12) of land subject to the selection rights of Sealaska, 110,000 acres are encumbered by gubernatorial consent requirements under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

(13) the Forest Service and the Bureau of Land Management grossly underestimated the land entitlement of Sealaska under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), resulting in an insufficient area from which Sealaska could select land suitable for traditional, cultural, and socioeconomic purposes to accomplish a settlement ''in conformity with the real economic and social needs of Natives'', as required under that Act;

(14) the 10 Alaska Native village withdrawal areas in southeast Alaska surround the Alaska Native communities of Yakutat, Hoonah, Angoon, Kake, Kasaan, Klawock, Craig, Hydaburg, Klukwan, and Saxman;

(15) in each withdrawal area, there exist factors that limit the ability of Sealaska to select sufficient land, and, in particular, economically viable land, to fulfill the land entitlement of Sealaska, including factors such as—

(A) with respect to the Yakutat withdrawal area—

(i) 46 percent of the area is salt water;

(ii) 10 sections (6,400 acres) around the Situk Lake were restricted from selection, with no consideration provided for the restriction; and

(iii)(I) 70,000 acres are subject to a gubernatorial consent requirement before selection; and

(II) Sealaska received no consideration with respect to the consent restriction;

(B) with respect to the Hoonah withdrawal area, 51 percent of the area is salt water;

(C) with respect to the Angoon withdrawal area—

(i) 120,000 acres of the area is salt water;

(ii) Sealaska received no consideration regarding the prohibition on selecting land from the 80,000 acres located within the Admiralty Island National Monument; and

(iii)(I) the Village Corporation for Angoon was allowed to select land located outside the withdrawal area on Prince of Wales Island, subject to the condition that the Village Corporation shall not select land located on Admiralty Island; but

(II) no alternative land adjacent to the out-of-withdrawal land of the Village Corporation was made available for selection by Sealaska;

(D) with respect to the Kake withdrawal area—

(i) 64 percent of the area is salt water; and

(ii) extensive timber harvesting by the Forest Service occurred in the area before 1971 that significantly reduced the value of land available for selection by, and conveyance to, Sealaska;

(E) with respect to the Kasaan withdrawal area—

(i) 54 percent of the area is salt water; and

(ii) the Forest Service previously harvested in the area;

(F) with respect to the Klawock withdrawal area—

(i) the area consists of only 5 townships, as compared to the usual withdrawal area of 9 townships, because of the proximity of the Klawock withdrawal area to the Village of Craig, which reduces the selection area by 92,160 acres; and

(ii) the Klawock and Craig withdrawal areas are 35 percent salt water;

(G) with respect to the Craig withdrawal area, the withdrawal area consists of only 6 townships, as compared to the usual withdrawal area of 9 townships, because of the proximity of the Craig withdrawal area to the Village of Klawock, which reduces the selection area by 69,120 acres;

(H) with respect to the Hydaburg withdrawal area—

(i) 36 percent of the area is salt water; and

(ii) Sealaska received no consideration under the Haida Land Exchange Act of 1986 (Public Law No. 99–664; 100 Stat. 4303) for relinquishing selection rights to land within the withdrawal area that the Haida Corporation exchanged to the Forest Service;

(I) with respect to the Klukwan withdrawal area—

(i) 27 percent of the area is salt water; and

(ii) the withdrawal area is only 70,000 acres, as compared to the usual withdrawal area of 207,360 acres, which reduces the selection area by 137,360 acres; and

(J) with respect to the Saxman withdrawal area—

(i) 29 percent of the area is salt water;

(ii) Sealaska received no consideration for the 50,576 acres within the withdrawal area adjacent to the first-class city of Ketchikan that were excluded from selection;

(iii) Sealaska received no consideration with respect to the 1977 amendment to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) requiring gubernatorial consent for selection of 58,000 acres in that area; and

(iv) 23,888 acres are located within the Annette Island Indian Reservation for the Metlakatla Indian Tribe and are not available for selection;

(16) the selection limitations and guidelines applicable to Sealaska under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)—

(A) are inequitable and inconsistent with the purposes of that Act because there is insufficient land remaining in the withdrawal areas to meet the traditional, cultural, and socioeconomic needs of the shareholders of Sealaska; and

(B) make it difficult for Sealaska to select—

(i) places of sacred, cultural, traditional, and historical significance; and

(ii) Alaska Native futures sites located outside the withdrawal areas of Sealaska;

(17)(A) the deadline for applications for selection of cemetery sites and historic places on land outside withdrawal areas established under section 14 of the Alaska Native Claims Settlement Act (43 U.S.C. 1613) was July 1, 1976;

(B)(i) as of that date, the Bureau of Land Management notified Sealaska that the total entitlement of Sealaska would be approximately 200,000 acres; and

(ii) Sealaska made entitlement allocation decisions for cultural sites and economic development sites based on that original estimate;

(C) as a result of the Alaska Land Transfer Acceleration Act (Public Law 108–452; 118 Stat. 3575) and subsequent related determinations and actions of the Bureau of Land Management, Sealaska will receive significantly more than 200,000 acres pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

(D) Sealaska would prefer to allocate more of the entitlement of Sealaska to the acquisition of places of sacred, cultural, traditional, and historical significance; and

(E)(i) pursuant to section 11(a)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1610(a)(1)), Sealaska was not authorized to select under section 14(h)(1) of that Act (43 U.S.C. 1613(h)(1)) any site within Glacier Bay National Park, despite the abundance of cultural sites within that Park; and

(ii) Sealaska seeks cooperative agreements to ensure that sites within Glacier Bay National Park are subject to cooperative management by Sealaska, Village and Urban Corporations, and federally recognized tribes with ties to the cultural sites and history of the Park;

(18)(A) the cemetery sites and historic places conveyed to Sealaska pursuant to section 14(h)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(1)) are subject to a restrictive covenant not required by law that does not allow any type of management or use that would in any way alter the historic nature of a site, even for cultural education or research purposes;

(B) historic sites managed by the Forest Service are not subject to the limitations referred to in subparagraph (A); and

(C) those limitations hinder the ability of Sealaska to use the sites for cultural, educational, or research purposes for Alaska Natives and others;

(19) unless Sealaska is allowed to select land outside designated withdrawal areas in southeast Alaska, Sealaska will not be able—

(A) to complete the land entitlement selections of Sealaska under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

(B) to secure ownership of places of sacred, cultural, traditional, and historical importance to the Alaska Natives of Southeast Alaska;

(C) to maintain the existing resource development and management operations of Sealaska; or

(D) to provide continued economic opportunities for Alaska Natives in southeast Alaska;

(20) in order to realize cultural preservation goals while also diversifying economic opportunities, Sealaska should be authorized to select and receive conveyance of—

(A) sacred, cultural, traditional, and historic sites and other places of traditional cultural significance, including traditional and customary trade and migration routes, to facilitate the perpetuation and preservation of Alaska Native culture and history; and

(B) Alaska Native future sites to facilitate appropriate tourism and outdoor recreation enterprises;

(21) Sealaska has played, and is expected to continue to play, a significant role in the health of the Southeast Alaska economy;

(22)(A) the rate of unemployment in Southeast Alaska exceeds the statewide rate of unemployment on a non-seasonally adjusted basis; and

(B) in January 2008, the Alaska Department of Labor and Workforce Development reported the unemployment rate for the Prince of Wales–Outer Ketchikan census area at 20 percent;

(23) many Southeast Alaska communities—

(A) are dependent on high-cost diesel fuel for the generation of energy; and

(B) desire to diversify their energy supplies with wood biomass alternative fuel and other renewable and alternative fuel sources;

(24) if the resource development operations of Sealaska cease on land appropriate for those operations, there will be a significant negative impact on—

(A) southeast Alaska Native shareholders;

(B) the cultural preservation activities of Sealaska;

(C) the economy of southeast Alaska; and

(D) the Alaska Native community that benefits from the revenue-sharing requirements under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.); and

(25) on completion of the conveyances of land to Sealaska to fulfill the full land entitlement of Sealaska under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), the encumbrances on 327,000 acres of Federal land created by the withdrawal of land for selection by Native Corporations in southeast Alaska would be removed, which will facilitate thorough and complete planning and efficient management relating to national forest land in southeast Alaska by the Forest Service.

(b) PURPOSE.—The purpose of this Act is to address the inequitable treatment of Sealaska by allowing Sealaska to select the remaining land entitlement of Sealaska under section 14 of the Alaska Native Claims Settlement Act (43 U.S.C. 1613) from designated Federal land in southeast Alaska located outside the 10 southeast Alaska Native village withdrawal areas.

SEC. 3. SELECTIONS IN SOUTHEAST ALASKA.

(a) SELECTION BY SEALASKA.—

(1) IN GENERAL.—Notwithstanding section 14(h)(8)(B) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(8)(B)), Sealaska is authorized to select and receive conveyance of the remaining land entitlement of Sealaska under that Act (43 U.S.C. 1601 et seq.) from Federal land located in southeast Alaska from each category described in subsection (b).

(2) NATIONAL PARK SERVICE.—The National Park Service is authorized to enter into a cooperative management agreement described in subsection (c)(2) for the purpose, in part, of recognizing and perpetuating the values of the National Park Service, including those values associated with the Tlingit homeland and culture, wilderness, and ecological preservation.

(b) CATEGORIES.—The categories referred to in subsection (a) are the following:

(1) Economic development land from the area of land identified on the map entitled ''Sealaska ANCSA Land Entitlement Rationalization Pool'', dated March 6, 2008, and labeled ''Attachment A''.

(2) Sites with sacred, cultural, traditional, or historic significance, including traditional and customary trade and migration routes, archeological sites, cultural landscapes, and natural features having cultural significance, subject to the condition that—

(A) not more than 2,400 acres shall be selected for this purpose, from land identified on—

(i) the map entitled ''Places of Sacred, Cultural, Traditional and Historic Significance'', dated March 6, 2008, and labeled ''Attachment B''; and

(ii) the map entitled ''Traditional and Customary Trade and Migration Routes'', dated March 6, 2008, and labeled ''Attachment C'', which includes an identification of—

(I) a conveyance of land 25 feet in width, together with 1-acre sites at each terminus and at 8 locations along the route, with the route, location, and boundaries of the conveyance described on the map inset entitled ''Yakutat to Dry Bay Trade and Migration Route'', dated March 6, 2008, and labeled ''Attachment C'';

(II) a conveyance of land 25 feet in width, together with 1-acre sites at each terminus, with the route, location, and boundaries of the conveyance described on the map inset entitled ''Bay of Pillars to Port Camden Trade and Migration Route'', dated March 6, 2008, and labeled ''Attachment C''; and

(III) a conveyance of land 25 feet in width, together with 1-acre sites at each terminus, with the route, location, and boundaries of the conveyance described on the map inset entitled ''Portage Bay to Duncan Canal Trade and Migration Route,'' dated March 6, 2008, and labeled ''Attachment C''; and

(B) an additional 1,200 acres may be used by Sealaska to acquire places of sacred, cultural, traditional, and historic significance, archeological sites, traditional, and customary trade and migration routes, and other sites with scientific value that advance the understanding and protection of Alaska Native culture and heritage that—

(i) as of the date of enactment of this Act, are not fully identified or adequately documented for cultural significance; and

(ii) are located outside of a unit of the National Park Service.

(3) Alaska Native futures sites with traditional and recreational use value, as identified on the map entitled ''Native Futures Sites'', dated March 6, 2008, and labeled ''Attachment D'', subject to the condition that not more than 5,000 acres shall be selected for those purposes.

(c) SITES IN CONSERVATION SYSTEM UNITS.—

(1) IN GENERAL.—No site with sacred, cultural, traditional, or historic significance that is identified in the document labeled ''Attachment B'' and located within a unit of the National Park System shall be conveyed to Sealaska pursuant to this Act.

(2) COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—The Director of the National Park Service shall offer to enter into a cooperative management agreement with Sealaska, other Village Corporations and Urban Corporations, and federally recognized Indian tribes with cultural and historical ties to Glacier Bay National Park, in accordance with the requirements of subparagraph (B).

(B) REQUIREMENTS.—A cooperative agreement under this paragraph shall—

(i) recognize the contributions of the Alaska Natives of Southeast Alaska to the history, culture, and ecology of Glacier Bay National Park and the surrounding area;

(ii) ensure that the resources within the Park are protected and enhanced by cooperative activities and partnerships among federally recognized Indian tribes, Village Corporations and Urban Corporations, Sealaska, and the National Park Service;

(iii) provide opportunities for a richer visitor experience at the Park through direct interactions between visitors and Alaska Natives, including guided tours, interpretation, and the establishment of culturally relevant visitor sites; and

(iv) provide appropriate opportunities for ecologically sustainable visitor-related education and cultural interpretation within the Park—

(I) in a manner that is not in derogation of the purposes and values of the Park (including those values associated with the Park as a Tlingit homeland); and

(II) for wilderness and ecological preservation.

(C) REPORT.—Not later than 2 years after the date of enactment of this Act, the Director of the National Park Service shall submit to Congress a report describing each activity for cooperative management of each site described in subparagraph (A) carried out under a cooperative agreement under this paragraph.

SEC. 4. CONVEYANCES TO SEALASKA.

(a) TIMELINE FOR CONVEYANCE.—

(1) IN GENERAL.—Not later than 1 year after the date of selection of land by Sealaska under paragraphs (1) and (3) of section 3(b), the Secretary of the Interior (referred to in this Act as the ''Secretary'') shall complete the conveyance of the land to Sealaska.

(2) SIGNIFICANT SITES.—Not later than 2 years after the date of selection of land by Sealaska under section 3(b)(2), the Secretary shall complete the conveyance of the land to Sealaska.

(b) EXPIRATION OF WITHDRAWALS.—On completion of the selection by Sealaska and the conveyances to Sealaska of land under subsection (a) in a manner that is sufficient to fulfill the land entitlement of Sealaska under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)—

(1) the original withdrawal areas set aside for selection by Native Corporations in Southeast Alaska under that Act (as in effect on the day before the date of enactment of this Act) shall be rescinded; and

(2) land located within a withdrawal area that is not conveyed to a southeast Alaska Regional Corporation or Village Corporation shall be returned to the unencumbered management of the Forest Service as a part of the Tongass National Forest.

(c) LIMITATION.—Sealaska shall not select or receive under this Act any conveyance of land pursuant to paragraph (1) or (3) of section 3(b) located within—

(1) any conservation system unit;

(2) any federally designated wilderness area; or

(3) any land use designation I or II area.

(d) APPLICABLE EASEMENTS AND PUBLIC ACCESS.—

(1) IN GENERAL.—The conveyance to Sealaska of land pursuant to section 3(b)(1) that is located outside a withdrawal area designated under section 16(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1615(a)) shall be subject to—

(A) a reservation for easements for public access on the public roads depicted on the document labeled ''Attachment E'' and dated March 6, 2008;

(B) a reservation for easements along the temporary roads designated by the Forest Service as of the date of enactment of this Act for the public access trails depicted on the document labeled ''Attachment E'' and dated March 6, 2008;

(C) any valid preexisting right reserved pursuant to section 14(g) or 17(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(g), 1616(b)); and

(D)(i) the right of noncommercial public access for subsistence uses, consistent with title VIII of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3111 et seq.), and recreational access without liability to Sealaska; and

(ii) the right of Sealaska to regulate access for public safety, cultural, or scientific purposes, environmental protection, and uses incompatible with natural resource development, subject to the condition that Sealaska shall post on any applicable property, in accordance with State law, notices of any such condition.

(2) EFFECT.—No right of access provided to any individual or entity (other than Sealaska) by this subsection—

(A) creates any interest of such an individual or entity in the land conveyed to Sealaska in excess of that right of access; or

(B) provides standing in any review of, or challenge to, any determination by Sealaska regarding the management or development of the applicable land.

(e) CONDITIONS ON SACRED, CULTURAL, AND HISTORIC SITES.—The conveyance to Sealaska of land selected pursuant to section 3(b)(2)—

(1) shall be subject to a covenant prohibiting any commercial timber harvest or mineral development on the land;

(2) shall not be subject to any additional restrictive covenant based on cultural or historic values, or any other restriction, encumbrance, or easement, except as provided in sections 14(g) and 17(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(g), 1616(b)); and

(3) shall allow use of the land as described in subsection (f).

(f) USES OF SACRED, CULTURAL, TRADITIONAL, AND HISTORIC SITES.—Any sacred, cultural, traditional, or historic site or trade or migration route conveyed pursuant to this Act may be used for—

(1) preservation of cultural knowledge and traditions associated with such a site;

(2) historical, cultural, and scientific research and education;

(3) public interpretation and education regarding the cultural significance of those sites to Alaska Natives;

(4) protection and management of the site to preserve the natural and cultural features of the site, including cultural traditions, values, songs, stories, names, crests, and clan usage, for the benefit of future generations; and

(5) site improvement activities for any purpose described in paragraphs (1) through (4), subject to the condition that the activities are consistent with the sacred, cultural, traditional, or historic nature of the site.

(g) TERMINATION OF RESTRICTIVE COVENANTS.—

(1) IN GENERAL.—Each restrictive covenant regarding cultural or historical values with respect to any interim conveyance or patent for a historic or cemetery site issued to Sealaska pursuant to the regulations contained in sections 2653.3 and 2653.11 of title 43, Code of Federal Regulations (as in effect on the date of enactment of this Act), in accordance with section 14(h)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h))), terminates on the date of enactment of this Act.

(2) REMAINING CONDITIONS.—Land subject to a covenant described in paragraph (1) on the day before the date of enactment of this Act shall be subject to the conditions described in subsection (e).

(3) RECORDS.—Sealaska shall be responsible for recording with the land title recorders office of the State of Alaska any modification to an existing conveyance of land under section 14(h)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(1)) as a result of this Act.

(h) CONDITIONS ON ALASKA NATIVE FUTURES LAND.—Each conveyance of land to Sealaska selected under section 3(b)(3) shall be subject only to—

(1) a covenant prohibiting any commercial timber harvest or mineral development; and

(2) the restrictive covenants, encumbrances, or easements under sections 14(g) and 17(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(g), 1616(b)).

SEC. 5. MISCELLANEOUS.

(a) STATUS OF CONVEYED LAND.—Each conveyance of Federal land to Sealaska pursuant to this Act, and each action carried out to achieve the purpose of this Act, shall be considered to be conveyed or acted on, as applicable, pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(b) ENVIRONMENTAL MITIGATION AND INCENTIVES.—Notwithstanding subsection (e) and (h) of section 4, all land conveyed to Sealaska pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) and this Act shall be considered to be qualified to receive or participate in, as applicable—

(1) any federally authorized carbon sequestration program, ecological services program, or environmental mitigation credit; and

(2) any other federally authorized environmental incentive credit or program.

(c) NO MATERIAL EFFECT ON FOREST PLAN.—

(1) IN GENERAL.—The implementation of this Act, including the conveyance of land to Sealaska, alone or in combination with any other factor, shall not require an amendment of, or revision to, the Tongass National Forest Land and Resources Management Plan before the first revision of that Plan scheduled to occur after the date of enactment of this Act.

(2) BOUNDARY ADJUSTMENTS.—The Secretary of Agriculture shall implement any land ownership boundary adjustment to the Tongass National Forest Land and Resources Management Plan resulting from the implementation of this Act through a technical amendment to that Plan.

(d) NO EFFECT ON EXISTING INSTRUMENTS, PROJECTS, OR ACTIVITIES.—

(1) IN GENERAL.—Nothing in this Act or the implementation of this Act revokes, suspends, or modifies any permit, contract, or other legal instrument for the occupancy or use of Tongass National Forest land, or any determination relating to a project or activity that authorizes that occupancy or use, that is in effect on the day before the date of enactment of this Act.

(2) TREATMENT.—The conveyance of land to Sealaska pursuant to this Act shall be subject to the instruments and determinations described in paragraph (1) to the extent that those instruments and determinations authorize occupancy or use of the land so conveyed.

(e) PROHIBITION ON REDUCTIONS IN STAFF AND CLOSING AND CONSOLIDATING DISTRICTS.—During the 10-year period beginning on the date of enactment of this Act, the Secretary shall not, as a consequence of this Act—

(1) reduce the staffing level at any ranger district of the Tongass National Forest, as compared to the applicable staffing level in effect on September 26, 2008; or

(2) close or consolidate such a ranger district.

(f) TECHNICAL CORRECTION.—Section 2(a)(2) of the Tribal Forest Protection Act of 2004 (25 U.S.C. 3115a(a)(2)) is amended—

(1) in subparagraph (A), by inserting '', or is conveyed to an Alaska Native Corporation pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)'' before the semicolon; and

(2) in subparagraph (B)(i)—

(A) in subclause (I), by striking ''or'' at the end; and

(B) by adding at the end the following:

''(III) is owned by an Alaska Native Corporation established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) and is forest land or formerly had a forest cover or vegetative cover that is capable of restoration; or''.

SEC. 6. MAPS.

(a) AVAILABILITY.—Each map referred to in this Act shall be maintained on file in—

(1) the office of the Chief of the Forest Service; and

(2) the office of the Secretary.

(b) CORRECTIONS.—The Secretary or the Chief of the Forest Service may make any necessary correction to a clerical or typographical error in a map referred to in this Act.

(c) TREATMENT.—No map referred to in this Act shall be considered to be an attempt by the Federal Government to convey any State or private land.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act and the amendments made by this Act.

SEALASKA CORPORATION,
Juneau, AK, September 25, 2008.

Hon. LISA MURKOWSKI,
U.S. Senate,
Washington, DC.

DEAR SENATOR MURKOWSKI: On behalf of Sealaska Corporation (Sealaska), I would like to express our appreciation to you for your assistance on legislation to complete Sealaska's Alaska Native Claims Settlement Act (ANCSA) land entitlement. This legislation would complete Sealaska's land entitlement by allowing Sealaska to select, and receive conveyance of, lands located outside of the original Southeast Alaska ANCSA land withdrawals. Under this proposal. Sealaska would receive land for timber development, the creation of a more diversified (non-timber) economic portfolio, and the protection and perpetuation of Southeast Alaska's Native culture. The land entitlement proposal affects many interests in Southeast Alaska, and has required a significant amount of communication. collaboration, and negotiation to finalize the legislative language. We believe that we now have a compromise bill that will benefit all of Southeast Alaska.

As you pursue introduction and legislative action on Sealaska land entitlement legislation, we would like to reiterate to you Sealaska's ongoing commitment to the economic. cultural, social, and environmental health of Southeast Alaska. In particular, you have expressed significant concern regarding the economic and energy needs of the region, and Sealaska's role in meeting those needs. We can assure you that Sealaska has those same concerns. This letter is our commitment to you that Sealaska will continue to maintain its commitment to: the creation of economic and employment opportunities for Sealaska shareholders and residents of Southeast Alaska; collaboration with other participants in the Southeast Alaska timber industry on efforts to preserve the economic viability of locally owned sawmills in Southeast Alaska; continued sale of timber at fair market value to local mills and local producers of wood products; addressing high rural energy costs, including through the development of wood biomass alternative fuels; and coordination and collaboration with Indian tribes, Village Corporations, Urban Corporations, local small businesses. and Federal, State, and local agencies regarding economic and energy matters, among other things. We hope that this commitment will provide you with some assurance that the economic health of Southeast Alaska is a shared aspiration of both you and Sealaska.

If we can be of assistance to you, as you pursue legislative action on the Sealaska land entitlement legislation, please do not hesitate to contact me. Again, thank you for your guidance and leadership on this important piece of legislation.

Sincerely,

ALBERT M. KOOKESH,
Chairman of the Board.
CHRIS E. MCNEIL, Jr.
President and CEO.

By Mr. REED:

S. 3654. A bill to improve research on health hazards in housing, to enhance the capacity of programs to reduce such hazards, to require outreach, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, I introduce today the Research, Hazard Intervention, and National Outreach for Healthier Homes Act. I am introducing this legislation because decent and safe housing is possibly one of the most critical determinants of our overall health and well-being. Indeed, where we live greatly affects how we live.

A June 2006 report from the World Health Organization entitled ''Preventing Disease Through Healthy Environments,'' found that environmental exposures contribute to almost one-quarter of the disease burden worldwide, resulting in millions of preventable deaths each year. Through scientific research, we know that an individual's environment can lead to cardiovascular disease, asthma, and lead poisoning, as well as many other diseases and conditions.

The connection between housing and health is not a new idea. Many of our nation's earliest housing standards resulted from the concentrated slum housing around factories and in big cities during the Industrial Revolution. And, after World War II, a national housing policy was declared in the National Housing Act of 1949, stating that there should be: ''a decent home and a suitable living environment for every American family.'' These early housing standards regarding ventilation, sanitation, occupancy, structural soundness, lighting, and other habitability criteria greatly advanced our nation's public health.

I would also be remiss if I did not mention the passage of the Lead-Based Paint Poisoning Prevention Act in 1991, which has helped dramatically decrease lead poisoning in children over the past 15 years. This law required the Secretary of the Department of Housing and Urban Development to establish and implement procedures to eliminate lead hazards from public housing.

In 1992, controls on lead-based paint and lead exposure were further enhanced by Title X of the Housing and Community Development Act. Title X defined ''hazard'' in such a way that it included deteriorating lead paint, and lead-contaminated dust and soil that the lead paint generates. It also mandated the creation of an infrastructure that would help reduce lead paint hazards in our nation's housing.

Federal efforts regarding lead poisoning are a wonderful example of a federal investment in housing that has produced significant benefits to our society while minimizing cost.

Unfortunately, the conditions of today's worst-case housing looks only modestly better than it did a century ago. Now, we must determine the role that the government can and should play in stimulating the creation of truly decent and safe housing nationwide in the 21st Century.

We can learn from some of our state and local governments about how to proceed. In my own state of Rhode Island, the State Department of Health and the City of Providence code enforcement division offers quarterly training on the identification of housing hazards. Trainees walk through homes with a standard assessment survey and evaluate them for different environmental hazards, what has been fixed and what needs to be repaired or improved.

The Rhode Island Department of Health Family Outreach Program works in conjunction with the state's universal screening program to target Rhode Island children, from birth to age three, who are at-risk for poor developmental outcomes. Families with children identified as ''at-risk'' are contacted by a provider in their area and are offered a home visit by a multidisciplinary team of nurses, social workers, and paraprofessionals. Home visitors also serve as the neighborhood follow-up for services.

We need to take advantage of some of the best ideas that are currently underway to make our homes and communities healthier. It is for this reason that I am introducing, the Research, Hazard Intervention and National Outreach for Healthier Homes Act, which seeks to encourage and develop healthy housing initiatives in the public and private spheres.

The major purpose of this bill is to enhance and coordinate federal healthy housing initiatives. Such coordination should reduce duplication in federal efforts and ensure sufficient data collection regarding both the housing conditions and the health problems in our country's housing stock.

Specifically, the bill would provide statutory authority for HUD's Healthy Homes program, expand the Centers for Disease Control and Prevention's current lead program to also address healthy housing issues, where appropriate, and establish the Environmental Protection Agency's Office of Children's Health Protection as the center for the EPA's healthy housing efforts.

It would also create a new Health Hazard Reduction competitive grant program at the EPA and HUD. Applicants must already be recipients of a federal grant through an existing federal program such as the Community Development Block Grant, CDBG, the HOME Investment Partnerships Program, weatherization assistance, low-income home energy assistance, or the rural housing assistance programs. After the first three years, the EPA and HUD would evaluate the grant program's effectiveness by taking into account the aggregate health, safety, energy savings, and durability benefits resulting from the program. The CDC and the United States Department of Agriculture's (USDA) current coordinated training activities on housing-related hazards would also be expanded and evaluated.

In addition, the bill would expand national outreach about housing hazards through a combination of market-based incentives, the expansion of existing initiatives, and educational media campaigns. For example, the EPA would evaluate and promote health protective products, materials,

and criteria for new and existing housing and create a voluntary labeling program that would provide these items with a ''Healthy Home Seal of Approval''. The CDC, the EPA, and HUD would pool their resources to establish a national media campaign to raise public awareness about hazards in housing.

While our nation and nations around the world grapple with important social, economic, and international policy questions, we must keep in mind the important role healthy housing plays in all of these issues.

Scientific research has begun to unlock some of the connections between housing, community development, and health outcomes. The Research, Hazard Intervention, and National, Outreach for Healthier Homes Act will help us start working to a time when every family has an affordable, decent, and healthy home. I hope my colleagues will join me in supporting this bill and other healthy housing efforts.

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. 3654

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 ''Research, Hazard Intervention, and National Outreach for Healthier Homes Act of 2008''.

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

SEC. 2. FINDINGS.

Congress finds the following:

(1) Americans spend approximately 90 percent of their time indoors, where 6,000,000 households live with moderate or severe housing conditions, including heating, plumbing, and electrical problems, and 24,000,000 households face significant lead-based paint hazards.

(2) Housing-related health hazards can often be traced back to shared causes, including moisture, ventilation, comfort, pest, contaminant, and structural issues, but further research is necessary in order to definitively understand key relationships between the shared causes, housing-related health hazards, and resident health.

(3) Since many hazards have interrelated causes and share common solutions, the traditional approach of identifying and remedying housing-related health hazards one-by-one is likely not cost effective or sufficiently health-protective.

(4) Evidence-based, cost-effective, practical, and widely accessible methods for the assessment and control of housing-related health hazards are necessary in order to prevent housing-related injuries and illnesses, including cancer, carbon monoxide poisoning, burns, falls, rodent bites, childhood lead poisoning, and asthma.

(5) Sustainable building features, including energy efficiency measures, are increasingly popular, and are generally presumed to have beneficial effects on occupant health. However, the health effects of such features need to be evaluated in a comprehensive and timely manner, lest the housing in this country unintentionally revert to the conditions of excessive building tightness and lack of sufficient ventilation characteristic of the 1970s.

(6) Data collection on housing conditions that could affect occupant health, and on health outcomes that could be related to housing conditions, is scattered and insufficient to meet current and future research needs for affordable, healthy housing. A coordinated, multidata source system is necessary to reduce duplication of Federal efforts, and to ensure sufficient data collection of both the housing conditions and the health problems that persist in the existing housing stock of the Nation.

(7) Responsibilities related to health hazards in housing are not clearly delineated among Federal agencies. Categorical housing, health, energy assistance, and environmental programs are narrowly defined and often ignore opportunities to address multiple hazards simultaneously. Enabling Federal programs to embrace a comprehensive healthy housing approach will require removing unnecessary Federal statutory and regulatory barriers, and creating incentives to advance the complementary goals of environmental health, energy conservation, and housing availability in relevant programs.

(8) Personnel who visit homes to provide services or perform other work (such as inspectors, emergency medical technicians, home visitors, housing rehabilitation, construction and maintenance workers, and others) can contribute to occupant health by presenting and applying healthy housing practices. Cost-effective training and outreach is needed to equip such personnel with current knowledge about delivering and maintaining healthy housing.

(9) Housing-related health hazards are often complex, with causes and solutions often not readily or immediately recognized by residents, property owners, or the general public. In the 2005 American Housing Survey, significant numbers of residents expressed the highest level of satisfaction with their homes, including 20 percent of residents in homes with severe physical problems and 18 percent of residents in homes with moderate physical problems. National awareness and local outreach programs are needed to encourage the public to seek and expect healthy housing, to think about housing hazards more comprehensively, to recognize problems, and to address them in a preventative, effective, and low-cost manner.

SEC. 3. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) HOUSING.—The term ''housing'' means any form of residence, including rental housing, homeownership, group home, or supportive housing arrangement.

(2) HEALTHY HOUSING.—The term ''healthy housing'' means housing that is designed, constructed, rehabilitated, and maintained in a manner that supports the health of the occupants of such housing.

(3) HOUSING-RELATED HEALTH HAZARD.—The term ''housing-related health hazard'' means any biological, physical, or chemical source of exposure or condition either in, or immediately adjacent to, housing, that can adversely affect human health.

TITLE I—RESEARCH ON HEALTH HAZARDS IN HOUSING

SEC. 101. HEALTH EFFECTS OF HOUSING-RELATED HEALTH HAZARDS.

(a) IN GENERAL.—The Director of the National Institute of Environmental Health Sciences and the Administrator of the Environmental Protection Agency shall evaluate the health effects of housing-related health hazards for which limited research or understanding of causes or associations exists.

(b) CRITERIA.—In carrying out the evaluation under subsection (a), the Director of the National Institute of Environmental Health Sciences and the Administrator of the Environmental Protection Agency shall—

(1) determine the housing-related health hazards for which there exists limited understanding of health effects;

(2) prioritize the housing-related health hazards to be evaluated;

(3) coordinate research plans in order to avoid unnecessary duplication of efforts; and

(4) evaluate the health risks, routes and pathways of exposure, and human health effects that result from indoor exposure to biological, physical, and chemical housing-related health hazards, including carbon monoxide, volatile organic compounds, common residential and garden pesticides, and factors that sensitize individuals to asthma.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2009 through 2011, $3,500,000 for carrying out the activities under this section.

SEC. 102. EVIDENCE-BASED, COST-EFFECTIVE METHODS FOR ASSESSMENT, PREVENTION, AND CONTROL OF HOUSING-RELATED HEALTH HAZARDS.

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall, in consultation with the Director of the Centers for Disease Control and Prevention, to implement studies by the Office of Healthy Homes and Lead Hazard Control of the assessment, prevention, and control of housing-related health hazards.

(b) STUDY.—The Secretary of Housing and Urban Development, in consultation with other Federal agencies, shall initiate—

(1) for fiscal years 2009 through 2013, at least 1 study per year of the methods for assessment, prevention, or control of housing-related health hazards that provide for—

(A) instrumentation, monitoring, and data collection related to such assessment or control methods;

(B) study of the ability of the assessment and monitoring methods to predict health risks and the effect of control methods on health outcomes; and

(C) the evaluation of the cost-effectiveness of such assessment or control methods; and

(2) no fewer than 4 studies, which may run concurrently.

(c) CRITERIA FOR STUDY.—Each study conducted pursuant to subsection (b) shall, if the Secretary of Housing and Urban Development deems it scientifically appropriate, evaluate the assessment or control method in each of the different climactic regions of the United States, including—

(1) a hot, dry climate;

(2) a hot, humid climate;

(3) a cold climate; and

(4) a temperate climate (including a climate with cold winters and humid summers).

(d) AUTHORITY OF THE SECRETARY.—The Secretary of Housing and Urban Development may award contracts or interagency agreements to carry out the studies required under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years 2009 through 2013, $6,000,000 for carrying out the activities under this section.

SEC. 103. STUDY ON SUSTAINABLE BUILDING FEATURES AND INDOOR ENVIRONMENTAL QUALITY IN EXISTING HOUSING.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency shall, in consultation with other Federal agencies, conduct a detailed study of how sustainable building features, such as energy efficiency, in existing housing affect the quality of the indoor environment, the prevalence of housing-related health hazards, and the health of occupants.

(b) CONTENTS.—The study required under subsection (a) shall—

(1) investigate the effect of sustainable building features on the quality of the indoor environment and the prevalence of housing-related health hazards;

(2) investigate how sustainable building features, such as energy efficiency, are influencing the health of occupants of such housing; and

(3) ensure that the effects of the indoor environmental quality are evaluated comprehensively.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years 2009 through 2013, $500,000 for carrying out the activities under this section.

SEC. 104. DATA COLLECTION ON HOUSING-RELATED HEALTH HAZARDS.

(a) COMPLETION OF ANALYSIS.—The Secretary of Housing and Urban Development shall complete the analysis of data collected for the National Survey on Lead and Allergens in Housing and the American Healthy Housing Survey.

(b) EXPANSION OF MONITORING.—The Administrator of the Environmental Protection Agency shall expand the current indoor environmental monitoring efforts of the Administrator in an effort to establish baseline levels of indoor chemical pollutants and their sources, including routes and pathways, in homes.

(c) DATA EVALUATION AND COLLECTION SYSTEM.—

(1) DATA EVALUATION.—The Director of the Centers for Disease Control and Prevention shall, in consultation with the Secretary of Housing and Urban Development and the Administrator of the Environmental Protection Agency, determine the data and resources needed to establish and maintain a healthy housing data collection system.

(2) DATA COLLECTION SYSTEM.—

(A) IN GENERAL.—The Director of the Centers for Disease Control and Prevention, based upon the needs determined under paragraph (1), shall carry out the development and operation of a healthy housing data collection system that—

(i) draws upon existing data collection systems, including those systems at other Federal agencies, to the maximum extent practicable;

(ii) conforms with the 2001 Updated Guidelines for Evaluating Public Health Surveillance Systems;

(iii) improves upon the ability of researchers to assess links between housing and health characteristics; and

(iv) incorporates the input of potential data users, to the maximum extent practicable.

(B) CRITERIA.—The data collection system required to be developed under subparagraph (A) shall—

(i) pilot subject areas to evaluate for overall data quality and utility, level of data collection, feasibility of additional data collection, and privacy considerations;

(ii) develop common assessment tools and integrated database applications and, where possible, standardize analysis techniques;

(iii) develop mechanisms to facilitate ongoing multidisciplinary interagency involvement;

(iv) create a clearinghouse to monitor potential data sources; and

(v) develop public use datasets.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) for each of fiscal years 2009 through 2011, $600,000 for carrying out the activities under subsection (a); and

(2) for each of fiscal years 2009 through 2013—

(A) $2,000,000 for carrying out the activities under subsection (b); and

(B) $8,000,000 for carrying out the activities under subsection (c).

TITLE II—CAPACITY TO REDUCE HEALTH HAZARDS IN HOUSING

SEC. 201. HOUSING AND URBAN DEVELOPMENT PROGRAM CAPACITY ON HOUSING-RELATED HEALTH HAZARDS.

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall, in cooperation with other Federal agencies—

(1) develop improved methods for evaluating health hazards in housing;

(2) develop improved methods for preventing and reducing health hazards in housing;

(3) support the development of objective measures for what is considered a ''healthy'' residential environment;

(4) evaluate the long-term cost effectiveness of a healthy housing approach;

(5) promote the incorporation of healthy housing principles into ongoing practices and systems, including housing codes, rehabilitation specifications, and maintenance plans;

(6) promote the incorporation of health considerations into green and energy-efficient construction and rehabilitation;

(7) promote the use of healthy housing principles in post-disaster environments, such as the dissemination of information on safe rehabilitation and recovery practices;

(8) improve the dissemination of healthy housing information, including best practices, to partners, grantees, the private sector, and the public; and

(9) promote State and local level healthy housing efforts, such as the collaboration of State and local health, housing, and environment agencies, and the private sector.

(b) AUTHORITY OF THE SECRETARY.—The Secretary of Housing and Urban Development may award grants, contracts, or interagency agreements to carry out the activities required under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years 2009 through 2013, $14,800,000 for carrying out the activities under this section.

SEC. 202. CENTERS FOR DISEASE CONTROL AND PREVENTION PROGRAM CAPACITY ON HOUSING-RELATED HEALTH HAZARDS.

Section 317A of the Public Health Service Act (42 U.S.C. 247b–1) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A)—

(i) in clause (i), by inserting ''and other housing-related illnesses and injuries'' after ''screening for elevated blood lead levels'';

(ii) in clause (ii), by striking ''referral for treatment of such levels'' and inserting ''referral for treatment of elevated blood lead levels and other housing-related illnesses and injuries''; and

(iii) in clause (iii), by striking ''intervention associated with such levels'' and inserting ''intervention associated with elevated blood lead levels and other housing- related illnesses and injuries''; and

(B) in subparagraph (B) by inserting before the period at the end ''and other housing-related illnesses and injuries'';

(2) in subsection (l), by adding at the end the following:

''(3) ADDITIONAL APPROPRIATIONS.—In addition to any other authorization of appropriation available under this Act to the Centers for Disease Control and Prevention for the purpose of carrying out the lead poisoning prevention grant program, there is authorized to be appropriated for each of fiscal years 2009 through 2013 to the Centers for Disease Control and Prevention $10,000,000 to incorporate healthy housing principles into the work of program staff and grantees.''; and

(3) by adding at the end the following:

''(n) HEALTHY HOUSING APPROACH.—An eligible entity under this section is encouraged to—

''(1) in general, work toward a transition from a categorical lead-based paint approach to a comprehensive healthy housing approach that focuses on primary prevention of housing-related health hazards (as that term is defined under section 3 of the Research, Hazard Intervention, and National Outreach for Healthier Homes Act of 2008);

''(2) train staff in healthy housing principles;

''(3) promote the incorporation of healthy housing principles into ongoing State and local programs and systems; and

''(4) incorporate healthy housing principles into education programs for parents, educators, community-based organizations, local health officials, health professionals, and paraprofessionals.''.

SEC. 203. ENVIRONMENTAL PROTECTION AGENCY PROGRAM CAPACITY ON HOUSING-RELATED HEALTH HAZARDS.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency, acting through the director of the Office of Children's Health Protection and Environmental Education, shall address health hazards in the home environment, with particular attention to children, the elderly, and families with limited resources.

(b) REQUIRED ACTIONS OF OFFICE OF CHILDREN'S HEALTH PROTECTION AND ENVIRONMENTAL EDUCATION.—The director of the Office of Children's Health Protection and Environmental Education, in consultation with other relevant offices within the Environmental Protection Agency, shall—

(1) monitor standards set by the Environmental Protection Agency to ensure that the standards are protective of elevated risks faced by children or the elderly;

(2) develop policies to address aggregate, cumulative, and simultaneous exposures experienced by children and the elderly, with particular attention to hazards in the home environment;

(3) coordinate healthy housing efforts across the Environmental Protection Agency;

(4) promote the incorporation of healthy housing principles into ongoing practices and systems, including the work of State and local environment departments;

(5) encourage and expand healthy housing educational efforts to partners, grantees, the private sector, environmental professionals, and the public; and

(6) designate not less than 1 representative per region, to coordinate children's environmental health activities, including healthy housing efforts, with State and local environmental departments.

(c) AUTHORITY OF THE ADMINISTRATOR.—The Administrator of the Environmental Protection Agency may award grants, contracts, or interagency agreements to carry out the activities required under this section.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter, invalidate, repeal, or otherwise supercede the duties assigned to any office within the Environmental Protection Agency under any other provision of law.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years 2009 through 2013, $8,000,000 for carrying out the activities under this section.

SEC. 204. HEALTH HAZARD REDUCTION GRANTS.

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall award health

hazard reduction grants to enable eligible applicants from other eligible Federal programs to reduce significant structural, health, and safety hazards in the home.

(b) ELIGIBLE PROGRAMS.—Programs eligible to participate in the grant program established under this section shall be Federal assistance programs that pertain to housing, as determined by the Secretary, including—

(1) the Community Development Block Grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.);

(2) the HOME Investment Partnerships program under title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.);

(3) the lead hazard control grants under the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851 et seq.);

(4) the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.);

(5) the low-income home energy assistance program established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.);

(6) rural housing assistance grants under section 515 of the Housing Act of 1949 (42 U.S.C. 1485); and

(7) any other temporary or other Federal housing assistance programs that benefit low-income households.

(c) ELIGIBLE APPLICANTS.—Eligible applicants for grants under this section shall be nonprofit or governmental entities that have applied for or receive primary funding from an eligible program, and may include State and local agencies, community action program agencies, subrecipients of funds under the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.), community development corporations, community housing development organizations, and other nonprofit organizations as determined by the Secretary.

(d) AWARD OF GRANTS.—

(1) IN GENERAL.—Each eligible program shall submit a list of the recipients of the grant funds awarded by the eligible program to the Secretary of Housing and Urban Development, prior to publicly announcing such list.

(2) COMPETITIVE BASIS.—The Secretary shall award grants under this section on a competitive basis.

(3) FUNDING CYCLES.—In the event that the Secretary of Housing and Urban Development announces the availability of grants under this section prior to an eligible program's public announcements of the list of recipients of grant funds described under paragraph (1), a grantee from that eligible program may apply for grants under this section during the next funding cycle.

(e) ELIGIBLE ACTIVITIES.—

(1) IN GENERAL.—Grants awarded under this section may be used to fund corrective and preventive measures to address housing-related health hazards and safety hazards, and energy burden problems, including—

(A) roof repair and replacement;

(B) structural repairs and exterior grading;

(C) window repair and replacement;

(D) correction of combustion gas appliance back-drafting and other serious ventilation problems;

(E) provision of adequate ventilation;

(F) integrated pest management; and

(G) control of other critical housing-related health and safety hazards, such as installation of smoke alarms, carbon monoxide detection devices, and radon testing and mitigation.

(2) COVERED COSTS.—The costs of visual assessment and testing for baseline documentation of problems, and eligible corrective and preventive measures to address such problems, shall be allowable program expenses.

(f) FLEXIBLE FUNDING.—Grants awarded under this section shall be subject to the requirements that govern the primary source of Federal funds supporting each project.

(g) ADMINISTRATIVE EXPENSES.—Not more than 10 percent of funds for each grant awarded under this section may be used for administrative expenses.

(h) REPORTING REQUIREMENTS.—Consistent with the supplemental purpose of the grant program established under this section, the Secretary of Housing and Urban Development shall streamline reporting and record keeping requirements by building on existing reporting requirements of the eligible program. For each property receiving treatments funded by grants under this section, the grantee shall document the problems treated and the amount of grant funds used, and report such information to the primary awarding agency, which shall aggregate reports and supporting data and submit all such reports and data to the Secretary.

(i) EVALUATION.—The Secretary of Housing and Urban Development shall review the implementation of the grant program established under this section beginning on the date of enactment of this Act and ending on the date that is 1 years after such date of enactment. The review shall determine how grantees use and leverage funds and evaluate the cost-effectiveness of the grant program, taking into account the aggregate health, safety, energy savings, and durability benefits from measures taken, as well as the success of the grant program's leveraging of and coordination with Federal investments from other programs.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years 2009 through 2011, $10,000,000 for carrying out the activities under this section.

SEC. 205. EFFECTIVE TRAINING ON HOUSING-RELATED HEALTH HAZARDS.

(a) PUBLIC HEALTH SERVICE ACT AMENDMENTS.—Section 317B of the Public Health Service Act (42 U.S.C. 247b–3) is amended—

(1) in subsection (a), by adding at the end the following:

''(3) TRAINING.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall—

''(A) train lead poisoning prevention program staff in healthy housing principles;

''(B) deliver training and technical assistance in the identification and control of housing-related health hazards (as that term is defined in section 3 of the Research, Hazard Intervention, and National Outreach for Healthier Homes Act of 2008) to staff of State and local public health departments and code enforcement agencies, health care providers, other health care delivery systems and professionals, and community-based organizations; and

''(C) provide resources and incentives to State and local health departments to support the wide availability of free or low-cost training to prevent and control housing-related health hazards.''; and

(2) by adding at the end the following:

''(c) AUTHORIZATIONS OF APPROPRIATIONS.—In addition to any other authorization of appropriation available under this Act to the Centers for Disease Control and Prevention for the purpose of carrying out lead poisoning prevention education, the Interagency Task Force, technology assessment, and epidemiology, there is authorized to be appropriated for each of fiscal years 2009 through 2013 to the Centers for Disease Control and Prevention $8,000,000 to facilitate a transition from categorical lead poisoning prevention to comprehensive healthy housing approaches.''.

(b) DEPARTMENT OF AGRICULTURE.—

(1) TECHNICAL ASSISTANCE.—

(A) IN GENERAL.—The Secretary of Agriculture shall, acting through the Cooperative State Research, Education, and Extension Service, establish a competitive grant program to promote education and outreach on housing-related health hazards.

(B) ELIGIBLE APPLICANTS.—The Secretary of Agriculture may award grants, on a competitive basis, under this subsection to land-grant colleges and universities (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)) for education and extension services.

(C) CRITERIA FOR GRANTS.—Grants under this subsection shall be awarded to address housing-related health hazards through translation of the latest research into easy-to-use guidelines, development and dissemination of outreach materials, and operation of training and education programs to build capacity at a local level.

(2) EXPANDED TRAINING.—The Secretary of Agriculture shall, acting through the Cooperative State Research, Education, and Extension Service Regional Integrated Pest Management Training Centers, expand training and outreach activities to include structural integrated pest management topics.

(3) COVERAGE OF LEAD-BASED PAINT AND OTHER HEALTH HAZARDS.—The Secretary of Agriculture shall, acting through the Expanded Food and Nutrition Education Program, in consultation with the Cooperative State Research, Education, and Extension Service Housing and Indoor Environments Division, ensure that food and nutrition subject matter content for adults and youth includes effective information about preventing exposure to lead-based paint, pests, pesticides, mold, and, where there is sufficient data, about preventing exposure to other biological or chemical food safety hazards in and around the home.

(c) EVALUATION.—Not later than 2 years after the date of enactment of this Act, the Director of the Centers for Disease Control and Prevention and the Secretary of Agriculture shall evaluate the cost-effectiveness of the training programs authorized under this section and prepare a report, the results of which shall be posted on the website of each agency.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2009 through 2013—

(1) $700,000 for carrying out the activities under subsection (b)(1);

(2) $250,000 for carrying out the activities under subsection (b)(2); and

(3) $250,000 for carrying out the activities under subsection (b)(3).

SEC. 206. ENFORCEMENT OF LEAD DISCLOSURE RULE.

Subsection (a) of section 1018 of subtitle A, of title X of the Housing and Community Development Act of 1992 (42 U.S.C. 4852d), is amended by adding at the end the following:

''(6) AUTHORITY OF THE SECRETARY.—

''(A) INVESTIGATIONS.—The Secretary is authorized to conduct such investigations as may be necessary to administer and carry out his duties under this section. The Secretary is authorized to administer oaths and require by subpoena the production of documents, and the attendance and testimony of witnesses as the Secretary deems advisable. Nothing contained in this subparagraph shall prevent the Administrator of the Environmental Protection Agency from exercising authority under the Toxic Substances Control Act or this Act.

''(B) ENFORCEMENT.—Any district court of the United States within the jurisdiction of which an inquiry is carried, on application of the Attorney General, may, in the case of contumacy or refusal to permit entry under this section or to obey a subpoena of the Secretary issued under this section, issue an order requiring such entry or such compliance therewith. Any failure to obey such order of the court may be punished by such court as a contempt thereof.''.

TITLE III—EDUCATION ON HEALTH HAZARDS IN HOUSING

SEC. 301. HEALTHY HOME SEAL OF APPROVAL PROGRAM.

(a) ESTABLISHMENT.—There is established within the Environmental Protection Agency the following labeling programs:

(1) PRODUCTS AND MATERIALS LABELING PROGRAM.—A voluntary labeling program to evaluate consumer products intended for home use and housing materials to determine their efficacy in fostering a healthy home environment.

(2) CRITERIA FOR HOUSING LABELING PROGRAM.—A voluntary labeling program to expand upon the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a) to establish health-promoting design and maintenance criteria for new and existing housing.

(b) DUTIES.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency shall, in consultation with the Secretary of Housing and Urban Development and the Director of the Centers for Disease Control and Prevention—

(A) promote the Healthy Home Seal of Approval for consumer products and materials, and for criteria for housing as the preferred options in the marketplace for achieving optimum indoor environmental quality and maximum occupant health;

(B) work to enhance public awareness of the Healthy Home Seal of Approval for consumer products and materials, and for criteria for housing, including by providing special outreach to small businesses;

(C) conduct research and provide sound science and methods to evaluate products, materials, and criteria for housing that preserves the integrity of the Healthy Home Seal of Approval for consumer products and materials, and for criteria for housing label;

(D) regularly update the requirements for the Healthy Home Seal of Approval for products and materials, and for criteria for housing;

(E) solicit comments from interested parties prior to establishing or revising a Healthy Home Seal of Approval, including a change to a product category, material category, specification, or criterion (or prior to effective dates for any such product category, material category, specification, or criterion);

(F) on adoption of a new or revised product category, material category, specification, or criterion in a Healthy Home Seal of Approval, provide reasonable notice to interested parties of any changes (including effective dates) in product categories, material categories, specifications, or criteria, along with—

(i) an explanation of the changes; and

(ii) as appropriate, responses to comments submitted by interested parties; and

(G) provide appropriate lead time (which shall be 270 days, unless the Administrator specifies otherwise) prior to the applicable effective date for a new or a significant revision to a Healthy Home Seal of Approval, including a change to a product category, material category, specification, or criterion.

(2) LEAD TIME.—If a product category is revised in accordance with paragraph (1)(G), the lead time shall take into account the timing requirements of the manufacturing, product marketing, and distribution process for the specific product addressed.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years 2009 through 2013, $6,000,000 for carrying out the activities under this section.

SEC. 302. OUTREACH ON HEALTH HAZARDS IN HOUSING.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency, acting through the Office of Children's Health Protection and Environmental Education, shall provide education and outreach to the general public on the—

(1) environmental health risks experienced by the elderly; and

(2) low-cost methods for addressing such risks.

(b) FOOD QUALITY PROTECTION.—Section 303 of the Food Quality Protection Act of 1996 (7 U.S.C. 136r–1) is amended—

(1) in the first sentence, by striking ''The Secretary'' and inserting the following:

''(a) PROGRAMS.—

''(1) IMPLEMENTATION.—The Secretary'';

(2) in the second sentence, by striking ''Integrated Pest Management is'' and inserting the following:

''(2) DEFINITION OF INTEGRATED PEST MANAGEMENT.—In this section, the term 'Integrated Pest Management' means'';

(3) in the third sentence, by striking ''The Secretary'' and inserting the following:

''(b) FEDERAL AGENCIES.—

''(1) AVAILABILITY OF INFORMATION.—The Secretary'';

(4) in the fourth sentence, by striking ''Federal agencies'' and inserting the following:

''(2) USE.—A Federal agency''; and

(5) by adding at the end the following:

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $300,000 for use by the Secretary of Agriculture; and

''(2) $300,000 for use by the Administrator.''.

(c) GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary of Housing and Urban Development shall award funds for a Health Hazards Outreach competitive grant program.

(2) ELIGIBLE APPLICANTS.—Eligible applicants for a grant under paragraph (1) are national nonprofit organizations, and State and local entities, including community-based organizations and government health, environmental, and housing departments.

(3) ELIGIBLE ACTIVITIES.—Funds awarded under this subsection may be used to—

(A) document the need for healthy housing assessments or controls in a given community or communities;

(B) perform outreach and education with a community-level focus; and

(C) develop policy and capacity building approaches.

(4) COLLABORATION WITH LOCAL INSTITUTIONS.—Eligible applicants under this subsection are encouraged to—

(A) forge partnerships among State or local level government and nonprofit entities; and

(B) improve the incorporation of healthy housing principles into existing State and local systems where possible.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2009 through 2013—

(1) $300,000 for carrying out the activities under subsection (a); and

(2) $2,000,000 for carrying out the activities under subsection (c).

SEC. 303. NATIONAL HEALTHY HOUSING MEDIA CAMPAIGN.

(a) IN GENERAL.—The Secretary of Housing and Urban Development, the Director of the Centers for Disease Control and Prevention, and the Administrator of the Environmental Protection Agency shall establish and maintain a national healthy housing media campaign.

(b) REQUIREMENTS OF CAMPAIGN.—The Secretary of Housing and Urban Development, the Director of the Centers for Disease Control and Prevention, and the Administrator of the Environmental Protection Agency shall—

(1) determine the design of the national healthy housing media campaign, including by—

(A) identifying the target audience;

(B) formulating and packaging unified messages regarding—

(i) how best to assess health hazards in the home; and

(ii) how best to prevent and control health hazards in the home;

(C) identifying ideal mechanisms for dissemination;

(D) distributing responsibilities and establishing an ongoing system of coordination; and

(E) incorporating input from the target audience of the campaign;

(2) carry out the operation of a national healthy housing media campaign that—

(A) draws upon existing outreach and public education efforts to the maximum extent practicable;

(B) provides critical healthy housing information in a concise and simple manner; and

(C) uses multiple media strategies to reach the maximum number of people in the target audience as possible; and

(3) evaluate the performance of the campaign, including by—

(A) tracking the accomplishments of the campaign;

(B) identifying changes in healthy housing awareness, healthy housing activities, and the healthy housing conditions among the target audience of the campaign;

(C) assessing the cost-effectiveness of the campaign in achieving the goals of the campaign; and

(D) preparing a final evaluation report within 1 year of the close of the campaign, the results of which shall be posted on the website of each such agency.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years 2009 through 2013, $6,000,000 for carrying out the activities under this section.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5679. Mr. CARDIN (for Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. CONRAD, Mr. BAUCUS, and Mr. GRASSLEY)) proposed an amendment to the bill H.R. 6849, 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.

SA 5680. Mr. COBURN submitted an amendment intended to be proposed by him to the House amendment to the Senate amendment to H.R. 2095, to amend title 49, United States Code, to prevent railroad fatalities, injuries, and hazardous materials releases, to authorize the Federal Railroad Safety Administration, and for other purposes; which was ordered to lie on the table.

SA 5681. Mr. COBURN submitted an amendment intended to be proposed by him to the House amendment to the Senate amendment to H.R. 2095, supra; which was ordered to lie on the table.

SA 5682. Mr. COBURN submitted an amendment intended to be proposed by him to the House amendment to the Senate amendment to H.R. 2095, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 5679. Mr. CARDIN (for Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. CONRAD, Mr. BAUCUS, and Mr. GRASSLEY)) proposed an amendment to the bill H.R. 6849, 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; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. TREATMENT OF FARMS WITH LIMITED BASE ACRES.

(a) SUSPENSION OF PROHIBITION.—

(1) IN GENERAL.—Section 1101(d) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8711(d)) is amended by adding at the end the following:

''(4) SUSPENSION OF PROHIBITION.—Paragraphs (1) through (3) shall not apply during the 2008 crop year.''.

(2) PEANUTS.—Section 1302(d) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8752(d)) is amended by adding at the end the following:

''(4) SUSPENSION OF PROHIBITION.—Paragraphs (1) through (3) shall not apply during the 2008 crop year.''.

(b) EXTENSION OF 2008 SIGNUP FOR DIRECT PAYMENTS AND COUNTER-CYCLICAL PAYMENTS.—

(1) IN GENERAL.—Section 1106 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8716) is amended by adding at the end the following:

''(f) EXTENSION OF 2008 SIGNUP.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall extend the 2008 crop year deadline for the signup for benefits under this subtitle by producers on a farm with base acres of 10 acres or less until the later of—

''(A) November 14, 2008; or

''(B) the end of the 45-day period beginning on the date of the enactment of this subsection.

''(2) PENALTIES.—The Secretary shall ensure that no penalty with respect to benefits under this subtitle or subtitle B is assessed against producers on a farm described in paragraph (1) for failure to submit reports under this section or timely comply with other program requirements as a result of compliance with the extended signup deadline under that paragraph.''.

(2) PEANUTS.—Section 1305 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8755) is amended by adding at the end the following:

''(f) EXTENSION OF 2008 SIGNUP.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall extend the 2008 crop year deadline for the signup for benefits under this subtitle by producers on a farm with base acres of 10 acres or less until the later of—

''(A) November 14, 2008; or

''(B) the end of the 45-day period beginning on the date of the enactment of this subsection.

''(2) PENALTIES.—The Secretary shall ensure that no penalty with respect to benefits under this subtitle is assessed against producers on a farm described in paragraph (1) for failure to submit reports under this section or timely comply with other program requirements as a result of compliance with the extended signup deadline under that paragraph.''.

(c) OFFSETTING REDUCTION.—Section 515(k)(1) of the Federal Crop Insurance Act (7 U.S.C. 1515(k)(1)) is amended by striking ''2011'' and inserting ''2010, and not more than $9,000,000 for fiscal year 2011''.

SEC. 2. SUPPLEMENTAL REVENUE ASSISTANCE PROGRAM.

(a) FEDERAL CROP INSURANCE ACT.—

(1) DEFINITIONS.—Section 531(a) of the Federal Crop Insurance Act (7 U.S.C. 1531(a)) is amended—

(A) in paragraph (3)(B), by inserting ''has'' after ''on a farm that'';

(B) in paragraph (4), by striking ''section 1102 of the Farm Security and Rural Investment Act of 2002'' and all that follows through the end of the paragraph and inserting ''under—

''(i) section 1102 or 1302 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912, 7952);

''(ii) section 1102 or 1301(6) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8712, 8751(6)); or

''(iii) a successor section.'';

(C) in paragraph (5)(B)(ii), by striking '', the total loss'' and all that follows through the end of the paragraph and adding ''the actual production on the farm is less than 50 percent of the normal production on the farm.'';

(D) in paragraph (7)—

(i) in subparagraph (A), by inserting ''for sale or on-farm livestock feeding (including native grassland intended for haying)'' after ''harvest''; and

(ii) in subparagraph (C), by inserting ''for sale'' after ''crop'';

(E) by redesignating paragraphs (2) through (4), (5) through (12), and (13) through (18) as paragraphs (3) through (5), (7) through (14), and (16) through (21), respectively;

(F) by inserting after paragraph (1) the following:

''(2) ACTUAL PRODUCTION ON THE FARM.—The term 'actual production on the farm' means the sum of the value of all crops produced on the farm, as determined under subsection (b)(6)(B).'';

(G) by inserting after paragraph (5) (as redesignated by subparagraph (E)) the following:

''(6) CROP OF ECONOMIC SIGNIFICANCE.—The term 'crop of economic significance' shall have the uniform meaning given the term by the Secretary for purposes of subsections (b)(1)(B) and (g)(6).''; and

(H) by inserting after paragraph (14) (as redesignated by subparagraph (E)) the following:

''(15) NORMAL PRODUCTION ON THE FARM.—The term 'normal production on the farm' means the sum of the expected revenue for all crops on the farm, as determined under subsection (b)(6)(A).''.

(2) SUPPLEMENTAL REVENUE ASSISTANCE PAYMENTS.—Section 531(b) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)) is amended—

(A) in paragraph (1)—

(i) by striking ''(1) IN GENERAL.—The Secretary'' and inserting the following:

''(1) PAYMENTS.—

''(A) IN GENERAL.—The Secretary''; and

(ii) by adding at the end the following:

''(B) CROP LOSS.—To be eligible for crop loss assistance under this subsection, the actual production on the farm for at least 1 crop of economic significance shall be reduced by at least 10 percent due to disaster, adverse weather, or disaster-related conditions.'';

(B) in paragraph (2), by adding at the end the following:

''(C) EXCLUSION OF SUBSEQUENTLY PLANTED CROPS.—In calculating the disaster assistance program guarantee under paragraph (3) and the total farm revenue under paragraph (4), the Secretary shall not consider the value of any crop that—

''(i) is produced on land that is not eligible for a policy or plan of insurance under subtitle A or assistance under the noninsured crop assistance program; or

''(ii) is subsequently planted on the same land during the same crop year as the crop for which disaster assistance is provided under this subsection, except in areas in which double-cropping is a normal practice, as determined by the Secretary.'';

(C) in paragraph (3)(A)(ii)(III)—

(i) in the matter before item (aa), by inserting ''50 percent of'' before ''the higher of''; and

(ii) in item (aa), by striking ''guarantee'';

(D) in paragraph (4)—

(i) in subparagraph (A)(i)—

(I) by striking subclauses (I) and (II) and inserting the following:

''(I) the actual production by crop on a farm for purposes of determining losses under subtitle A or the noninsured crop assistance program; and''; and

(II) by redesignating subclause (III) as subclause (II);

(ii) in subparagraph (B)—

(I) in clause (i), by striking ''and'' at the end;

(II) in clause (ii), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(iii) as the Secretary determines appropriate, to reflect regional variations in a manner consistent with the operation of the crop insurance program under subtitle A and the noninsured crop assistance program.'';

(E) in paragraph (5)—

(i) in the matter preceding subparagraph (A), by striking ''the sum obtained by adding'';

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking ''the product'' and inserting ''for each insurable commodity, the product'';

(II) in clause (i), by striking ''greatest'' and inserting ''greater'';

(III) in clause (iii), by striking ''of the insurance price guarantee; and'' and inserting ''of the price election for the commodity used to calculate an indemnity for an applicable policy of insurance if an indemnity is triggered; and''; and

(iii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking ''the product'' and inserting ''for each noninsurable crop, the product'';

(II) in clause (i), by striking ''and'' at the end;

(III) by redesignating clause (ii) as clause (iii); and

(IV) by inserting after clause (i) the following:

''(ii) the acreage planted or prevented from being planted for each crop; and''; and

(F) by adding at the end the following:

''(6) PRODUCTION ON THE FARM.—

''(A) NORMAL PRODUCTION ON THE FARM.—The normal production on the farm shall equal the sum of the expected revenue for each crop on a farm as determined under paragraph (5).

''(B) ACTUAL PRODUCTION ON THE FARM.—The actual production on the farm shall equal the sum obtained by adding—

''(i) for each insurable commodity on the farm, the product obtained by multiplying—

''(I) 100 percent of the price election for the commodity used to calculate an indemnity for an applicable policy of insurance if an indemnity is triggered; and

''(II) the quantity of the commodity produced on the farm, adjusted for quality losses; and

''(ii) for each noninsurable commodity on a farm, the product obtained by multiplying—

''(I) 100 percent of the noninsured crop assistance program established price for the commodity; and

''(II) the quantity of the commodity produced on the farm, adjusted for quality losses.''.

(3) WAIVER FOR SOCIALLY DISADVANTAGED, LIMITED RESOURCE, OR BEGINNING FARMER OR RANCHER.—Section 531(d)(5)(B)(ii) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)(5)(B)(ii)) is amended by striking ''section'' and inserting ''subsection''.

(4) TREE ASSISTANCE PROGRAM.—Section 531(f)(2)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(f)(2)(A)) is amended by striking ''the Secretary shall provide'' and inserting ''the Secretary shall use such sums as are necessary from the Trust Fund to provide''.

(5) DE MINIMIS EXCEPTION TO RISK MANAGEMENT PURCHASE REQUIREMENT.—Section 531(g) of the Federal Crop Insurance Act (7 U.S.C. 1531(g)) is amended by adding at the end the following:

''(6) DE MINIMIS EXCEPTION.—

''(A) IN GENERAL.—For purposes of assistance under subsection (b), at the option of an eligible producer on a farm, the Secretary shall waive paragraph (1)—

''(i) in the case of a portion of the total acreage of a farm of the eligible producer that is not of economic significance on the farm, as established by the Secretary; or

''(ii) in the case of a crop for which the administrative fee required for the purchase of noninsured crop disaster assistance coverage exceeds 10 percent of the value of that coverage.

''(B) TREATMENT OF ACREAGE.—The Secretary shall not consider the value of any crop exempted under subparagraph (A) in calculating the supplemental revenue assistance program guarantee under subsection (b)(3) and the total farm revenue under subsection (b)(4).''.

(6) RISK MANAGEMENT PURCHASE REQUIREMENT WAIVER FOR 2009 CROP YEAR.—Section 531(g) of the Federal Crop Insurance Act (7 U.S.C. 1531(g)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''(other than subsection (c))'' and inserting ''(other than subsections (c) and (d))''; and

(ii) in subparagraph (A), by inserting '', excluding grazing land'' after ''producers on the farm'';

(B) in paragraph (2), by striking ''grazed, planted,'' and inserting ''planted'';

(C) in paragraph (4), by striking ''(4)'' and all that follows through ''In the case'' and inserting the following:

''(4) WAIVERS FOR CERTAIN CROP YEARS.—

''(A) 2008 CROP YEAR.—In the case''; and

(D) by adding at the end the following:

''(B) 2009 CROP YEAR.—In the case of an insurable commodity or noninsurable commodity for the 2009 crop year that does not meet the requirements of paragraph (1) and the relevant crop insurance program sales closing date or noninsured crop assistance program fee payment date was prior to August 14, 2008, the Secretary shall waive paragraph (1) if the eligible producer of the insurable commodity or noninsurable commodity pays a fee in an amount equal to the applicable noninsured crop assistance program fee or catastrophic risk protection plan fee required under paragraph (1) to the Secretary not later than 90 days after the date of enactment of this subparagraph.''.

(7) PAYMENT LIMITATIONS.—Section 531(h) of the Federal Crop Insurance Act (7 U.S.C. 1531) is amended by adding at the end the following:

''(5) TRANSITION RULE.—Sections 1001, 1001A, 1001B, and 1001D of the Food Security Act of 1985 (7 U.S.C. 1308 et seq.) as in effect on September 30, 2007, shall continue to apply with respect to 2008 crops.''.

(b) TRADE ACT OF 1974.—

(1) DEFINITIONS.—Section 901(a) of the Trade Act of 1974 (19 U.S.C. 2497(a)) is amended—

(A) in paragraph (3)(B), by inserting ''has'' after ''on a farm that'';

(B) in paragraph (4), by striking ''section 1102 of the Farm Security and Rural Investment Act of 2002'' and all that follows through the end of the paragraph and inserting ''under—

''(i) section 1102 or 1302 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912, 7952);

''(ii) section 1102 or 1301(6) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8712, 8751(6)); or

''(iii) a successor section.'';

(C) in paragraph (5)(B)(ii), by striking '', the total loss'' and all that follows through the end of the paragraph and adding ''the actual production on the farm is less than 50 percent of the normal production on the farm.'';

(D) in paragraph (7)—

(i) in subparagraph (A), by inserting ''for sale or on-farm livestock feeding (including native grassland intended for haying)'' after ''harvest''; and

(ii) in subparagraph (C), by inserting ''for sale'' after ''crop'';

(E) by redesignating paragraphs (2) through (4), (5) through (12), and (13) through (18) as paragraphs (3) through (5), (7) through (14), and (16) through (21), respectively;

(F) by inserting after paragraph (1) the following:

''(2) ACTUAL PRODUCTION ON THE FARM.—The term 'actual production on the farm' means the sum of the value of all crops produced on the farm, as determined under subsection (b)(6)(B).'';

(G) by inserting after paragraph (5) (as redesignated by subparagraph (E)) the following:

''(6) CROP OF ECONOMIC SIGNIFICANCE.—The term 'crop of economic significance' shall have the uniform meaning given the term by the Secretary for purposes of subsections (b)(1)(B) and (g)(6).''; and

(H) by inserting after paragraph (14) (as redesignated by subparagraph (E)) the following:

''(15) NORMAL PRODUCTION ON THE FARM.—The term 'normal production on the farm' means the sum of the expected revenue for all crops on the farm, as determined under subsection (b)(6)(A).''.

(2) SUPPLEMENTAL REVENUE ASSISTANCE PAYMENTS.—Section 901(b) of the Trade Act of 1974 (19 U.S.C. 2497(b)) is amended—

(A) in paragraph (1)—

(i) by striking ''(1) IN GENERAL.—The Secretary'' and inserting the following:

''(1) PAYMENTS.—

''(A) IN GENERAL.—The Secretary''; and

(ii) by adding at the end the following:

''(B) CROP LOSS.—To be eligible for crop loss assistance under this subsection, the actual production on the farm for at least 1 crop of economic significance shall be reduced by at least 10 percent due to disaster, adverse weather, or disaster-related conditions.'';

(B) in paragraph (2), by adding at the end the following:

''(C) EXCLUSION OF SUBSEQUENTLY PLANTED CROPS.—In calculating the disaster assistance program guarantee under paragraph (3) and the total farm revenue under paragraph (4), the Secretary shall not consider the value of any crop that—

''(i) is produced on land that is not eligible for a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or assistance under the noninsured crop assistance program; or

''(ii) is subsequently planted on the same land during the same crop year as the crop for which disaster assistance is provided under this subsection, except in areas in which double-cropping is a normal practice, as determined by the Secretary.'';

(C) in paragraph (3)(A)(ii)(III)—

(i) in the matter before item (aa), by inserting ''50 percent of'' before ''the higher of'';

(ii) in item (aa), by striking ''guarantee'';

(D) in paragraph (4)—

(i) in subparagraph (A)(i)—

(I) by striking subclauses (I) and (II) and inserting the following:

''(I) the actual production by crop on a farm for purposes of determining losses under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or the noninsured crop assistance program; and''; and

(II) by redesignating subclause (III) as subclause (II);

(ii) in subparagraph (B)—

(I) in clause (i), by striking ''and'' at the end;

(II) in clause (ii), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(iii) as the Secretary determines appropriate, to reflect regional variations in a manner consistent with the operation of the Federal crop insurance program under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) and the noninsured crop assistance program.'';

(E) in paragraph (5)—

(i) in the matter preceding subparagraph (A), by striking ''the sum obtained by adding'';

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking ''the product'' and inserting ''for each insurable commodity, the product'';

(II) in clause (i), by striking ''greatest'' and inserting ''greater'';

(III) in clause (iii), by striking ''of the insurance price guarantee; and'' and inserting ''of the price election for the commodity used to calculate an indemnity for an applicable policy of insurance if an indemnity is triggered; and''; and

(iii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking ''the product'' and inserting ''for each noninsurable crop, the product'';

(II) in clause (i), by striking ''and'' at the end;

(III) by redesignating clause (ii) as clause (iii); and

(IV) by inserting after clause (i) the following:

''(ii) the acreage planted or prevented from being planted for each crop; and''; and

(F) by adding at the end the following:

''(6) PRODUCTION ON THE FARM.—

''(A) NORMAL PRODUCTION ON THE FARM.—The normal production on the farm shall equal the sum of the expected revenue for each crop on a farm as determined under paragraph (5).

''(B) ACTUAL PRODUCTION ON THE FARM.—The actual production on the farm shall equal the sum obtained by adding—

''(i) for each insurable commodity on the farm, the product obtained by multiplying—

''(I) 100 percent of the price election for the commodity used to calculate an indemnity for an applicable policy of insurance if an indemnity is triggered; and

''(II) the quantity of the commodity produced on the farm, adjusted for quality losses; and

''(ii) for each noninsurable commodity on a farm, the product obtained by multiplying—

''(I) 100 percent of the noninsured crop assistance program established price for the commodity; and

''(II) the quantity of the commodity produced on the farm, adjusted for quality losses.''.

(3) WAIVER FOR SOCIALLY DISADVANTAGED, LIMITED RESOURCE, OR BEGINNING FARMER OR RANCHER.—Section 901(d)(5)(B)(ii) of the Trade Act of 1974 (19 U.S.C. 2497(d)(5)(B)(ii)) is amended by striking ''section'' and inserting ''subsection''.

(4) TREE ASSISTANCE PROGRAM.—Section 901(f)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2497(f)(2)(A)) is amended by striking ''the Secretary shall provide'' and inserting ''the Secretary shall use such sums as are necessary from the Trust Fund to provide''.

(5) DE MINIMIS EXCEPTION TO RISK MANAGEMENT PURCHASE REQUIREMENT.—Section 901(g) of the Trade Act of 1974 (19 U.S.C. 2497(g)) is amended by adding at the end the following:

''(6) DE MINIMIS EXCEPTION.—

''(A) IN GENERAL.—For purposes of assistance under subsection (b), at the option of an eligible producer on a farm, the Secretary shall waive paragraph (1)—

''(i) in the case of a portion of the total acreage of a farm of the eligible producer that is not of economic significance on the farm, as established by the Secretary; or

''(ii) in the case of a crop for which the administrative fee required for the purchase of noninsured crop disaster assistance coverage exceeds 10 percent of the value of that coverage.

''(B) TREATMENT OF ACREAGE.—The Secretary shall not consider the value of any crop exempted under subparagraph (A) in calculating the supplemental revenue assistance program guarantee under subsection (b)(3) and the total farm revenue under subsection (b)(4).''.

(6) RISK MANAGEMENT PURCHASE REQUIREMENT WAIVER FOR 2009 CROP YEAR.—Section 901(g) of the Trade Act of 1974 (19 U.S.C. 2497(g)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''(other than subsection (c))'' and inserting ''(other than subsections (c) and (d))''; and

(ii) in subparagraph (A), by inserting '', excluding grazing land'' after ''producers on the farm'';

(B) in paragraph (2), by striking ''grazed, planted,'' and inserting ''planted'';

(C) in paragraph (4), by striking ''(4)'' and all that follows through ''In the case'' and inserting the following:

''(4) WAIVERS FOR CERTAIN CROP YEARS.—

''(A) 2008 CROP YEAR.—In the case''; and

(D) by adding at the end the following:

''(B) 2009 CROP YEAR.—In the case of an insurable commodity or noninsurable commodity for the 2009 crop year that does not meet the requirements of paragraph (1) and the relevant crop insurance program sales closing date or noninsured crop assistance program fee payment date was prior to August 14, 2008, the Secretary shall waive paragraph (1) if the eligible producer of the insurable commodity or noninsurable commodity pays a fee in an amount equal to the applicable noninsured crop assistance program fee or catastrophic risk protection plan fee required under paragraph (1) to the Secretary not later than 90 days after the date of enactment of this subparagraph.''.

(7) PAYMENT LIMITATIONS.—Section 901(h) of the Trade Act of 1974 (19 U.S.C. 2497(h)) is amended by adding at the end the following:

''(5) TRANSITION RULE.—Sections 1001, 1001A, 1001B, and 1001D of the Food Security Act of 1985 (7 U.S.C. 1308 et seq.) as in effect on September 30, 2007, shall continue to apply with respect to 2008 crops.''.

SA 5680. Mr. COBURN submitted an amendment to be proposed by him to the House amendment to the Senate amendment to H.R. 2095, to amend title 49, United States Code, to prevent railroad fatalities, injuries, and hazardous materials releases, to authorize the Federal Railroad Safety Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the House amendment, insert the following:

SEC. ___. FOOD AND BEVERAGE SERVICES.

The National Railroad Passenger Corporation (referred to in this section as ''Amtrak'') may not provide food and beverage services on any rail line operated by Amtrak if the cost of such services exceeds the price charged for such services.

SA 5681. Mr. COBURN submitted an amendment to be proposed by him to the House amendment to the Senate amendment to H.R. 2095, to amend title 49, United States Code, to prevent railroad fatalities, injuries, and hazardous materials releases, to authorize the Federal Railroad Safety Administration, and for other purposes; which was ordered to lie on the table; as follows:

In the House amendment, strike title VI and insert the following:

TITLE VI—AUTHORIZATION FOR CAPITAL AND PREVENTIVE MAINTENANCE PROJECTS FOR WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

SEC. ___. AUTHORIZATION FOR CAPITAL AND PREVENTIVE MAINTENANCE PROJECTS FOR WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY.

(a) AUTHORIZATION.—

(1) IN GENERAL.—The States of Maryland and Virginia and the District of Columbia may expend Federal transportation grants, including any funds earmarked for Congressionally directed spending, for the purpose of financing in part the capital and preventive maintenance projects included in the Capital Improvement Program approved by the Board of Directors of the Transit Authority.

(2) DEFINITIONS.—In this section—

(A) the term 'Transit Authority' means the Washington Metropolitan Area Transit Authority established under Article III of the Compact; and

(B) the term 'Compact' means the Washington Metropolitan Area Transit Authority Compact (80 Stat. 1324; Public Law 89-774).

(b) USE OF FUNDS.—The Federal grants made pursuant to the authorization under this section shall be subject to the following limitations and conditions:

(1) The work for which such Federal grants are authorized shall be subject to the provisions of the Compact (consistent with the amendments to the Compact).

(2) Federal funding shall be no more than 50 percent of the net project cost of the project involved, and shall be provided in cash from sources other than Federal funds or revenues from the operation of public mass transportation systems.

SA 5682. Mr. COBURN submitted an amendment intended to be proposed by him to the House amendment to the Senate amendment to H.R. 2095, to amend title 49, United States Code, to prevent railroad fatalities, injuries, and hazardous materials releases, to authorize the Federal Railroad Safety Administration, and for other purposes; which was ordered to lie on the table; as follows:

In the House amendment, strike title VI.

NOTICES OF INTENT TO OBJECT TO PROCEEDING

Mr. KERRY, pursuant to the provisions of section 512 of Public Law 110–81, submitted his notice of intent to object to proceed to consider the resolution (S. Res. 626), expressing the sense of the Senate that the Supreme Court of the United States erroneously decided *Kennedy* v. *Louisiana*, No. 07–343 (2008), and that the eighth amendment to the Constitution of the United States allows the imposition of the death penalty for the rape of a child, dated July 25, 2008, for the following reasons:

The Supreme Court has already shown its intention to revisit the Kennedy v. Louisiana decision. The Court has petitioned the parties in the case, as well as the United States Solicitor General, to submit supplemental briefs in response to the standing Petition for Rehearing. Due to these pending proceedings I believe the United States Senate should not take action at this time as it would be inappropriately premature.

Mr. GRASSLEY, pursuant to the provisions of section 512 of Public Law 110–81, submitted his notice of intent to object to proceed to consider the bill (H.R. 7083) to amend the Internal Revenue Code of 1986 to enhance charitable giving and improve disclosure and tax administration, dated September 26, 2008, for the following reasons:

I wrote a series of charitable reforms that became law in the Pension Protection Act of 2006. The reforms grew out of my oversight of tax-exempt organizations and laws, which had not been updated substantially since 1969. This legislation would unwind some of the 2006 reforms as they apply to certain supporting organizations.

Private foundations and supporting organizations enjoy tax-exempt status on their money. In exchange for that special status, they have to comply with a few requirements. One is that they pay out 5 percent of their assets each year. This pay-out requirement is meant to make sure the organization offers some public benefit in exchange for tax exemption and doesn't exist simply to invest its money and pay a staff and a board of directors—often family members—in perpetuity. Another requirement is that private foundations and certain supporting organizations are subject to a tax on excess business holdings. In general, the tax applies to substantial interests these

organizations may hold in corporations and other businesses. The tax is designed to make sure tax-exempt organizations don't shelter oil refineries and yacht clubs from paying taxes.

A handful of organizations argue that these requirements are onerous or that they should be exempt because they were created before 1969. There may be legitimate reasons to look at some of these issues, but this legislation as written is much too broad. Thousands of organizations could be carved out of the payout requirement and business holdings prohibition. The bill would unwind regulations implementing the 2006 reforms before the regulations are even finished. It contains several provisions that need much more study before being enacted. For all of these reasons, the legislation needs more work.

PRIVILEGES OF THE FLOOR

Mr. WARNER. Mr. President, I ask unanimous consent that T.J. Kim, a fellow of the Environment and Public Works Committee, be granted floor privileges.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WARNER. I ask unanimous consent that Kory Sylvester, a member of Senator DOMENICI's appropriations staff, have floor privileges today.

The PRESIDING OFFICER. Without objection, it is so ordered.

RENEWABLE ENERGY AND JOB CREATION ACT OF 2008

On Tuesday, September 23, 2008, the Senate passed H.R. 6049, as amended, as follows:

H.R. 6049

Resolved, That the bill from the House of Representatives (H.R. 6049) entitled ''An Act to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes.'', do pass with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE, ETC.

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

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

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

TITLE I—ENERGY PRODUCTION INCENTIVES

Subtitle A—Renewable Energy Incentives

SEC. 101. RENEWABLE ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—

(1) 1-YEAR EXTENSION FOR WIND AND REFINED COAL FACILITIES.—Paragraphs (1) and (8) of section 45(d) are each amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(2) 2-YEAR EXTENSION FOR CERTAIN OTHER FACILITIES.—Each of the following provisions of section 45(d) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2011'':

(A) Clauses (i) and (ii) of paragraph (2)(A).
(B) Clauses (i)(I) and (ii) of paragraph (3)(A).
(C) Paragraph (4).
(D) Paragraph (5).
(E) Paragraph (6).
(F) Paragraph (7).
(G) Subparagraphs (A) and (B) of paragraph (9).

(b) MODIFICATION OF REFINED COAL AS A QUALIFIED ENERGY RESOURCE.—

(1) ELIMINATION OF INCREASED MARKET VALUE TEST.—Section 45(c)(7)(A)(i) (defining refined coal), as amended by section 108, is amended—

(A) by striking subclause (IV),

(B) by adding ''and'' at the end of subclause (II), and

(C) by striking '', and'' at the end of subclause (III) and inserting a period.

(2) INCREASE IN REQUIRED EMISSION REDUCTION.—Section 45(c)(7)(B) (defining qualified emission reduction) is amended by inserting ''at least 40 percent of the emissions of'' after ''nitrogen oxide and''.

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

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

(2) by striking ''COMBUSTION''.

(d) EXPANSION OF BIOMASS FACILITIES.—

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

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

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

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

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

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

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

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

produce hydroelectric power on the date of the enactment of this paragraph, and

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

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

(f) EFFECTIVE DATE.—

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

(2) REFINED COAL.—The amendments made by subsection (b) shall apply to coal produced and sold from facilities placed in service after December 31, 2008.

(3) TRASH FACILITY CLARIFICATION.—The amendments made by subsection (c) shall apply to electricity produced and sold after the date of the enactment of this Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 103. ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—

(1) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) are each amended by striking ''January 1, 2009'' and inserting ''January 1, 2017''.

(2) FUEL CELL PROPERTY.—Subparagraph (E) of section 48(c)(1) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2016''.

(3) MICROTURBINE PROPERTY.—Subparagraph (E) of section 48(c)(2) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2016''.

(b) ALLOWANCE OF ENERGY CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subparagraph (B) of section 38(c)(4), as amended by the Housing Assistance Tax Act of 2008, is amended by redesignating clause (vi) as clause (vi) and (vii), respectively, and by inserting after clause (iv) the following new clause:

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

(2) TECHNICAL AMENDMENT.—Clause (vi) of section 38(c)(4)(B), as redesignated by paragraph (1), is amended by striking ''section 47 to the extent attributable to'' and inserting ''section 46 to the extent that such credit is attributable to the rehabilitation credit under section 47, but only with respect to''.

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

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

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

(2) COMBINED HEAT AND POWER SYSTEM PROPERTY.—Subsection (c) of section 48 is amended—

(A) by striking ''QUALIFIED FUEL CELL PROPERTY; QUALIFIED MICROTURBINE PROPERTY'' in the heading and inserting ''DEFINITIONS'', and

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

''(3) COMBINED HEAT AND POWER SYSTEM PROPERTY.—

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

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

''(ii) which produces—

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

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

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

''(iv) which is placed in service before January 1, 2017.

''(B) LIMITATION.—

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

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

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

''(C) SPECIAL RULES.—

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

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

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

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

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

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

''(i) subparagraph (A)(iii) shall not apply, but

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

(3) CONFORMING AMENDMENT.—Section 48(a)(1) is amended by striking ''paragraphs (1)(B) and (2)(B)'' and inserting ''paragraphs (1)(B), (2)(B), and (3)(B)''.

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

(e) PUBLIC UTILITY PROPERTY TAKEN INTO ACCOUNT.—

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

(2) CONFORMING AMENDMENTS.—

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

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

(f) EFFECTIVE DATE.—

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

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

(3) COMBINED HEAT AND POWER AND FUEL CELL PROPERTY.—The amendments made by subsections (c) and (d) shall apply to periods after

the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

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

SEC. 104. ENERGY CREDIT FOR SMALL WIND PROPERTY.

(a) IN GENERAL.—Section 48(a)(3)(A), as amended by section 103, is amended by striking ''or'' at the end of clause (iv), by adding ''or'' at the end of clause (v), and by inserting after clause (v) the following new clause:

''(vi) qualified small wind energy property,''.

(b) 30 PERCENT CREDIT.—Section 48(a)(2)(A)(i) is amended by striking ''and'' at the end of subclause (II) and by inserting after subclause (III) the following new subclause:

''(IV) qualified small wind energy property, and''.

(c) QUALIFIED SMALL WIND ENERGY PROPERTY.—Section 48(c), as amended by section 103, is amended by adding at the end the following new paragraph:

''(4) QUALIFIED SMALL WIND ENERGY PROPERTY.—

''(A) IN GENERAL.—The term 'qualified small wind energy property' means property which uses a qualifying small wind turbine to generate electricity.

''(B) LIMITATION.—In the case of qualified small wind energy property placed in service during the taxable year, the credit otherwise determined under subsection (a)(1) for such year with respect to all such property of the taxpayer shall not exceed $4,000.

''(C) QUALIFYING SMALL WIND TURBINE.—The term 'qualifying small wind turbine' means a wind turbine which has a nameplate capacity of not more than 100 kilowatts.

''(D) TERMINATION.—The term 'qualified small wind energy property' shall not include any property for any period after December 31, 2016.''.

(d) CONFORMING AMENDMENT.—Section 48(a)(1), as amended by section 103, is amended by striking ''paragraphs (1)(B), (2)(B), and (3)(B)'' and inserting ''paragraphs (1)(B), (2)(B), (3)(B), and (4)(B)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 105. ENERGY CREDIT FOR GEOTHERMAL HEAT PUMP SYSTEMS.

(a) IN GENERAL.—Subparagraph (A) of section 48(a)(3), as amended by this Act, is amended by striking ''or'' at the end of clause (v), by inserting ''or'' at the end of clause (vi), and by adding at the end the following new clause:

''(vii) equipment which uses the ground or ground water as a thermal energy source to heat a structure or as a thermal energy sink to cool a structure, but only with respect to periods ending before January 1, 2017,''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 106. CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

(a) EXTENSION.—Section 25D(g) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2016''.

(b) REMOVAL OF LIMITATION FOR SOLAR ELECTRIC PROPERTY.—

(1) IN GENERAL.—Section 25D(b)(1), as amended by subsections (c) and (d), is amended—

(A) by striking subparagraph (A), and

(B) by redesignating subparagraphs (B) through (E) as subparagraphs (A) through and (D), respectively.

(2) CONFORMING AMENDMENT.—Section 25D(e)(4)(A), as amended by subsections (c) and (d), is amended—

(A) by striking clause (i), and

(B) by redesignating clauses (ii) through (v) as clauses (i) and (iv), respectively.

(c) CREDIT FOR RESIDENTIAL WIND PROPERTY.—

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

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

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

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

(3) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURES.—

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

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

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

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

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

(d) CREDIT FOR GEOTHERMAL HEAT PUMP SYSTEMS.—

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

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

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

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

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

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

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

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

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

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

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

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

(e) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

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

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

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

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

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

''(2) CARRYFORWARD OF UNUSED CREDIT.—

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

''(B) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 23(b)(4)(B) is amended by inserting ''and section 25D'' after ''this section''.

(B) Section 24(b)(3)(B) is amended by striking ''and 25B'' and inserting '', 25B, and 25D''.

(C) Section 25B(g)(2) is amended by striking ''section 23'' and inserting ''sections 23 and 25D''.

(D) Section 26(a)(1) is amended by striking ''and 25B'' and inserting ''25B, and 25D''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) SOLAR ELECTRIC PROPERTY LIMITATION.—The amendments made by subsection (b) shall apply to taxable years beginning after December 31, 2008.

(3) APPLICATION OF EGTRRA SUNSET.—The amendments made by subparagraphs (A) and (B) of subsection (e)(2) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendments relate.

SEC. 107. NEW CLEAN RENEWABLE ENERGY BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

"SEC. 54C. NEW CLEAN RENEWABLE ENERGY BONDS.

''(a) NEW CLEAN RENEWABLE ENERGY BOND.—For purposes of this subpart, the term 'new clean renewable energy bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for capital expenditures incurred by governmental bodies, public power providers, or cooperative electric companies for one or more qualified renewable energy facilities,

''(2) the bond is issued by a qualified issuer, and

''(3) the issuer designates such bond for purposes of this section.

''(b) REDUCED CREDIT AMOUNT.—The annual credit determined under section 54A(b) with respect to any new clean renewable energy bond shall be 70 percent of the amount so determined without regard to this subsection.

''(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(1) IN GENERAL.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated under this subsection to such issuer.

''(2) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national new clean renewable energy bond limitation of $800,000,000 which shall be allocated by the Secretary as provided in paragraph (3), except that—

''(A) not more than 33⅓ percent thereof may be allocated to qualified projects of public power providers,

''(B) not more than 33⅓ percent thereof may be allocated to qualified projects of governmental bodies, and

''(C) not more than 33⅓ percent thereof may be allocated to qualified projects of cooperative electric companies.

''(3) METHOD OF ALLOCATION.—

''(A) ALLOCATION AMONG PUBLIC POWER PROVIDERS.—After the Secretary determines the qualified projects of public power providers which are appropriate for receiving an allocation of the national new clean renewable energy bond limitation, the Secretary shall, to the maximum extent practicable, make allocations among such projects in such manner that the amount allocated to each such project bears the same ratio to the cost of such project as the limitation under paragraph (2)(A) bears to the cost of all such projects.

''(B) ALLOCATION AMONG GOVERNMENTAL BODIES AND COOPERATIVE ELECTRIC COMPANIES.—The Secretary shall make allocations of the amount of the national new clean renewable energy bond limitation described in paragraphs (2)(B) and (2)(C) among qualified projects of governmental bodies and cooperative electric companies, respectively, in such manner as the Secretary determines appropriate.

''(d) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED RENEWABLE ENERGY FACILITY.—The term 'qualified renewable energy facility' means a qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and to any placed in service date) owned by a public power provider, a governmental body, or a cooperative electric company.

''(2) PUBLIC POWER PROVIDER.—The term 'public power provider' means a State utility with a service obligation, as such terms are defined in section 217 of the Federal Power Act (as in effect on the date of the enactment of this paragraph).

''(3) GOVERNMENTAL BODY.—The term 'governmental body' means any State or Indian tribal government, or any political subdivision thereof.

''(4) COOPERATIVE ELECTRIC COMPANY.—The term 'cooperative electric company' means a mutual or cooperative electric company described in section 501(c)(12) or section 1381(a)(2)(C).

''(5) CLEAN RENEWABLE ENERGY BOND LENDER.—The term 'clean renewable energy bond lender' means a lender which is a cooperative which is owned by, or has outstanding loans to, 100 or more cooperative electric companies and is in existence on February 1, 2002, and shall include any affiliated entity which is controlled by such lender.

''(6) QUALIFIED ISSUER.—The term 'qualified issuer' means a public power provider, a cooperative electric company, a governmental body, a clean renewable energy bond lender, or a not-for-profit electric utility which has received a loan or loan guarantee under the Rural Electrification Act.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d) is amended to read as follows:

''(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means—

''(A) a qualified forestry conservation bond, or

''(B) a new clean renewable energy bond,

which is part of an issue that meets requirements of paragraphs (2), (3), (4), (5), and (6).''.

(2) Subparagraph (C) of section 54A(d)(2) is amended to read as follows:

''(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

''(i) in the case of a qualified forestry conservation bond, a purpose specified in section 54B(e), and

''(ii) in the case of a new clean renewable energy bond, a purpose specified in section 54C(a)(1).''.

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 54C. Qualified clean renewable energy bonds.''.

(c) EXTENSION FOR CLEAN RENEWABLE ENERGY BONDS.—Subsection (m) of section 54 is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 108. CREDIT FOR STEEL INDUSTRY FUEL.

(a) TREATMENT AS REFINED COAL.—

(1) IN GENERAL.—Subparagraph (A) of section 45(c)(7) of the Internal Revenue Code of 1986 (relating to refined coal), as amended by this Act, is amended to read as follows:

''(A) IN GENERAL.—The term 'refined coal' means a fuel—

''(i) which—

''(I) is a liquid, gaseous, or solid fuel produced from coal (including lignite) or high carbon fly ash, including such fuel used as a feedstock,

''(II) is sold by the taxpayer with the reasonable expectation that it will be used for purpose of producing steam,

''(III) is certified by the taxpayer as resulting (when used in the production of steam) in a qualified emission reduction, and

''(IV) is produced in such a manner as to result in an increase of at least 50 percent in the market value of the refined coal (excluding any increase caused by materials combined or added during the production process), as compared to the value of the feedstock coal, or

''(ii) which is steel industry fuel.''.

(2) STEEL INDUSTRY FUEL DEFINED.—Paragraph (7) of section 45(c) of such Code is amended by adding at the end the following new subparagraph:

''(C) STEEL INDUSTRY FUEL.—

''(i) IN GENERAL.—The term 'steel industry fuel' means a fuel which—

''(I) is produced through a process of liquifying coal waste sludge and distributing it on coal, and

''(II) is used as a feedstock for the manufacture of coke.

''(ii) COAL WASTE SLUDGE.—The term 'coal waste sludge' means the tar decanter sludge and related byproducts of the coking process, including such materials that have been stored in ground, in tanks and in lagoons, that have been treated as hazardous wastes under applicable Federal environmental rules absent liquefaction and processing with coal into a feedstock for the manufacture of coke.''.

(b) CREDIT AMOUNT.—

(1) IN GENERAL.—Paragraph (8) of section 45(e) of the Internal Revenue Code of 1986 (relating to refined coal production facilities) is amended by adding at the end the following new subparagraph

''(D) SPECIAL RULE FOR STEEL INDUSTRY FUEL.—

''(i) IN GENERAL.—In the case of a taxpayer who produces steel industry fuel—

''(I) this paragraph shall be applied separately with respect to steel industry fuel and other refined coal, and

''(II) in applying this paragraph to steel industry fuel, the modifications in clause (ii) shall apply.

''(ii) MODIFICATIONS.—

''(I) CREDIT AMOUNT.—Subparagraph (A) shall be applied by substituting '$2 per barrel-of-oil equivalent' for '$4.375 per ton'.

''(II) CREDIT PERIOD.—In lieu of the 10-year period referred to in clauses (i) and (ii)(II) of subparagraph (A), the credit period shall be the period beginning on the later of the date such facility was originally placed in service, the date the modifications described in clause (iii) were placed in service, or October 1, 2008, and ending on the later of December 31, 2009, or the date which is 1 year after the date such facility or the modifications described in clause (iii) were placed in service.

''(III) NO PHASEOUT.—Subparagraph (B) shall not apply.

''(iii) MODIFICATIONS.—The modifications described in this clause are modifications to an existing facility which allow such facility to produce steel industry fuel.

''(iv) BARREL-OF-OIL EQUIVALENT.—For purposes of this subparagraph, a barrel-of-oil equivalent is the amount of steel industry fuel that has a Btu content of 5,800,000 Btus.''.

(2) INFLATION ADJUSTMENT.—Paragraph (2) of section 45(b) of such Code is amended by inserting ''the $3 amount in subsection (e)(8)(D)(ii)(I),'' after ''subsection (e)(8)(A),''.

(c) TERMINATION.—Paragraph (8) of section 45(d) of the Internal Revenue Code of 1986 (relating to refined coal production facility), as amended by this Act, is amended to read as follows:

''(8) REFINED COAL PRODUCTION FACILITY.—In the case of a facility that produces refined coal, the term 'refined coal production facility' means—

''(A) with respect to a facility producing steel industry fuel, any facility (or any modification to a facility) which is placed in service before January 1, 2010, and

''(B) with respect to any other facility producing refined coal, any facility placed in service after the date of the enactment of the American Jobs Creation Act of 2004 and before January 1, 2010.''.

(d) COORDINATION WITH CREDIT FOR PRODUCING FUEL FROM A NONCONVENTIONAL SOURCE.—

(1) IN GENERAL.—Subparagraph (B) of section 45(e)(9) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''The term'' and inserting the following:

''(i) IN GENERAL.—The term'', and

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

''(ii) EXCEPTION FOR STEEL INDUSTRY COAL.—In the case of a facility producing steel industry fuel, clause (i) shall not apply to so much of the refined coal produced at such facility as is steel industry fuel.''.

(2) NO DOUBLE BENEFIT.—Section 45K(g)(2) of such Code is amended by adding at the end the following new subparagraph:

''(E) COORDINATION WITH SECTION 45.—No credit shall be allowed with respect to any qualified fuel which is steel industry fuel (as defined in section 45(c)(7)) if a credit is allowed to the taxpayer for such fuel under section 45.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced and sold after September 30, 2008.

SEC. 109. SPECIAL RULE TO IMPLEMENT FERC AND STATE ELECTRIC RESTRUCTURING POLICY.

(a) EXTENSION FOR QUALIFIED ELECTRIC UTILITIES.—

(1) IN GENERAL.—Paragraph (3) of section 451(i) is amended by inserting ''(before January 1, 2010, in the case of a qualified electric utility)'' after ''January 1, 2008''.

(2) QUALIFIED ELECTRIC UTILITY.—Subsection (i) of section 451 is amended by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively, and by inserting after paragraph (5) the following new paragraph:

''(6) QUALIFIED ELECTRIC UTILITY.—For purposes of this subsection, the term 'qualified electric utility' means a person that, as of the date of the qualifying electric transmission transaction, is vertically integrated, in that it is both—

''(A) a transmitting utility (as defined in section 3(23) of the Federal Power Act (16 U.S.C. 796(23))) with respect to the transmission facilities to which the election under this subsection applies, and

''(B) an electric utility (as defined in section 3(22) of the Federal Power Act (16 U.S.C. 796(22))).''.

(b) EXTENSION OF PERIOD FOR TRANSFER OF OPERATIONAL CONTROL AUTHORIZED BY FERC.—Clause (ii) of section 451(i)(4)(B) is amended by striking ''December 31, 2007'' and inserting ''the date which is 4 years after the close of the taxable year in which the transaction occurs''.

(c) PROPERTY LOCATED OUTSIDE THE UNITED STATES NOT TREATED AS EXEMPT UTILITY PROPERTY.—Paragraph (5) of section 451(i) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION FOR PROPERTY LOCATED OUTSIDE THE UNITED STATES.—The term 'exempt utility property' shall not include any property which is located outside the United States.''.

(d) EFFECTIVE DATES.—

(1) EXTENSION.—The amendments made by subsection (a) shall apply to transactions after December 31, 2007.

(2) TRANSFERS OF OPERATIONAL CONTROL.—The amendment made by subsection (b) shall take effect as if included in section 909 of the American Jobs Creation Act of 2004.

(3) EXCEPTION FOR PROPERTY LOCATED OUTSIDE THE UNITED STATES.—The amendment made by subsection (c) shall apply to transactions after the date of the enactment of this Act.

Subtitle B—Carbon Mitigation and Coal Provisions

SEC. 111. EXPANSION AND MODIFICATION OF ADVANCED COAL PROJECT INVESTMENT CREDIT.

(a) MODIFICATION OF CREDIT AMOUNT.—Section 48A(a) is amended by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) 30 percent of the qualified investment for such taxable year in the case of projects described in clause (iii) of subsection (d)(3)(B).''.

(b) EXPANSION OF AGGREGATE CREDITS.—Section 48A(d)(3)(A) is amended by striking ''$1,300,000,000'' and inserting ''$2,550,000,000''.

(c) AUTHORIZATION OF ADDITIONAL PROJECTS.—

(1) IN GENERAL.—Subparagraph (B) of section 48A(d)(3) is amended to read as follows:

''(B) PARTICULAR PROJECTS.—Of the dollar amount in subparagraph (A), the Secretary is authorized to certify—

''(i) $800,000,000 for integrated gasification combined cycle projects the application for which is submitted during the period described in paragraph (2)(A)(i),

''(ii) $500,000,000 for projects which use other advanced coal-based generation technologies the application for which is submitted during the period described in paragraph (2)(A)(i), and

''(iii) $1,250,000,000 for advanced coal-based generation technology projects the application for which is submitted during the period described in paragraph (2)(A)(ii).''.

(2) APPLICATION PERIOD FOR ADDITIONAL PROJECTS.—Subparagraph (A) of section 48A(d)(2) is amended to read as follows:

''(A) APPLICATION PERIOD.—Each applicant for certification under this paragraph shall submit an application meeting the requirements of subparagraph (B). An applicant may only submit an application—

''(i) for an allocation from the dollar amount specified in clause (i) or (ii) of paragraph (3)(B) during the 3-year period beginning on the date the Secretary establishes the program under paragraph (1), and

''(ii) for an allocation from the dollar amount specified in paragraph (3)(B)(iii) during the 3-year period beginning at the earlier of the termination of the period described in clause (i) or the date prescribed by the Secretary.''.

(3) CAPTURE AND SEQUESTRATION OF CARBON DIOXIDE EMISSIONS REQUIREMENT.—

(A) IN GENERAL.—Section 48A(e)(1) is amended by striking ''and'' at the end of subparagraph (E), by striking the period at the end of subparagraph (F) and inserting ''; and'', and by adding at the end the following new subparagraph:

''(G) in the case of any project the application for which is submitted during the period described in subsection (d)(2)(A)(ii), the project includes equipment which separates and sequesters at least 65 percent (70 percent in the case of an application for reallocated credits under subsection (d)(4)) of such project's total carbon dioxide emissions.''.

(B) HIGHEST PRIORITY FOR PROJECTS WHICH SEQUESTER CARBON DIOXIDE EMISSIONS.—Section 48A(e)(3) is amended by striking ''and'' at the end of subparagraph (A)(iii), by striking the period at the end of subparagraph (B)(iii) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) give highest priority to projects with the greatest separation and sequestration percentage of total carbon dioxide emissions.''.

(C) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—Section 48A is amended by adding at the end the following new subsection:

''(i) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—The Secretary shall provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any project which fails to attain or maintain the separation and sequestration requirements of subsection (e)(1)(G).''.

(4) ADDITIONAL PRIORITY FOR RESEARCH PARTNERSHIPS.—Section 48A(e)(3)(B), as amended by paragraph (3)(B), is amended—

(A) by striking ''and'' at the end of clause (ii),

(B) by redesignating clause (iii) as clause (iv), and

(C) by inserting after clause (ii) the following new clause:

''(iii) applicant participants who have a research partnership with an eligible educational institution (as defined in section 529(e)(5)), and''.

(5) CLERICAL AMENDMENT.—Section 48A(e)(3) is amended by striking ''INTEGRATED GASIFICATION COMBINED CYCLE'' in the heading and inserting ''CERTAIN''.

(d) DISCLOSURE OF ALLOCATIONS.—Section 48A(d) is amended by adding at the end the following new paragraph:

''(5) DISCLOSURE OF ALLOCATIONS.—The Secretary shall, upon making a certification under this subsection or section 48B(d), publicly disclose the identity of the applicant and the amount of the credit certified with respect to such applicant.''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to credits the application for which is submitted during the period described in section 48A(d)(2)(A)(ii) of the Internal Revenue Code of 1986 and which are allocated or reallocated after the date of the enactment of this Act.

(2) DISCLOSURE OF ALLOCATIONS.—The amendment made by subsection (d) shall apply to certifications made after the date of the enactment of this Act.

(3) CLERICAL AMENDMENT.—The amendment made by subsection (c)(5) shall take effect as if included in the amendment made by section 1307(b) of the Energy Tax Incentives Act of 2005.

SEC. 112. EXPANSION AND MODIFICATION OF COAL GASIFICATION INVESTMENT CREDIT.

(a) MODIFICATION OF CREDIT AMOUNT.—Section 48B(a) is amended by inserting ''(30 percent in the case of credits allocated under subsection (d)(1)(B))'' after ''20 percent''.

(b) EXPANSION OF AGGREGATE CREDITS.—Section 48B(d)(1) is amended by striking ''shall not exceed $350,000,000'' and all that follows and inserting ''shall not exceed—

''(A) $350,000,000, plus

''(B) $250,000,000 for qualifying gasification projects that include equipment which separates and sequesters at least 75 percent of such project's total carbon dioxide emissions.''.

(c) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—Section 48B is amended by adding at the end the following new subsection:

''(f) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—The Secretary shall provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any project which fails to attain or maintain the separation and sequestration requirements for such project under subsection (d)(1).''.

(d) SELECTION PRIORITIES.—Section 48B(d) is amended by adding at the end the following new paragraph:

''(4) SELECTION PRIORITIES.—In determining which qualifying gasification projects to certify under this section, the Secretary shall—

''(A) give highest priority to projects with the greatest separation and sequestration percentage of total carbon dioxide emissions, and

''(B) give high priority to applicant participants who have a research partnership with an eligible educational institution (as defined in section 529(e)(5)).''.

(e) ELIGIBLE PROJECTS INCLUDE TRANSPORTATION GRADE LIQUID FUELS.—Section 48B(c)(7) (defining eligible entity) is amended by striking ''and'' at the end of subparagraph (F), by striking the period at the end of subparagraph (G) and inserting '', and'', and by adding at the end the following new subparagraph:

''(H) transportation grade liquid fuels.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to credits described in section 48B(d)(1)(B) of the Internal Revenue Code of 1986 which are allocated or reallocated after the date of the enactment of this Act.

SEC. 113. TEMPORARY INCREASE IN COAL EXCISE TAX; FUNDING OF BLACK LUNG DISABILITY TRUST FUND.

(a) EXTENSION OF TEMPORARY INCREASE.—Paragraph (2) of section 4121(e) is amended—

(1) by striking ''January 1, 2014'' in subparagraph (A) and inserting ''December 31, 2018'', and

(2) by striking ''January 1 after 1981'' in subparagraph (B) and inserting ''December 31 after 2007''.

(b) RESTRUCTURING OF TRUST FUND DEBT.—

(1) DEFINITIONS.—For purposes of this subsection—

(A) MARKET VALUE OF THE OUTSTANDING REPAYABLE ADVANCES, PLUS ACCRUED INTEREST.—The term ''market value of the outstanding repayable advances, plus accrued interest'' means the present value (determined by the Secretary of the Treasury as of the refinancing date and using the Treasury rate as the discount rate) of the stream of principal and interest payments derived assuming that each repayable advance that is outstanding on the refinancing date is due on the 30th anniversary of the end of the fiscal year in which the advance was made to the Trust Fund, and that all such principal and interest payments are made on September 30 of the applicable fiscal year.

(B) REFINANCING DATE.—The term ''refinancing date'' means the date occurring 2 days after the enactment of this Act.

(C) REPAYABLE ADVANCE.—The term ''repayable advance'' means an amount that has been appropriated to the Trust Fund in order to make benefit payments and other expenditures that are authorized under section 9501 of the Internal Revenue Code of 1986 and are required to be repaid when the Secretary of the Treasury determines that monies are available in the Trust Fund for such purpose.

(D) TREASURY RATE.—The term ''Treasury rate'' means a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities.

(E) TREASURY 1-YEAR RATE.—The term ''Treasury 1-year rate'' means a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States with remaining periods to maturity of approximately 1 year, to have been in effect as of the close of business 1 business day prior to the date on which the Trust Fund issues obligations to the Secretary of the Treasury under paragraph (2)(B).

(2) REFINANCING OF OUTSTANDING PRINCIPAL OF REPAYABLE ADVANCES AND UNPAID INTEREST ON SUCH ADVANCES.—

(A) TRANSFER TO GENERAL FUND.—On the refinancing date, the Trust Fund shall repay the market value of the outstanding repayable advances, plus accrued interest, by transferring into the general fund of the Treasury the following sums:

(i) The proceeds from obligations that the Trust Fund shall issue to the Secretary of the Treasury in such amounts as the Secretaries of Labor and the Treasury shall determine and bearing interest at the Treasury rate, and that shall be in such forms and denominations and be subject to such other terms and conditions, including maturity, as the Secretary of the Treasury shall prescribe.

(ii) All, or that portion, of the appropriation made to the Trust Fund pursuant to paragraph (3) that is needed to cover the difference defined in that paragraph.

(B) REPAYMENT OF OBLIGATIONS.—In the event that the Trust Fund is unable to repay the obligations that it has issued to the Secretary of the Treasury under subparagraph (A)(i) and this subparagraph, or is unable to make benefit payments and other authorized expenditures, the Trust Fund shall issue obligations to the Secretary of the Treasury in such amounts as may be necessary to make such repayments, payments, and expenditures, with a maturity of 1 year, and bearing interest at the Treasury 1-year rate. These obligations shall be in such forms and denominations and be subject to such other terms and conditions as the Secretary of the Treasury shall prescribe.

(C) AUTHORITY TO ISSUE OBLIGATIONS.—The Trust Fund is authorized to issue obligations to the Secretary of the Treasury under subparagraphs (A)(i) and (B). The Secretary of the Treasury is authorized to purchase such obligations of the Trust Fund. For the purposes of making such purchases, the Secretary of the Treasury may use as a public debt transaction the proceeds from the sale of any securities issued under chapter 31 of title 31, United States Code, and the purposes for which securities may be issued under such chapter are extended to include any purchase of such Trust Fund obligations under this subparagraph.

(3) ONE-TIME APPROPRIATION.—There is hereby appropriated to the Trust Fund an amount sufficient to pay to the general fund of the Treasury the difference between—

(A) the market value of the outstanding repayable advances, plus accrued interest; and

(B) the proceeds from the obligations issued by the Trust Fund to the Secretary of the Treasury under paragraph (2)(A)(i).

(4) PREPAYMENT OF TRUST FUND OBLIGATIONS.—The Trust Fund is authorized to repay any obligation issued to the Secretary of the Treasury under subparagraphs (A)(i) and (B) of paragraph (2) prior to its maturity date by paying a prepayment price that would, if the obligation being prepaid (including all unpaid interest accrued thereon through the date of prepayment) were purchased by a third party and held to the maturity date of such obligation, produce a yield to the third-party purchaser for the period from the date of purchase to the maturity date of such obligation substantially equal to the Treasury yield on outstanding marketable obligations of the United States having a comparable maturity to this period.

SEC. 114. SPECIAL RULES FOR REFUND OF THE COAL EXCISE TAX TO CERTAIN COAL PRODUCERS AND EXPORTERS.

(a) REFUND.—

(1) COAL PRODUCERS.—

(A) IN GENERAL.—Notwithstanding subsections (a)(1) and (c) of section 6416 and section 6511 of the Internal Revenue Code of 1986, if—

(i) a coal producer establishes that such coal producer, or a party related to such coal producer, exported coal produced by such coal producer to a foreign country or shipped coal produced by such coal producer to a possession of the United States, or caused such coal to be exported or shipped, the export or shipment of which was other than through an exporter who meets the requirements of paragraph (2),

(ii) such coal producer filed an excise tax return on or after October 1, 1990, and on or before the date of the enactment of this Act, and

(iii) such coal producer files a claim for refund with the Secretary not later than the close of the 30-day period beginning on the date of the enactment of this Act,

then the Secretary shall pay to such coal producer an amount equal to the tax paid under section 4121 of such Code on such coal exported or shipped by the coal producer or a party related to such coal producer, or caused by the coal producer or a party related to such coal producer to be exported or shipped.

(B) SPECIAL RULES FOR CERTAIN TAXPAYERS.—For purposes of this section—

(i) IN GENERAL.—If a coal producer or a party related to a coal producer has received a judgment described in clause (iii), such coal producer shall be deemed to have established the export of coal to a foreign country or shipment of coal to a possession of the United States under subparagraph (A)(i).

(ii) AMOUNT OF PAYMENT.—If a taxpayer described in clause (i) is entitled to a payment under subparagraph (A), the amount of such payment shall be reduced by any amount paid pursuant to the judgment described in clause (iii).

(iii) JUDGMENT DESCRIBED.—A judgment is described in this subparagraph if such judgment—

(I) is made by a court of competent jurisdiction within the United States,

(II) relates to the constitutionality of any tax paid on exported coal under section 4121 of the Internal Revenue Code of 1986, and

(III) is in favor of the coal producer or the party related to the coal producer.

(2) EXPORTERS.—Notwithstanding subsections (a)(1) and (c) of section 6416 and section 6511 of the Internal Revenue Code of 1986, and a judgment described in paragraph (1)(B)(iii) of this subsection, if—

(A) an exporter establishes that such exporter exported coal to a foreign country or shipped coal to a possession of the United States, or caused such coal to be so exported or shipped,

(B) such exporter filed a tax return on or after October 1, 1990, and on or before the date of the enactment of this Act, and

(C) such exporter files a claim for refund with the Secretary not later than the close of the 30-day period beginning on the date of the enactment of this Act,

then the Secretary shall pay to such exporter an amount equal to $0.825 per ton of such coal exported by the exporter or caused to be exported or shipped, or caused to be exported or shipped, by the exporter.

(b) LIMITATIONS.—Subsection (a) shall not apply with respect to exported coal if a settlement with the Federal Government has been made with and accepted by, the coal producer, a party related to such coal producer, or the exporter, of such coal, as of the date that the claim is filed under this section with respect to such exported coal. For purposes of this subsection, the term ''settlement with the Federal Government'' shall not include any settlement or stipulation entered into as of the date of the enactment of this Act, the terms of which contemplate a judgment concerning which any party has reserved the right to file an appeal, or has filed an appeal.

(c) SUBSEQUENT REFUND PROHIBITED.—No refund shall be made under this section to the extent that a credit or refund of such tax on such exported or shipped coal has been paid to any person.

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

(1) COAL PRODUCER.—The term ''coal producer'' means the person in whom is vested ownership of the coal immediately after the coal is severed from the ground, without regard to the existence of any contractual arrangement for the sale or other disposition of the coal or the payment of any royalties between the producer and third parties. The term includes any person who extracts coal from coal waste refuse piles or from the silt waste product which results from the wet washing (or similar processing) of coal.

(2) EXPORTER.—The term ''exporter'' means a person, other than a coal producer, who does not have a contract, fee arrangement, or any other agreement with a producer or seller of such coal to export or ship such coal to a third party on behalf of the producer or seller of such coal and—

(A) is indicated in the shipper's export declaration or other documentation as the exporter of record, or

(B) actually exported such coal to a foreign country or shipped such coal to a possession of the United States, or caused such coal to be so exported or shipped.

(3) RELATED PARTY.—The term ''a party related to such coal producer'' means a person who—

(A) is related to such coal producer through any degree of common management, stock ownership, or voting control,

(B) is related (within the meaning of section 144(a)(3) of the Internal Revenue Code of 1986) to such coal producer, or

(C) has a contract, fee arrangement, or any other agreement with such coal producer to sell such coal to a third party on behalf of such coal producer.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Treasury or the Secretary's designee.

(e) TIMING OF REFUND.—With respect to any claim for refund filed pursuant to this section, the Secretary shall determine whether the requirements of this section are met not later than 180 days after such claim is filed. If the Secretary determines that the requirements of this section are met, the claim for refund shall be paid not later than 180 days after the Secretary makes such determination.

(f) INTEREST.—Any refund paid pursuant to this section shall be paid by the Secretary with interest from the date of overpayment determined by using the overpayment rate and method under section 6621 of the Internal Revenue Code of 1986.

(g) DENIAL OF DOUBLE BENEFIT.—The payment under subsection (a) with respect to any coal shall not exceed—

(1) in the case of a payment to a coal producer, the amount of tax paid under section 4121 of the Internal Revenue Code of 1986 with respect to such coal by such coal producer or a party related to such coal producer, and

(2) in the case of a payment to an exporter, an amount equal to $0.825 per ton with respect to such coal exported by the exporter or caused to be exported by the exporter.

(h) APPLICATION OF SECTION.—This section applies only to claims on coal exported or shipped on or after October 1, 1990, through the date of the enactment of this Act.

(i) STANDING NOT CONFERRED.—

(1) EXPORTERS.—With respect to exporters, this section shall not confer standing upon an exporter to commence, or intervene in, any judicial or administrative proceeding concerning a claim for refund by a coal producer of any Federal or State tax, fee, or royalty paid by the coal producer.

(2) COAL PRODUCERS.—With respect to coal producers, this section shall not confer standing upon a coal producer to commence, or intervene in, any judicial or administrative proceeding concerning a claim for refund by an exporter of any Federal or State tax, fee, or royalty paid by the producer and alleged to have been passed on to an exporter.

SEC. 115. TAX CREDIT FOR CARBON DIOXIDE SEQUESTRATION.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business credits) is amended by adding at the end the following new section:

''SEC. 45Q. CREDIT FOR CARBON DIOXIDE SEQUESTRATION.

''(a) GENERAL RULE.—For purposes of section 38, the carbon dioxide sequestration credit for any taxable year is an amount equal to the sum of—

''(1) $20 per metric ton of qualified carbon dioxide which is—

''(A) captured by the taxpayer at a qualified facility, and

''(B) disposed of by the taxpayer in secure geological storage, and

''(2) $10 per metric ton of qualified carbon dioxide which is—

''(A) captured by the taxpayer at a qualified facility, and

''(B) used by the taxpayer as a tertiary injectant in a qualified enhanced oil or natural gas recovery project.

''(b) QUALIFIED CARBON DIOXIDE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified carbon dioxide' means carbon dioxide captured from an industrial source which—

''(A) would otherwise be released into the atmosphere as industrial emission of greenhouse gas, and

''(B) is measured at the source of capture and verified at the point of disposal or injection.

''(2) RECYCLED CARBON DIOXIDE.—The term 'qualified carbon dioxide' includes the initial deposit of captured carbon dioxide used as a tertiary injectant. Such term does not include carbon dioxide that is re-captured, recycled, and re-injected as part of the enhanced oil and natural gas recovery process.

''(c) QUALIFIED FACILITY.—For purposes of this section, the term 'qualified facility' means any industrial facility—

''(1) which is owned by the taxpayer,

''(2) at which carbon capture equipment is placed in service, and

''(3) which captures not less than 500,000 metric tons of carbon dioxide during the taxable year.

''(d) SPECIAL RULES AND OTHER DEFINITIONS.—For purposes of this section—

''(1) ONLY CARBON DIOXIDE CAPTURED AND DISPOSED OF OR USED WITHIN THE UNITED STATES TAKEN INTO ACCOUNT.—The credit under this section shall apply only with respect to qualified carbon dioxide the capture and disposal or use of which is within—

''(A) the United States (within the meaning of section 638(1)), or

''(B) a possession of the United States (within the meaning of section 638(2)).

''(2) SECURE GEOLOGICAL STORAGE.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall establish regulations for determining adequate security measures for the geological storage of carbon dioxide under subsection (a)(1)(B) such that the carbon dioxide does not escape into the atmosphere. Such term shall include storage at deep saline formations and unminable coal seems under such conditions as the Secretary may determine under such regulations.

''(3) TERTIARY INJECTANT.—The term 'tertiary injectant' has the same meaning as when used within section 193(b)(1).

''(4) QUALIFIED ENHANCED OIL OR NATURAL GAS RECOVERY PROJECT.—The term 'qualified enhanced oil or natural gas recovery project' has the meaning given the term 'qualified enhanced oil recovery project' by section 43(c)(2), by substituting 'crude oil or natural gas' for 'crude oil' in subparagraph (A)(i) thereof.

''(5) CREDIT ATTRIBUTABLE TO TAXPAYER.—Any credit under this section shall be attributable to the person that captures and physically or contractually ensures the disposal of or the use as a tertiary injectant of the qualified carbon dioxide, except to the extent provided in regulations prescribed by the Secretary.

''(6) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any qualified carbon dioxide which ceases to be captured, disposed of, or used as a tertiary injectant in a manner consistent with the requirements of this section.

''(7) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2009, there shall be substituted for each dollar amount contained in subsection (a) an amount equal to the product of—

''(A) such dollar amount, multiplied by

''(B) the inflation adjustment factor for such calendar year determined under section 43(b)(3)(B) for such calendar year, determined by substituting '2008' for '1990'.

''(e) APPLICATION OF SECTION.—The credit under this section shall apply with respect to qualified carbon dioxide before the end of the calendar year in which the Secretary, in consultation with the Administrator of the Environmental Protection Agency, certifies that 75,000,000 metric tons of qualified carbon dioxide have been captured and disposed of or used as a tertiary injectant.''.

(b) CONFORMING AMENDMENT.—Section 38(b) (relating to general business credit) is amended by striking ''plus'' at the end of paragraph (32), by striking the period at the end of paragraph (33) and inserting '', plus'', and by adding at the end of following new paragraph:

''(34) the carbon dioxide sequestration credit determined under section 45Q(a).''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 (relating to other credits) is amended by adding at the end the following new section:

''Sec. 45Q. Credit for carbon dioxide sequestration.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to carbon dioxide captured after the date of the enactment of this Act.

SEC. 116. CERTAIN INCOME AND GAINS RELATING TO INDUSTRIAL SOURCE CARBON DIOXIDE TREATED AS QUALIFYING INCOME FOR PUBLICLY TRADED PARTNERSHIPS.

(a) IN GENERAL.—Subparagraph (E) of section 7704(d)(1) (defining qualifying income) is amended by inserting ''or industrial source carbon dioxide'' after ''timber)''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act, in taxable years ending after such date.

SEC. 117. CARBON AUDIT OF THE TAX CODE.

(a) STUDY.—The Secretary of the Treasury shall enter into an agreement with the National Academy of Sciences to undertake a comprehensive review of the Internal Revenue Code of 1986 to identify the types of and specific tax provisions that have the largest effects on carbon and other greenhouse gas emissions and to estimate the magnitude of those effects.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the National Academy of Sciences shall submit to Congress a report containing the results of study authorized under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000 for the period of fiscal years 2009 and 2010.

TITLE II—TRANSPORTATION AND DOMESTIC FUEL SECURITY PROVISIONS

SEC. 201. INCLUSION OF CELLULOSIC BIOFUEL IN BONUS DEPRECIATION FOR BIOMASS ETHANOL PLANT PROPERTY.

(a) IN GENERAL.—Paragraph (3) of section 168(l) is amended to read as follows:

''(3) CELLULOSIC BIOFUEL.—The term 'cellulosic biofuel' means any liquid fuel which is produced from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis.''.

(b) CONFORMING AMENDMENTS.—Subsection (l) of section 168 is amended—

(1) by striking ''cellulosic biomass ethanol'' each place it appears and inserting ''cellulosic biofuel'',

(2) by striking ''CELLULOSIC BIOMASS ETHANOL'' in the heading of such subsection and inserting ''CELLULOSIC BIOFUEL'', and

(3) by striking ''CELLULOSIC BIOMASS ETHANOL'' in the heading of paragraph (2) thereof and inserting ''CELLULOSIC BIOFUEL''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 202. CREDITS FOR BIODIESEL AND RENEWABLE DIESEL.

(a) IN GENERAL.—Sections 40A(g), 6426(c)(6), and 6427(e)(5)(B) are each amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) INCREASE IN RATE OF CREDIT.—

(1) INCOME TAX CREDIT.—Paragraphs (1)(A) and (2)(A) of section 40A(b) are each amended by striking ''50 cents'' and inserting ''$1.00''.

(2) EXCISE TAX CREDIT.—Paragraph (2) of section 6426(c) is amended to read as follows:

''(2) APPLICABLE AMOUNT.—For purposes of this subsection, the applicable amount is $1.00.''.

(3) CONFORMING AMENDMENTS.—

(A) Subsection (b) of section 40A is amended by striking paragraph (3) and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(B) Paragraph (2) of section 40A(f) is amended to read as follows:

''(2) EXCEPTION.—Subsection (b)(4) shall not apply with respect to renewable diesel.''.

(C) Paragraphs (2) and (3) of section 40A(e) are each amended by striking ''subsection (b)(5)(C)'' and inserting ''subsection (b)(4)(C)''.

(D) Clause (ii) of section 40A(d)(3)(C) is amended by striking ''subsection (b)(5)(B)'' and inserting ''subsection (b)(4)(B)''.

(c) UNIFORM TREATMENT OF DIESEL PRODUCED FROM BIOMASS.—Paragraph (3) of section 40A(f) is amended—

(1) by striking ''diesel fuel'' and inserting ''liquid fuel'',

(2) by striking ''using a thermal depolymerization process'', and

(3) by inserting '', or other equivalent standard approved by the Secretary'' after ''D396''.

(d) COPRODUCTION OF RENEWABLE DIESEL WITH PETROLEUM FEEDSTOCK.—

(1) IN GENERAL.—Paragraph (3) of section 40A(f) is amended by adding at the end the following new sentences: ''Such term does not include any fuel derived from coprocessing biomass with a feedstock which is not biomass. For purposes of this paragraph, the term 'biomass' has the meaning given such term by section 45K(c)(3).''.

(2) CONFORMING AMENDMENT.—Paragraph (3) of section 40A(f) is amended by striking ''(as defined in section 45K(c)(3))''.

(e) ELIGIBILITY OF CERTAIN AVIATION FUEL.—Subsection (f) of section 40A (relating to renewable diesel) is amended by adding at the end the following new paragraph:

''(4) CERTAIN AVIATION FUEL.—

''(A) IN GENERAL.—Except as provided in the last 3 sentences of paragraph (3), the term 'renewable diesel' shall include fuel derived from biomass which meets the requirements of a Department of Defense specification for military jet fuel or an American Society of Testing and Materials specification for aviation turbine fuel.

''(B) APPLICATION OF MIXTURE CREDITS.—In the case of fuel which is treated as renewable diesel solely by reason of subparagraph (A), subsection (b)(1) and section 6426(c) shall be applied with respect to such fuel by treating kerosene as though it were diesel fuel.''.

(f) MODIFICATION RELATING TO DEFINITION OF AGRI-BIODIESEL.—Paragraph (2) of section 40A(d) (relating to agri-biodiesel) is amended by striking ''and mustard seeds'' and inserting ''mustard seeds, and camelina''.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to fuel produced, and sold or used, after December 31, 2008.

(2) COPRODUCTION OF RENEWABLE DIESEL WITH PETROLEUM FEEDSTOCK.—The amendment made by subsection (d) shall apply to fuel produced, and sold or used, after the date of the enactment of this Act.

SEC. 203. CLARIFICATION THAT CREDITS FOR FUEL ARE DESIGNED TO PROVIDE AN INCENTIVE FOR UNITED STATES PRODUCTION.

(a) ALCOHOL FUELS CREDIT.—Subsection (d) of section 40 is amended by adding at the end the following new paragraph:

''(7) LIMITATION TO ALCOHOL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any alcohol which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term 'United States' includes any possession of the United States.''.

(b) BIODIESEL FUELS CREDIT.—Subsection (d) of section 40A is amended by adding at the end the following new paragraph:

''(5) LIMITATION TO BIODIESEL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any biodiesel which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term 'United States' includes any possession of the United States.''.

(c) EXCISE TAX CREDIT.—

(1) IN GENERAL.—Section 6426 is amended by adding at the end the following new subsection:

''(i) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—

''(1) ALCOHOL.—No credit shall be determined under this section with respect to any alcohol which is produced outside the United States for use as a fuel outside the United States.

''(2) BIODIESEL AND ALTERNATIVE FUELS.—No credit shall be determined under this section with respect to any biodiesel or alternative fuel which is produced outside the United States for use as a fuel outside the United States.

For purposes of this subsection, the term 'United States' includes any possession of the United States.''.

(2) CONFORMING AMENDMENT.—Subsection (e) of section 6427 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—No amount shall be payable under paragraph (1) or (2) with respect to any mixture or alternative fuel if credit is not allowed with respect to such mixture or alternative fuel by reason of section 6426(i).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to claims for credit or payment made on or after May 15, 2008.

SEC. 204. EXTENSION AND MODIFICATION OF ALTERNATIVE FUEL CREDIT.

(a) EXTENSION.—

(1) ALTERNATIVE FUEL CREDIT.—Paragraph (4) of section 6426(d) (relating to alternative fuel credit) is amended by striking ''September 30, 2009'' and inserting ''December 31, 2009''.

(2) ALTERNATIVE FUEL MIXTURE CREDIT.—Paragraph (3) of section 6426(e) (relating to alternative fuel mixture credit) is amended by striking ''September 30, 2009'' and inserting ''December 31, 2009''.

(3) PAYMENTS.—Subparagraph (C) of section 6427(e)(5) (relating to termination) is amended by striking ''September 30, 2009'' and inserting ''December 31, 2009''.

(b) MODIFICATIONS.—

(1) ALTERNATIVE FUEL TO INCLUDE COMPRESSED OR LIQUIFIED BIOMASS GAS.—Paragraph (2) of section 6426(d) (relating to alternative fuel credit) is amended by striking ''and'' at the end of subparagraph (E), by redesignating subparagraph (F) as subparagraph (G), and by inserting after subparagraph (E) the following new subparagraph:

''(F) compressed or liquefied gas derived from biomass (as defined in section 45K(c)(3)), and''.

(2) CREDIT ALLOWED FOR AVIATION USE OF FUEL.—Paragraph (1) of section 6426(d) is amended by inserting ''sold by the taxpayer for use as a fuel in aviation,'' after ''motorboat,''.

(c) CARBON CAPTURE REQUIREMENT FOR CERTAIN FUELS.—

(1) IN GENERAL.—Subsection (d) of section 6426, as amended by subsection (a), is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

''(4) CARBON CAPTURE REQUIREMENT.—

''(A) IN GENERAL.—The requirements of this paragraph are met if the fuel is certified, under such procedures as required by the Secretary, as having been derived from coal produced at a gasification facility which separates and sequesters not less than the applicable percentage of such facility's total carbon dioxide emissions.

''(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage is—

''(i) 50 percent in the case of fuel produced after September 30, 2009, and on or before December 30, 2009, and

''(ii) 75 percent in the case of fuel produced after December 30, 2009.''.

(2) CONFORMING AMENDMENT.—Subparagraph (E) of section 6426(d)(2) is amended by inserting ''which meets the requirements of paragraph (4) and which is'' after ''any liquid fuel''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after the date of the enactment of this Act.

SEC. 205. CREDIT FOR NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

(a) PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE CREDIT.—Subpart B of part IV of subchapter A of chapter 1 (relating to other credits) is amended by adding at the end the following new section:

''SEC. 30D. NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

''(a) ALLOWANCE OF CREDIT.—

''(1) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the applicable amount with respect to each new qualified plug-in electric drive motor vehicle placed in service by the taxpayer during the taxable year.

''(2) APPLICABLE AMOUNT.—For purposes of paragraph (1), the applicable amount is sum of—

''(A) $2,500, plus

''(B) $417 for each kilowatt hour of traction battery capacity in excess of 4 kilowatt hours.

''(b) LIMITATIONS.—

''(1) LIMITATION BASED ON WEIGHT.—The amount of the credit allowed under subsection (a) by reason of subsection (a)(2) shall not exceed—

''(A) $7,500, in the case of any new qualified plug-in electric drive motor vehicle with a gross vehicle weight rating of not more than 10,000 pounds,

''(B) $10,000, in the case of any new qualified plug-in electric drive motor vehicle with a gross vehicle weight rating of more than 10,000 pounds but not more than 14,000 pounds,

''(C) $12,500, in the case of any new qualified plug-in electric drive motor vehicle with a gross vehicle weight rating of more than 14,000 pounds but not more than 26,000 pounds, and

''(D) $15,000, in the case of any new qualified plug-in electric drive motor vehicle with a gross vehicle weight rating of more than 26,000 pounds.

''(2) LIMITATION ON NUMBER OF PASSENGER VEHICLES AND LIGHT TRUCKS ELIGIBLE FOR CREDIT.—

''(A) IN GENERAL.—In the case of a new qualified plug-in electric drive motor vehicle sold during the phaseout period, only the applicable percentage of the credit otherwise allowable under subsection (a) shall be allowed.

''(B) PHASEOUT PERIOD.—For purposes of this subsection, the phaseout period is the period beginning with the second calendar quarter following the calendar quarter which includes the first date on which the total number of such new qualified plug-in electric drive motor vehicles sold for use in the United States after December 31, 2008, is at least 250,000.

''(C) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage is—

''(i) 50 percent for the first 2 calendar quarters of the phaseout period,

''(ii) 25 percent for the 3d and 4th calendar quarters of the phaseout period, and

''(iii) 0 percent for each calendar quarter thereafter.

''(D) CONTROLLED GROUPS.—Rules similar to the rules of section 30B(f)(4) shall apply for purposes of this subsection.

''(c) NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE.—For purposes of this section, the term 'new qualified plug-in electric drive motor vehicle' means a motor vehicle—

''(1) which draws propulsion using a traction battery with at least 4 kilowatt hours of capacity,

''(2) which uses an offboard source of energy to recharge such battery,

''(3) which, in the case of a passenger vehicle or light truck which has a gross vehicle weight rating of not more than 8,500 pounds, has received a certificate of conformity under the Clean Air Act and meets or exceeds the equivalent qualifying California low emission vehicle standard under section 243(e)(2) of the Clean Air Act for that make and model year, and

''(A) in the case of a vehicle having a gross vehicle weight rating of 6,000 pounds or less, the Bin 5 Tier II emission standard established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle, and

''(B) in the case of a vehicle having a gross vehicle weight rating of more than 6,000 pounds but not more than 8,500 pounds, the Bin 8 Tier II emission standard which is so established,

''(4) the original use of which commences with the taxpayer,

''(5) which is acquired for use or lease by the taxpayer and not for resale, and

''(6) which is made by a manufacturer.

''(d) APPLICATION WITH OTHER CREDITS.—

''(1) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to property of a character subject to an allowance for depreciation shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

''(2) PERSONAL CREDIT.—

''(A) IN GENERAL.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.

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

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

''(ii) the sum of the credits allowable under subpart A (other than this section and sections 23 and 25D) and section 27 for the taxable year.

''(e) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) MOTOR VEHICLE.—The term 'motor vehicle' has the meaning given such term by section 30(c)(2).

''(2) OTHER TERMS.—The terms 'passenger automobile', 'light truck', and 'manufacturer' have the meanings given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

''(3) TRACTION BATTERY CAPACITY.—Traction battery capacity shall be measured in kilowatt hours from a 100 percent state of charge to a zero percent state of charge.

''(4) REDUCTION IN BASIS.—For purposes of this subtitle, the basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit so allowed.

''(5) NO DOUBLE BENEFIT.—The amount of any deduction or other credit allowable under this chapter for a new qualified plug-in electric drive motor vehicle shall be reduced by the amount of credit allowed under subsection (a) for such vehicle for the taxable year.

''(6) PROPERTY USED BY TAX-EXEMPT ENTITY.—In the case of a vehicle the use of which is described in paragraph (3) or (4) of section 50(b) and which is not subject to a lease, the person who sold such vehicle to the person or entity using such vehicle shall be treated as the taxpayer that placed such vehicle in service, but only if such person clearly discloses to such person or entity in a document the amount of any credit allowable under subsection (a) with respect to such vehicle (determined without regard to subsection (b)(2)).

''(7) PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowable under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

''(8) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit (including recapture in the case of a lease period of less than the economic life of a vehicle).

''(9) ELECTION TO NOT TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects not to have this section apply to such vehicle.

''(10) INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—Unless otherwise provided in this section, a motor vehicle shall not be considered eligible for a credit under this section unless such vehicle is in compliance with—

''(A) the applicable provisions of the Clean Air Act for the applicable make and model year of the vehicle (or applicable air quality provisions of State law in the case of a State which has adopted such provision under a waiver under section 209(b) of the Clean Air Act), and

''(B) the motor vehicle safety provisions of sections 30101 through 30169 of title 49, United States Code.

''(f) REGULATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall promulgate such regulations as necessary to carry out the provisions of this section.

''(2) COORDINATION IN PRESCRIPTION OF CERTAIN REGULATIONS.—The Secretary of the Treasury, in coordination with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall prescribe such regulations as necessary to determine whether a motor vehicle meets the requirements to be eligible for a credit under this section.

''(g) TERMINATION.—This section shall not apply to property purchased after December 31, 2014.''.

(b) COORDINATION WITH ALTERNATIVE MOTOR VEHICLE CREDIT.—Section 30B(d)(3) is amended by adding at the end the following new subparagraph:

''(D) EXCLUSION OF PLUG-IN VEHICLES.—Any vehicle with respect to which a credit is allowable under section 30D (determined without regard to subsection (d) thereof) shall not be taken into account under this section.''.

(c) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Section 38(b), as amended by this Act, is amended by striking ''plus'' at the end of paragraph (33), by striking the period at the end of paragraph (34) and inserting ''plus'', and by adding at the end the following new paragraph:

''(35) the portion of the new qualified plug-in electric drive motor vehicle credit to which section 30D(d)(1) applies.''.

(d) CONFORMING AMENDMENTS.—

(1)(A) Section 24(b)(3)(B), as amended by section 106, is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(B) Section 25(e)(1)(C)(ii) is amended by inserting ''30D,'' after ''25D,''.

(C) Section 25B(g)(2), as amended by section 106, is amended by striking ''and 25D'' and inserting '', 25D, and 30D''.

(D) Section 26(a)(1), as amended by section 106, is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(E) Section 1400C(d)(2) is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(2) Section 1016(a) is amended by striking ''and'' at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting '', and'', and by adding at the end the following new paragraph:

''(37) to the extent provided in section 30D(e)(4).''.

(3) Section 6501(m) is amended by inserting ''30D(e)(9),'' after ''30C(e)(5),''.

(4) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 30D. New qualified plug-in electric drive motor vehicles.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(f) APPLICATION OF EGTRRA SUNSET.—The amendment made by subsection (d)(1)(A) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provision of such Act to which such amendment relates.

SEC. 206. EXCLUSION FROM HEAVY TRUCK TAX FOR IDLING REDUCTION UNITS AND ADVANCED INSULATION.

(a) IN GENERAL.—Section 4053 is amended by adding at the end the following new paragraphs:

''(9) IDLING REDUCTION DEVICE.—Any device or system of devices which—

''(A) is designed to provide to a vehicle those services (such as heat, air conditioning, or electricity) that would otherwise require the operation of the main drive engine while the vehicle is temporarily parked or remains stationary using one or more devices affixed to a tractor, and

''(B) is determined by the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Energy and the Secretary of Transportation, to reduce idling of such vehicle at a motor vehicle rest stop or other location where such vehicles are temporarily parked or remain stationary.

''(10) ADVANCED INSULATION.—Any insulation that has an R value of not less than R35 per inch.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales or installations after the date of the enactment of this Act.

SEC. 207. ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

(a) EXTENSION OF CREDIT.—Paragraph (2) of section 30C(g) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) INCLUSION OF ELECTRICITY AS A CLEAN-BURNING FUEL.—Section 30C(c)(2) is amended by adding at the end the following new subparagraph:

''(C) Electricity.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 208. CERTAIN INCOME AND GAINS RELATING TO ALCOHOL FUELS AND MIXTURES, BIODIESEL FUELS AND MIXTURES, AND ALTERNATIVE FUELS AND MIXTURES TREATED AS QUALIFYING INCOME FOR PUBLICLY TRADED PARTNERSHIPS.

(a) IN GENERAL.—Subparagraph (E) of section 7704(d)(1), as amended by this Act, is amended by striking ''or industrial source carbon dioxide'' and inserting '', industrial source carbon dioxide, or the transportation or storage of any fuel described in subsection (b), (c), (d), or (e) of section 6426, or any alcohol fuel defined in section 6426(b)(4)(A) or any biodiesel fuel as defined in section 40A(d)(1)'' after ''timber)''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act, in taxable years ending after such date.

SEC. 209. EXTENSION AND MODIFICATION OF ELECTION TO EXPENSE CERTAIN REFINERIES.

(a) EXTENSION.—Paragraph (1) of section 179C(c) (relating to qualified refinery property) is amended—

(1) by striking ''January 1, 2012'' in subparagraph (B) and inserting ''January 1, 2014'', and

(2) by striking ''January 1, 2008'' each place it appears in subparagraph (F) and inserting ''January 1, 2010''.

(b) INCLUSION OF FUEL DERIVED FROM SHALE AND TAR SANDS.—

(1) IN GENERAL.—Subsection (d) of section 179C is amended by inserting '', or directly from shale or tar sands'' after ''(as defined in section 45K(c))''.

(2) CONFORMING AMENDMENT.—Paragraph (2) of section 179C(e) is amended by inserting ''shale, tar sands, or'' before ''qualified fuels''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 210. EXTENSION OF SUSPENSION OF TAXABLE INCOME LIMIT ON PERCENTAGE DEPLETION FOR OIL AND NATURAL GAS PRODUCED FROM MARGINAL PROPERTIES.

Subparagraph (H) of section 613A(c)(6) (relating to oil and gas produced from marginal properties) is amended by striking ''for any taxable year'' and all that follows and inserting ''for any taxable year—

''(i) beginning after December 31, 1997, and before January 1, 2008, or

''(ii) beginning after December 31, 2008, and before January 1, 2010.''.

SEC. 211. TRANSPORTATION FRINGE BENEFIT TO BICYCLE COMMUTERS.

(a) IN GENERAL.—Paragraph (1) of section 132(f) is amended by adding at the end the following:

''(D) Any qualified bicycle commuting reimbursement.''.

(b) LIMITATION ON EXCLUSION.—Paragraph (2) of section 132(f) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) the applicable annual limitation in the case of any qualified bicycle commuting reimbursement.''.

(c) DEFINITIONS.—Paragraph (5) of section 132(f) is amended by adding at the end the following:

''(F) DEFINITIONS RELATED TO BICYCLE COMMUTING REIMBURSEMENT.—

''(i) QUALIFIED BICYCLE COMMUTING REIMBURSEMENT.—The term 'qualified bicycle commuting reimbursement' means, with respect to any calendar year, any employer reimbursement during the 15-month period beginning with the first day of such calendar year for reasonable expenses incurred by the employee during such calendar year for the purchase of a bicycle and bicycle improvements, repair, and storage, if such bicycle is regularly used for travel between the employee's residence and place of employment.

''(ii) APPLICABLE ANNUAL LIMITATION.—The term 'applicable annual limitation' means, with respect to any employee for any calendar year, the product of $20 multiplied by the number of qualified bicycle commuting months during such year.

''(iii) QUALIFIED BICYCLE COMMUTING MONTH.—The term 'qualified bicycle commuting month' means, with respect to any employee, any month during which such employee—

''(I) regularly uses the bicycle for a substantial portion of the travel between the employee's residence and place of employment, and

''(II) does not receive any benefit described in subparagraph (A), (B), or (C) of paragraph (1).''.

(d) CONSTRUCTIVE RECEIPT OF BENEFIT.—Paragraph (4) of section 132(f) is amended by inserting ''(other than a qualified bicycle commuting reimbursement)'' after ''qualified transportation fringe''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

TITLE III—ENERGY CONSERVATION AND EFFICIENCY PROVISIONS

SEC. 301. QUALIFIED ENERGY CONSERVATION BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1, as amended by section 107, is amended by adding at the end the following new section:

''SEC. 54D. QUALIFIED ENERGY CONSERVATION BONDS.

''(a) QUALIFIED ENERGY CONSERVATION BOND.—For purposes of this subchapter, the term 'qualified energy conservation bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for one or more qualified conservation purposes,

''(2) the bond is issued by a State or local government, and

''(3) the issuer designates such bond for purposes of this section.

''(b) REDUCED CREDIT AMOUNT.—The annual credit determined under section 54A(b) with respect to any qualified energy conservation bond shall be 70 percent of the amount so determined without regard to this subsection.

''(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated to such issuer under subsection (e).

''(d) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national qualified energy conservation bond limitation of $800,000,000.

''(e) ALLOCATIONS.—

''(1) IN GENERAL.—The limitation applicable under subsection (d) shall be allocated by the Secretary among the States in proportion to the population of the States.

''(2) ALLOCATIONS TO LARGEST LOCAL GOVERNMENTS.—

''(A) IN GENERAL.—In the case of any State in which there is a large local government, each such local government shall be allocated a portion of such State's allocation which bears the same ratio to the State's allocation (determined without regard to this subparagraph) as the population of such large local government bears to the population of such State.

''(B) ALLOCATION OF UNUSED LIMITATION TO STATE.—The amount allocated under this subsection to a large local government may be reallocated by such local government to the State in which such local government is located.

''(C) LARGE LOCAL GOVERNMENT.—For purposes of this section, the term 'large local government' means any municipality or county if such municipality or county has a population of 100,000 or more.

''(3) ALLOCATION TO ISSUERS; RESTRICTION ON PRIVATE ACTIVITY BONDS.—Any allocation under this subsection to a State or large local government shall be allocated by such State or large local government to issuers within the State in a manner that results in not less than 70 percent of the allocation to such State or large local government being used to designate bonds which are not private activity bonds.

''(f) QUALIFIED CONSERVATION PURPOSE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified conservation purpose' means any of the following:

''(A) Capital expenditures incurred for purposes of—

''(i) reducing energy consumption in publicly-owned buildings by at least 20 percent,

''(ii) implementing green community programs,

''(iii) rural development involving the production of electricity from renewable energy resources, or

''(iv) any qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and without regard to any placed in service date).

''(B) Expenditures with respect to research facilities, and research grants, to support research in—

''(i) development of cellulosic ethanol or other nonfossil fuels,

''(ii) technologies for the capture and sequestration of carbon dioxide produced through the use of fossil fuels,

''(iii) increasing the efficiency of existing technologies for producing nonfossil fuels,

''(iv) automobile battery technologies and other technologies to reduce fossil fuel consumption in transportation, or

''(v) technologies to reduce energy use in buildings.

''(C) Mass commuting facilities and related facilities that reduce the consumption of energy, including expenditures to reduce pollution from vehicles used for mass commuting.

''(D) Demonstration projects designed to promote the commercialization of—

''(i) green building technology,

''(ii) conversion of agricultural waste for use in the production of fuel or otherwise,

''(iii) advanced battery manufacturing technologies,

''(iv) technologies to reduce peak use of electricity, or

''(v) technologies for the capture and sequestration of carbon dioxide emitted from combusting fossil fuels in order to produce electricity.

''(E) Public education campaigns to promote energy efficiency.

''(2) SPECIAL RULES FOR PRIVATE ACTIVITY BONDS.—For purposes of this section, in the case of any private activity bond, the term 'qualified conservation purposes' shall not include any expenditure which is not a capital expenditure.

''(g) POPULATION.—

''(1) IN GENERAL.—The population of any State or local government shall be determined for purposes of this section as provided in section 146(j) for the calendar year which includes the date of the enactment of this section.

''(2) SPECIAL RULE FOR COUNTIES.—In determining the population of any county for purposes of this section, any population of such county which is taken into account in determining the population of any municipality which is a large local government shall not be taken into account in determining the population of such county.

''(h) APPLICATION TO INDIAN TRIBAL GOVERNMENTS.—An Indian tribal government shall be treated for purposes of this section in the same manner as a large local government, except that—

''(1) an Indian tribal government shall be treated for purposes of subsection (e) as located within a State to the extent of so much of the population of such government as resides within such State, and

''(2) any bond issued by an Indian tribal government shall be treated as a qualified energy conservation bond only if issued as part of an issue the available project proceeds of which are used for purposes for which such Indian tribal government could issue bonds to which section 103(a) applies.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d), as amended by this Act, is amended to read as follows:

''(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means—

''(A) a qualified forestry conservation bond,

''(B) a new clean renewable energy bond, or

''(C) a qualified energy conservation bond,

which is part of an issue that meets requirements of paragraphs (2), (3), (4), (5), and (6).''.

(2) Subparagraph (C) of section 54A(d)(2), as amended by this Act, is amended to read as follows:

''(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

''(i) in the case of a qualified forestry conservation bond, a purpose specified in section 54B(e),

''(ii) in the case of a new clean renewable energy bond, a purpose specified in section 54C(a)(1), and

''(iii) in the case of a qualified energy conservation bond, a purpose specified in section 54D(a)(1).''.

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1, as amended by this Act, is amended by adding at the end the following new item:

''Sec. 54D. Qualified energy conservation bonds.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 302. CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) EXTENSION OF CREDIT.—Section 25C(g) is amended by striking ''placed in service after December 31, 2007'' and inserting ''placed in service—

''(1) after December 31, 2007, and before January 1, 2009, or

''(2) after December 31, 2009.''.

(b) QUALIFIED BIOMASS FUEL PROPERTY.—

(1) IN GENERAL.—Section 25C(d)(3) is amended—

(A) by striking ''and'' at the end of subparagraph (D),

(B) by striking the period at the end of subparagraph (E) and inserting '', and'', and

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

''(F) a stove which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and which has a thermal efficiency rating of at least 75 percent.''.

(2) BIOMASS FUEL.—Section 25C(d) is amended by adding at the end the following new paragraph:

''(6) BIOMASS FUEL.—The term 'biomass fuel' means any plant-derived fuel available on a renewable or recurring basis, including agricultural crops and trees, wood and wood waste and residues (including wood pellets), plants (including aquatic plants), grasses, residues, and fibers.''.

(c) MODIFICATION OF WATER HEATER REQUIREMENTS.—Section 25C(d)(3)(E) is amended by inserting ''or a thermal efficiency of at least 90 percent'' after ''0.80''.

(d) COORDINATION WITH CREDIT FOR QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURES.—

(1) IN GENERAL.—Paragraph (3) of section 25C(d), as amended by subsections (b) and (c), is amended by striking subparagraph (C) and by redesignating subparagraphs (D), (E), and (F) as subparagraphs (C), (D), and (E), respectively.

(2) CONFORMING AMENDMENT.—Subparagraph (C) of section 25C(d)(2) is amended to read as follows:

''(C) REQUIREMENTS AND STANDARDS FOR AIR CONDITIONERS AND HEAT PUMPS.—The standards and requirements prescribed by the Secretary under subparagraph (B) with respect to the energy efficiency ratio (EER) for central air conditioners and electric heat pumps—

''(i) shall require measurements to be based on published data which is tested by manufacturers at 95 degrees Fahrenheit, and

''(ii) may be based on the certified data of the Air Conditioning and Refrigeration Institute that are prepared in partnership with the Consortium for Energy Efficiency.''.

(e) MODIFICATION OF QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—

(1) IN GENERAL.—Paragraph (1) of section 25C(c) is amended by inserting '', or an asphalt roof with appropriate cooling granules,'' before ''which meet the Energy Star program requirements''.

(2) BUILDING ENVELOPE COMPONENT.—Subparagraph (D) of section 25C(c)(2) is amended—

(A) by inserting ''or asphalt roof'' after ''metal roof'', and

(B) by inserting ''or cooling granules'' after ''pigmented coatings''.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made this section shall apply to expenditures made after December 31, 2008.

(2) MODIFICATION OF QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—The amendments made by subsection (e) shall apply to property placed in service after the date of the enactment of this Act.

SEC. 303. ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

Subsection (h) of section 179D is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 304. NEW ENERGY EFFICIENT HOME CREDIT.

Subsection (g) of section 45L (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 305. MODIFICATIONS OF ENERGY EFFICIENT APPLIANCE CREDIT FOR APPLIANCES PRODUCED AFTER 2007.

(a) IN GENERAL.—Subsection (b) of section 45M is amended to read as follows:

''(b) APPLICABLE AMOUNT.—For purposes of subsection (a)—

''(1) DISHWASHERS.—The applicable amount is—

''(A) $45 in the case of a dishwasher which is manufactured in calendar year 2008 or 2009 and which uses no more than 324 kilowatt hours per year and 5.8 gallons per cycle, and

''(B) $75 in the case of a dishwasher which is manufactured in calendar year 2008, 2009, or 2010 and which uses no more than 307 kilowatt hours per year and 5.0 gallons per cycle (5.5 gallons per cycle for dishwashers designed for greater than 12 place settings).

''(2) CLOTHES WASHERS.—The applicable amount is—

''(A) $75 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 which meets or exceeds a 1.72 modified energy factor and does not exceed a 8.0 water consumption factor,

''(B) $125 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 or 2009 which meets or exceeds a 1.8 modified energy factor and does not exceed a 7.5 water consumption factor,

''(C) $150 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.0 modified energy factor and does not exceed a 6.0 water consumption factor, and

''(D) $250 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.2 modified energy factor and does not exceed a 4.5 water consumption factor.

''(3) REFRIGERATORS.—The applicable amount is—

''(A) $50 in the case of a refrigerator which is manufactured in calendar year 2008, and consumes at least 20 percent but not more than 22.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

''(B) $75 in the case of a refrigerator which is manufactured in calendar year 2008 or 2009, and consumes at least 23 percent but no more than 24.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

''(C) $100 in the case of a refrigerator which is manufactured in calendar year 2008, 2009, or 2010, and consumes at least 25 percent but not more than 29.9 percent less kilowatt hours per year than the 2001 energy conservation standards, and

''(D) $200 in the case of a refrigerator manufactured in calendar year 2008, 2009, or 2010 and which consumes at least 30 percent less energy than the 2001 energy conservation standards.''.

(b) ELIGIBLE PRODUCTION.—

(1) SIMILAR TREATMENT FOR ALL APPLIANCES.—Subsection (c) of section 45M is amended—

(A) by striking paragraph (2),

(B) by striking ''(1) IN GENERAL'' and all that follows through ''the eligible'' and inserting ''The eligible'',

(C) by moving the text of such subsection in line with the subsection heading, and

(D) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and by moving such paragraphs 2 ems to the left.

(2) MODIFICATION OF BASE PERIOD.—Paragraph (2) of section 45M(c), as amended by paragraph (1), is amended by striking ''3-calendar year'' and inserting ''2-calendar year''.

(c) TYPES OF ENERGY EFFICIENT APPLIANCES.—Subsection (d) of section 45M is amended to read as follows:

''(d) TYPES OF ENERGY EFFICIENT APPLIANCE.—For purposes of this section, the types of energy efficient appliances are—

''(1) dishwashers described in subsection (b)(1),

''(2) clothes washers described in subsection (b)(2), and

''(3) refrigerators described in subsection (b)(3).''.

(d) AGGREGATE CREDIT AMOUNT ALLOWED.—

(1) INCREASE IN LIMIT.—Paragraph (1) of section 45M(e) is amended to read as follows:

''(1) AGGREGATE CREDIT AMOUNT ALLOWED.—The aggregate amount of credit allowed under subsection (a) with respect to a taxpayer for any taxable year shall not exceed $75,000,000 reduced by the amount of the credit allowed under subsection (a) to the taxpayer (or any predecessor) for all prior taxable years beginning after December 31, 2007.''.

(2) EXCEPTION FOR CERTAIN REFRIGERATOR AND CLOTHES WASHERS.—Paragraph (2) of section 45M(e) is amended to read as follows:

''(2) AMOUNT ALLOWED FOR CERTAIN REFRIGERATORS AND CLOTHES WASHERS.—Refrigerators described in subsection (b)(3)(D) and clothes washers described in subsection (b)(2)(D) shall not be taken into account under paragraph (1).''.

(e) QUALIFIED ENERGY EFFICIENT APPLIANCES.—

(1) IN GENERAL.—Paragraph (1) of section 45M(f) is amended to read as follows:

''(1) QUALIFIED ENERGY EFFICIENT APPLIANCE.—The term 'qualified energy efficient appliance' means—

''(A) any dishwasher described in subsection (b)(1),

''(B) any clothes washer described in subsection (b)(2), and

''(C) any refrigerator described in subsection (b)(3).''.

(2) CLOTHES WASHER.—Section 45M(f)(3) is amended by inserting ''commercial'' before ''residential'' the second place it appears.

(3) TOP-LOADING CLOTHES WASHER.—Subsection (f) of section 45M is amended by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively, and by inserting after paragraph (3) the following new paragraph:

''(4) TOP-LOADING CLOTHES WASHER.—The term 'top-loading clothes washer' means a clothes washer which has the clothes container compartment access located on the top of the machine and which operates on a vertical axis.''.

(4) REPLACEMENT OF ENERGY FACTOR.—Section 45M(f)(6), as redesignated by paragraph (3), is amended to read as follows:

''(6) MODIFIED ENERGY FACTOR.—The term 'modified energy factor' means the modified energy factor established by the Department of Energy for compliance with the Federal energy conservation standard.''.

(5) GALLONS PER CYCLE; WATER CONSUMPTION FACTOR.—Section 45M(f), as amended by paragraph (3), is amended by adding at the end the following:

''(9) GALLONS PER CYCLE.—The term 'gallons per cycle' means, with respect to a dishwasher, the amount of water, expressed in gallons, required to complete a normal cycle of a dishwasher.

''(10) WATER CONSUMPTION FACTOR.—The term 'water consumption factor' means, with respect to a clothes washer, the quotient of the total weighted per-cycle water consumption divided by the cubic foot (or liter) capacity of the clothes washer.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

SEC. 306. ACCELERATED RECOVERY PERIOD FOR DEPRECIATION OF SMART METERS AND SMART GRID SYSTEMS.

(a) IN GENERAL.—Section 168(e)(3)(D) is amended by striking ''and'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting a comma, and by inserting after clause (ii) the following new clauses:

''(iii) any qualified smart electric meter, and

''(iv) any qualified smart electric grid system.''.

(b) DEFINITIONS.—Section 168(i) is amended by inserting at the end the following new paragraph:

''(18) QUALIFIED SMART ELECTRIC METERS.—

''(A) IN GENERAL.—The term 'qualified smart electric meter' means any smart electric meter which—

''(i) is placed in service by a taxpayer who is a supplier of electric energy or a provider of electric energy services, and

''(ii) does not have a class life (determined without regard to subsection (e)) of less than 10 years.

''(B) SMART ELECTRIC METER.—For purposes of subparagraph (A), the term 'smart electric meter' means any time-based meter and related communication equipment which is capable of being used by the taxpayer as part of a system that—

''(i) measures and records electricity usage data on a time-differentiated basis in at least 24 separate time segments per day,

''(ii) provides for the exchange of information between supplier or provider and the customer's electric meter in support of time-based rates or other forms of demand response,

''(iii) provides data to such supplier or provider so that the supplier or provider can provide energy usage information to customers electronically, and

''(iv) provides net metering.

''(19) QUALIFIED SMART ELECTRIC GRID SYSTEMS.—

''(A) IN GENERAL.—The term 'qualified smart electric grid system' means any smart grid property which—

''(i) is used as part of a system for electric distribution grid communications, monitoring, and management placed in service by a taxpayer who is a supplier of electric energy or a provider of electric energy services, and

''(ii) does not have a class life (determined without regard to subsection (e)) of less than 10 years.

''(B) SMART GRID PROPERTY.—For the purposes of subparagraph (A), the term 'smart grid property' means electronics and related equipment that is capable of—

''(i) sensing, collecting, and monitoring data of or from all portions of a utility's electric distribution grid,

''(ii) providing real-time, two-way communications to monitor or manage such grid, and

''(iii) providing real time analysis of and event prediction based upon collected data that can be used to improve electric distribution system reliability, quality, and performance.''.

(c) CONTINUED APPLICATION OF 150 PERCENT DECLINING BALANCE METHOD.—Paragraph (2) of section 168(b) is amended by striking ''or'' at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

''(C) any property (other than property described in paragraph (3)) which is a qualified smart electric meter or qualified smart electric grid system, or''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 307. QUALIFIED GREEN BUILDING AND SUSTAINABLE DESIGN PROJECTS.

(a) IN GENERAL.—Paragraph (8) of section 142(l) is amended by striking ''September 30, 2009'' and inserting ''September 30, 2012''.

(b) TREATMENT OF CURRENT REFUNDING BONDS.—Paragraph (9) of section 142(l) is amended by striking ''October 1, 2009'' and inserting ''October 1, 2012''.

(c) ACCOUNTABILITY.—The second sentence of section 701(d) of the American Jobs Creation Act of 2004 is amended by striking ''issuance,'' and inserting ''issuance of the last issue with respect to such project,''.

SEC. 308. SPECIAL DEPRECIATION ALLOWANCE FOR CERTAIN REUSE AND RECYCLING PROPERTY.

(a) IN GENERAL.—Section 168 is amended by adding at the end the following new subsection:

''(m) SPECIAL ALLOWANCE FOR CERTAIN REUSE AND RECYCLING PROPERTY.—

''(1) IN GENERAL.—In the case of any qualified reuse and recycling property—

''(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 50 percent of the adjusted basis of the qualified reuse and recycling property, and

''(B) the adjusted basis of the qualified reuse and recycling property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

''(2) QUALIFIED REUSE AND RECYCLING PROPERTY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified reuse and recycling property' means any reuse and recycling property—

''(i) to which this section applies,

''(ii) which has a useful life of at least 5 years,

''(iii) the original use of which commences with the taxpayer after August 31, 2008, and

''(iv) which is—

''(I) acquired by purchase (as defined in section 179(d)(2)) by the taxpayer after August 31, 2008, but only if no written binding contract for the acquisition was in effect before September 1, 2008, or

''(II) acquired by the taxpayer pursuant to a written binding contract which was entered into after August 31, 2008.

''(B) EXCEPTIONS.—

''(i) BONUS DEPRECIATION PROPERTY UNDER SUBSECTION (k).—The term 'qualified reuse and recycling property' shall not include any property to which section 168(k) applies.

''(ii) ALTERNATIVE DEPRECIATION PROPERTY.—The term 'qualified reuse and recycling property' shall not include any property to which the alternative depreciation system under subsection (g) applies, determined without regard to paragraph (7) of subsection (g) (relating to election to have system apply).

''(iii) ELECTION OUT.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

''(C) SPECIAL RULE FOR SELF-CONSTRUCTED PROPERTY.—In the case of a taxpayer manufacturing, constructing, or producing property for the taxpayer's own use, the requirements of clause (iv) of subparagraph (A) shall be treated as met if the taxpayer begins manufacturing, constructing, or producing the property after August 31, 2008.

''(D) DEDUCTION ALLOWED IN COMPUTING MINIMUM TAX.—For purposes of determining alternative minimum taxable income under section 55, the deduction under subsection (a) for qualified reuse and recycling property shall be determined under this section without regard to any adjustment under section 56.

''(3) DEFINITIONS.—For purposes of this subsection—

''(A) REUSE AND RECYCLING PROPERTY.—

''(i) IN GENERAL.—The term 'reuse and recycling property' means any machinery and equipment (not including buildings or real estate), along with all appurtenances thereto, including software necessary to operate such equipment, which is used exclusively to collect, distribute, or recycle qualified reuse and recyclable materials.

''(ii) EXCLUSION.—Such term does not include rolling stock or other equipment used to transport reuse and recyclable materials.

''(B) QUALIFIED REUSE AND RECYCLABLE MATERIALS.—

''(i) IN GENERAL.—The term 'qualified reuse and recyclable materials' means scrap plastic, scrap glass, scrap textiles, scrap rubber, scrap packaging, recovered fiber, scrap ferrous and nonferrous metals, or electronic scrap generated by an individual or business.

''(ii) ELECTRONIC SCRAP.—For purposes of clause (i), the term 'electronic scrap' means—

''(I) any cathode ray tube, flat panel screen, or similar video display device with a screen size greater than 4 inches measured diagonally, or

''(II) any central processing unit.

''(C) RECYCLING OR RECYCLE.—The term 'recycling' or 'recycle' means that process (including sorting) by which worn or superfluous materials are manufactured or processed into specification grade commodities that are suitable for use as a replacement or substitute for virgin materials in manufacturing tangible consumer and commercial products, including packaging.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after August 31, 2008.

TITLE IV—REVENUE PROVISIONS

SEC. 401. LIMITATION OF DEDUCTION FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, GAS, OR PRIMARY PRODUCTS THEREOF.

(a) IN GENERAL.—Section 199(d) is amended by redesignating paragraph (9) as paragraph (10) and by inserting after paragraph (8) the following new paragraph:

''(9) SPECIAL RULE FOR TAXPAYERS WITH OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME.—

''(A) IN GENERAL.—If a taxpayer has oil related qualified production activities income for any taxable year beginning after 2009, the amount otherwise allowable as a deduction under subsection (a) shall be reduced by 3 percent of the least of—

''(i) the oil related qualified production activities income of the taxpayer for the taxable year,

''(ii) the qualified production activities income of the taxpayer for the taxable year, or

''(iii) taxable income (determined without regard to this section).

''(B) OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME.—For purposes of this paragraph, the term 'oil related qualified production activities income' means for any taxable year the qualified production activities income which is attributable to the production, refining, processing, transportation, or distribution of oil, gas, or any primary product thereof during such taxable year.

''(C) PRIMARY PRODUCT.—For purposes of this paragraph, the term 'primary product' has the same meaning as when used in section 927(a)(2)(C), as in effect before its repeal.''.

(b) CONFORMING AMENDMENT.—Section 199(d)(2) (relating to application to individuals) is amended by striking ''subsection (a)(1)(B)'' and inserting ''subsections (a)(1)(B) and (d)(9)(A)(iii)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 402. ELIMINATION OF THE DIFFERENT TREATMENT OF FOREIGN OIL AND GAS EXTRACTION INCOME AND FOREIGN OIL RELATED INCOME FOR PURPOSES OF THE FOREIGN TAX CREDIT.

(a) IN GENERAL.—Subsections (a) and (b) of section 907 (relating to special rules in case of foreign oil and gas income) are amended to read as follows:

''(a) REDUCTION IN AMOUNT ALLOWED AS FOREIGN TAX UNDER SECTION 901.—In applying section 901, the amount of any foreign oil and gas taxes paid or accrued (or deemed to have been paid) during the taxable year which would (but for this subsection) be taken into account for purposes of section 901 shall be reduced by the amount (if any) by which the amount of such taxes exceeds the product of—

''(1) the amount of the combined foreign oil and gas income for the taxable year,

''(2) multiplied by—

''(A) in the case of a corporation, the percentage which is equal to the highest rate of tax specified under section 11(b), or

''(B) in the case of an individual, a fraction the numerator of which is the tax against which the credit under section 901(a) is taken and the denominator of which is the taxpayer's entire taxable income.

''(b) COMBINED FOREIGN OIL AND GAS INCOME; FOREIGN OIL AND GAS TAXES.—For purposes of this section—

''(1) COMBINED FOREIGN OIL AND GAS INCOME.—The term 'combined foreign oil and gas income' means, with respect to any taxable year, the sum of—

''(A) foreign oil and gas extraction income, and

''(B) foreign oil related income.

''(2) FOREIGN OIL AND GAS TAXES.—The term 'foreign oil and gas taxes' means, with respect to any taxable year, the sum of—

''(A) oil and gas extraction taxes, and

''(B) any income, war profits, and excess profits taxes paid or accrued (or deemed to have been paid or accrued under section 902 or 960) during the taxable year with respect to foreign oil related income (determined without regard to subsection (c)(4)) or loss which would be taken into account for purposes of section 901 without regard to this section.''.

(b) RECAPTURE OF FOREIGN OIL AND GAS LOSSES.—Paragraph (4) of section 907(c) (relating to recapture of foreign oil and gas extraction losses by recharacterizing later extraction income) is amended to read as follows:

''(4) RECAPTURE OF FOREIGN OIL AND GAS LOSSES BY RECHARACTERIZING LATER COMBINED FOREIGN OIL AND GAS INCOME.—

''(A) IN GENERAL.—The combined foreign oil and gas income of a taxpayer for a taxable year (determined without regard to this paragraph) shall be reduced—

''(i) first by the amount determined under subparagraph (B), and

''(ii) then by the amount determined under subparagraph (C).

The aggregate amount of such reductions shall be treated as income (from sources without the United States) which is not combined foreign oil and gas income.

''(B) REDUCTION FOR PRE-2009 FOREIGN OIL EXTRACTION LOSSES.—The reduction under this paragraph shall be equal to the lesser of—

''(i) the foreign oil and gas extraction income of the taxpayer for the taxable year (determined without regard to this paragraph), or

''(ii) the excess of—

''(I) the aggregate amount of foreign oil extraction losses for preceding taxable years beginning after December 31, 1982, and before January 1, 2009, over

''(II) so much of such aggregate amount as was recharacterized under this paragraph (as in effect before and after the date of the enactment of the Energy Improvement and Extension Act of 2008) for preceding taxable years beginning after December 31, 1982.

''(C) REDUCTION FOR POST-2008 FOREIGN OIL AND GAS LOSSES.—The reduction under this paragraph shall be equal to the lesser of—

''(i) the combined foreign oil and gas income of the taxpayer for the taxable year (determined without regard to this paragraph), reduced by an amount equal to the reduction under subparagraph (A) for the taxable year, or

''(ii) the excess of—

''(I) the aggregate amount of foreign oil and gas losses for preceding taxable years beginning after December 31, 2008, over

''(II) so much of such aggregate amount as was recharacterized under this paragraph for preceding taxable years beginning after December 31, 2008.

''(D) FOREIGN OIL AND GAS LOSS DEFINED.—

''(i) IN GENERAL.—For purposes of this paragraph, the term 'foreign oil and gas loss' means the amount by which—

''(I) the gross income for the taxable year from sources without the United States and its possessions (whether or not the taxpayer chooses the benefits of this subpart for such taxable year) taken into account in determining the combined foreign oil and gas income for such year, is exceeded by

''(II) the sum of the deductions properly apportioned or allocated thereto.

''(ii) NET OPERATING LOSS DEDUCTION NOT TAKEN INTO ACCOUNT.—For purposes of clause (i), the net operating loss deduction allowable for the taxable year under section 172(a) shall not be taken into account.

''(iii) EXPROPRIATION AND CASUALTY LOSSES NOT TAKEN INTO ACCOUNT.—For purposes of clause (i), there shall not be taken into account—

''(I) any foreign expropriation loss (as defined in section 172(h) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990)) for the taxable year, or

''(II) any loss for the taxable year which arises from fire, storm, shipwreck, or other casualty, or from theft,

to the extent such loss is not compensated for by insurance or otherwise.

''(iv) FOREIGN OIL EXTRACTION LOSS.—For purposes of subparagraph (B)(ii)(I), foreign oil extraction losses shall be determined under this paragraph as in effect on the day before the date of the enactment of the Energy Improvement and Extension Act of 2008.''.

(c) CARRYBACK AND CARRYOVER OF DISALLOWED CREDITS.—Section 907(f) (relating to carryback and carryover of disallowed credits) is amended—

(1) by striking ''oil and gas extraction taxes'' each place it appears and inserting ''foreign oil and gas taxes'', and

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

''(4) TRANSITION RULES FOR PRE-2009 AND 2009 DISALLOWED CREDITS.—

''(A) PRE-2009 CREDITS.—In the case of any unused credit year beginning before January 1, 2009, this subsection shall be applied to any unused oil and gas extraction taxes carried from such unused credit year to a year beginning after December 31, 2008—

''(i) by substituting 'oil and gas extraction taxes' for 'foreign oil and gas taxes' each place it appears in paragraphs (1), (2), and (3), and

''(ii) by computing, for purposes of paragraph (2)(A), the limitation under subparagraph (A) for the year to which such taxes are carried by substituting 'foreign oil and gas extraction income' for 'foreign oil and gas income' in subsection (a).

''(B) 2009 CREDITS.—In the case of any unused credit year beginning in 2009, the amendments made to this subsection by the Energy Improvement and Extension Act of 2008 shall be treated as being in effect for any preceding year beginning before January 1, 2009, solely for purposes of determining how much of the unused foreign oil and gas taxes for such unused credit year may be deemed paid or accrued in such preceding year.''.

(d) CONFORMING AMENDMENT.—Section 6501(i) is amended by striking ''oil and gas extraction taxes'' and inserting ''foreign oil and gas taxes''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 403. BROKER REPORTING OF CUSTOMER'S BASIS IN SECURITIES TRANSACTIONS.

(a) IN GENERAL.—

(1) BROKER REPORTING FOR SECURITIES TRANSACTIONS.—Section 6045 is amended by adding at the end the following new subsection:

''(g) ADDITIONAL INFORMATION REQUIRED IN THE CASE OF SECURITIES TRANSACTIONS, ETC.—

''(1) IN GENERAL.—If a broker is otherwise required to make a return under subsection (a) with respect to the gross proceeds of the sale of a covered security, the broker shall include in such return the information described in paragraph (2).

''(2) ADDITIONAL INFORMATION REQUIRED.—

''(A) IN GENERAL.—The information required under paragraph (1) to be shown on a return with respect to a covered security of a customer shall include the customer's adjusted basis in such security and whether any gain or loss with respect to such security is long-term or short-term (within the meaning of section 1222).

''(B) DETERMINATION OF ADJUSTED BASIS.—For purposes of subparagraph (A)—

''(i) IN GENERAL.—The customer's adjusted basis shall be determined—

''(I) in the case of any security (other than any stock for which an average basis method is permissible under section 1012), in accordance with the first-in first-out method unless the customer notifies the broker by means of making an adequate identification of the stock sold or transferred, and

''(II) in the case of any stock for which an average basis method is permissible under section 1012, in accordance with the broker's default method unless the customer notifies the broker that he elects another acceptable method under section 1012 with respect to the account in which such stock is held.

''(ii) EXCEPTION FOR WASH SALES.—Except as otherwise provided by the Secretary, the customer's adjusted basis shall be determined without regard to section 1091 (relating to loss from wash sales of stock or securities) unless the transactions occur in the same account with respect to identical securities.

''(3) COVERED SECURITY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'covered security' means any specified security acquired on or after the applicable date if such security—

''(i) was acquired through a transaction in the account in which such security is held, or

''(ii) was transferred to such account from an account in which such security was a covered security, but only if the broker received a statement under section 6045A with respect to the transfer.

''(B) SPECIFIED SECURITY.—The term 'specified security' means—

''(i) any share of stock in a corporation,

''(ii) any note, bond, debenture, or other evidence of indebtedness,

''(iii) any commodity, or contract or derivative with respect to such commodity, if the Secretary determines that adjusted basis reporting is appropriate for purposes of this subsection, and

''(iv) any other financial instrument with respect to which the Secretary determines that adjusted basis reporting is appropriate for purposes of this subsection.

''(C) APPLICABLE DATE.—The term 'applicable date' means—

''(i) January 1, 2011, in the case of any specified security which is stock in a corporation (other than any stock described in clause (ii)),

''(ii) January 1, 2012, in the case of any stock for which an average basis method is permissible under section 1012, and

''(iii) January 1, 2013, or such later date determined by the Secretary in the case of any other specified security.

''(4) TREATMENT OF S CORPORATIONS.—In the case of the sale of a covered security acquired by an S corporation (other than a financial institution) after December 31, 2011, such S corporation shall be treated in the same manner as a partnership for purposes of this section.

''(5) SPECIAL RULES FOR SHORT SALES.—In the case of a short sale, reporting under this section shall be made for the year in which such sale is closed.''.

(2) BROKER INFORMATION REQUIRED WITH RESPECT TO OPTIONS.—Section 6045, as amended by subsection (a), is amended by adding at the end the following new subsection:

''(h) APPLICATION TO OPTIONS ON SECURITIES.—

''(1) EXERCISE OF OPTION.—For purposes of this section, if a covered security is acquired or disposed of pursuant to the exercise of an option that was granted or acquired in the same account as the covered security, the amount received with respect to the grant or paid with respect to the acquisition of such option shall be treated as an adjustment to gross proceeds or as an adjustment to basis, as the case may be.

''(2) LAPSE OR CLOSING TRANSACTION.—In the case of the lapse (or closing transaction (as defined in section 1234(b)(2)(A))) of an option on a specified security or the exercise of a cash-settled option on a specified security, reporting under subsections (a) and (g) with respect to such option shall be made for the calendar year which includes the date of such lapse, closing transaction, or exercise.

''(3) PROSPECTIVE APPLICATION.—Paragraphs (1) and (2) shall not apply to any option which is granted or acquired before January 1, 2013.

''(4) DEFINITIONS.—For purposes of this subsection, the terms 'covered security' and 'specified security' shall have the meanings given such terms in subsection (g)(3).''.

(3) EXTENSION OF PERIOD FOR STATEMENTS SENT TO CUSTOMERS.—

(A) IN GENERAL.—Subsection (b) of section 6045 is amended by striking ''January 31'' and inserting ''February 15''.

(B) STATEMENTS RELATED TO SUBSTITUTE PAYMENTS.—Subsection (d) of section 6045 is amended—

(i) by striking ''at such time and'', and

(ii) by inserting after ''other item.'' the following new sentence: ''The written statement required under the preceding sentence shall be furnished on or before February 15 of the year following the calendar year in which the payment was made.''.

(C) OTHER STATEMENTS.—Subsection (b) of section 6045 is amended by adding at the end the following: ''In the case of a consolidated reporting statement (as defined in regulations) with respect to any customer, any statement which would otherwise be required to be furnished on or before January 31 of a calendar year with respect to any item reportable to the taxpayer shall instead be required to be furnished on or before February 15 of such calendar year if furnished with such consolidated reporting statement.''.

(b) DETERMINATION OF BASIS OF CERTAIN SECURITIES ON ACCOUNT BY ACCOUNT OR AVERAGE BASIS METHOD.—Section 1012 is amended—

(1) by striking ''The basis of property'' and inserting the following:

''(a) IN GENERAL.—The basis of property'',

(2) by striking ''The cost of real property'' and inserting the following:

''(b) SPECIAL RULE FOR APPORTIONED REAL ESTATE TAXES.—The cost of real property'', and

(3) by adding at the end the following new subsections:

''(c) DETERMINATIONS BY ACCOUNT.—

''(1) IN GENERAL.—In the case of the sale, exchange, or other disposition of a specified security on or after the applicable date, the conventions prescribed by regulations under this section shall be applied on an account by account basis.

''(2) APPLICATION TO CERTAIN FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), any stock for which an average basis method is permissible under section 1012 which is acquired before January 1, 2012, shall be treated as a separate account from any such stock acquired on or after such date.

''(B) ELECTION FUND FOR TREATMENT AS SINGLE ACCOUNT.—If a fund described in subparagraph (A) elects to have this subparagraph apply with respect to one or more of its stockholders—

''(i) subparagraph (A) shall not apply with respect to any stock in such fund held by such stockholders, and

''(ii) all stock in such fund which is held by such stockholders shall be treated as covered securities described in section 6045(g)(3) without regard to the date of the acquisition of such stock.

A rule similar to the rule of the preceding sentence shall apply with respect to a broker holding such stock as a nominee.

''(3) DEFINITIONS.—For purposes of this section, the terms 'specified security' and 'applicable date' shall have the meaning given such terms in section 6045(g).

''(d) AVERAGE BASIS FOR STOCK ACQUIRED PURSUANT TO A DIVIDEND REINVESTMENT PLAN.—

''(1) IN GENERAL.—In the case of any stock acquired after December 31, 2010, in connection with a dividend reinvestment plan, the basis of such stock while held as part of such plan shall be determined using one of the methods which may be used for determining the basis of stock in an open-end fund.

''(2) TREATMENT AFTER TRANSFER.—In the case of the transfer to another account of stock to which paragraph (1) applies, such stock shall have a cost basis in such other account equal to its basis in the dividend reinvestment plan immediately before such transfer (properly adjusted for any fees or other charges taken into account in connection with such transfer).

''(3) SEPARATE ACCOUNTS; ELECTION FOR TREATMENT AS SINGLE ACCOUNT.—Rules similar to the rules of subsection (c)(2) shall apply for purposes of this subsection.

''(4) DIVIDEND REINVESTMENT PLAN.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'dividend reinvestment plan' means any arrangement under which dividends on any stock are reinvested in stock identical to the stock with respect to which the dividends are paid.

''(B) INITIAL STOCK ACQUISITION TREATED AS ACQUIRED IN CONNECTION WITH PLAN.—Stock shall be treated as acquired in connection with a dividend reinvestment plan if such stock is acquired pursuant to such plan or if the dividends paid on such stock are subject to such plan.''.

(c) INFORMATION BY TRANSFERORS TO AID BROKERS.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6045 the following new section:

''SEC. 6045A. INFORMATION REQUIRED IN CONNECTION WITH TRANSFERS OF COVERED SECURITIES TO BROKERS.

''(a) FURNISHING OF INFORMATION.—Every applicable person which transfers to a broker (as defined in section 6045(c)(1)) a security which is a covered security (as defined in section 6045(g)(3)) in the hands of such applicable person shall furnish to such broker a written statement in such manner and setting forth such information as the Secretary may by regulations prescribe for purposes of enabling such broker to meet the requirements of section 6045(g).

''(b) APPLICABLE PERSON.—For purposes of subsection (a), the term 'applicable person' means—

''(1) any broker (as defined in section 6045(c)(1)), and

''(2) any other person as provided by the Secretary in regulations.

''(c) TIME FOR FURNISHING STATEMENT.—Except as otherwise provided by the Secretary, any statement required by subsection (a) shall be furnished not later than 15 days after the date of the transfer described in such subsection.''.

(2) ASSESSABLE PENALTIES.—Paragraph (2) of section 6724(d), as amended by the Housing Assistance Tax Act of 2008, is amended by redesignating subparagraphs (I) through (DD) as subparagraphs (J) through (EE), respectively, and by inserting after subparagraph (H) the following new subparagraph:

''(I) section 6045A (relating to information required in connection with transfers of covered securities to brokers),''.

(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6045 the following new item:

''Sec. 6045A. Information required in connection with transfers of covered securities to brokers.''.

(d) ADDITIONAL ISSUER INFORMATION TO AID BROKERS.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61, as amended by subsection (b), is amended by inserting after section 6045A the following new section:

''SEC. 6045B. RETURNS RELATING TO ACTIONS AFFECTING BASIS OF SPECIFIED SECURITIES.

''(a) IN GENERAL.—According to the forms or regulations prescribed by the Secretary, any issuer of a specified security shall make a return setting forth—

''(1) a description of any organizational action which affects the basis of such specified security of such issuer,

''(2) the quantitative effect on the basis of such specified security resulting from such action, and

''(3) such other information as the Secretary may prescribe.

''(b) TIME FOR FILING RETURN.—Any return required by subsection (a) shall be filed not later than the earlier of—

''(1) 45 days after the date of the action described in subsection (a), or

''(2) January 15 of the year following the calendar year during which such action occurred.

''(c) STATEMENTS TO BE FURNISHED TO HOLDERS OF SPECIFIED SECURITIES OR THEIR NOMINEES.—According to the forms or regulations prescribed by the Secretary, every person required to make a return under subsection (a) with respect to a specified security shall furnish to the nominee with respect to the specified security (or certificate holder if there is no nominee) a written statement showing—

''(1) the name, address, and phone number of the information contact of the person required to make such return,

''(2) the information required to be shown on such return with respect to such security, and

''(3) such other information as the Secretary may prescribe.

The written statement required under the preceding sentence shall be furnished to the holder on or before January 15 of the year following the calendar year during which the action described in subsection (a) occurred.

''(d) SPECIFIED SECURITY.—For purposes of this section, the term 'specified security' has the meaning given such term by section 6045(g)(3)(B). No return shall be required under this section with respect to actions described in subsection (a) with respect to a specified security which occur before the applicable date (as defined in section 6045(g)(3)(C)) with respect to such security.

''(e) PUBLIC REPORTING IN LIEU OF RETURN.—The Secretary may waive the requirements under subsections (a) and (c) with respect to a specified security, if the person required to make

the return under subsection (a) makes publicly available, in such form and manner as the Secretary determines necessary to carry out the purposes of this section—

''(1) the name, address, phone number, and email address of the information contact of such person, and

''(2) the information described in paragraphs (1), (2), and (3) of subsection (a).''.

(2) ASSESSABLE PENALTIES.—

(A) Subparagraph (B) of section 6724(d)(1), as amended by the Housing Assistance Tax Act of 2008, is amended by redesignating clause (iv) and each of the clauses which follow as clauses (v) through (xxiii), respectively, and by inserting after clause (iii) the following new clause:

''(iv) section 6045B(a) (relating to returns relating to actions affecting basis of specified securities),''.

(B) Paragraph (2) of section 6724(d), as amended by the Housing Assistance Tax Act of 2008 and by subsection (c)(2), is amended by redesignating subparagraphs (J) through (EE) as subparagraphs (K) through (FF), respectively, and by inserting after subparagraph (I) the following new subparagraph:

''(J) subsections (c) and (e) of section 6045B (relating to returns relating to actions affecting basis of specified securities),''.

(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61, as amended by subsection (b)(3), is amended by inserting after the item relating to section 6045A the following new item:

''Sec. 6045B. Returns relating to actions affecting basis of specified securities.''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on January 1, 2011.

(2) EXTENSION OF PERIOD FOR STATEMENTS SENT TO CUSTOMERS.—The amendments made by subsection (a)(3) shall apply to statements required to be furnished after December 31, 2008.

SEC. 404. 0.2 PERCENT FUTA SURTAX.

(a) IN GENERAL.—Section 3301 (relating to rate of tax) is amended—

(1) by striking ''through 2008'' in paragraph (1) and inserting ''through 2009'', and

(2) by striking ''calendar year 2009'' in paragraph (2) and inserting ''calendar year 2010''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid after December 31, 2008.

SEC. 405. INCREASE AND EXTENSION OF OIL SPILL LIABILITY TRUST FUND TAX.

(a) INCREASE IN RATE.—

(1) IN GENERAL.—Section 4611(c)(2)(B) (relating to rates) is amended by striking ''is 5 cents a barrel.'' and inserting ''is—

''(i) in the case of crude oil received or petroleum products entered before January 1, 2017, 8 cents a barrel, and

''(ii) in the case of crude oil received or petroleum products entered after December 31, 2016, 9 cents a barrel.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply on and after the first day of the first calendar quarter beginning more than 60 days after the date of the enactment of this Act.

(b) EXTENSION.—

(1) IN GENERAL.—Section 4611(f) (relating to application of Oil Spill Liability Trust Fund financing rate) is amended by striking paragraphs (2) and (3) and inserting the following new paragraph:

''(2) TERMINATION.—The Oil Spill Liability Trust Fund financing rate shall not apply after December 31, 2017.''.

(2) CONFORMING AMENDMENT.—Section 4611(f)(1) is amended by striking ''paragraphs (2) and (3)'' and inserting ''paragraph (2)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

DIVISION B—TAX EXTENDERS AND ALTERNATIVE MINIMUM TAX RELIEF

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

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

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

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

TITLE I—ALTERNATIVE MINIMUM TAX RELIEF

SEC. 101. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) (relating to special rule for taxable years 2000 through 2007) is amended—

(1) by striking ''or 2007'' and inserting ''2007, or 2008'', and

(2) by striking ''2007'' in the heading thereof and inserting ''2008''.

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

SEC. 102. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) (relating to exemption amount) is amended—

(1) by striking ''($66,250 in the case of taxable years beginning in 2007)'' in subparagraph (A) and inserting ''($69,950 in the case of taxable years beginning in 2008)'', and

(2) by striking ''($44,350 in the case of taxable years beginning in 2007)'' in subparagraph (B) and inserting ''($46,200 in the case of taxable years beginning in 2008)''.

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

SEC. 103. INCREASE OF AMT REFUNDABLE CREDIT AMOUNT FOR INDIVIDUALS WITH LONG-TERM UNUSED CREDITS FOR PRIOR YEAR MINIMUM TAX LIABILITY, ETC.

(a) IN GENERAL.—Paragraph (2) of section 53(e) is amended to read as follows:

''(2) AMT REFUNDABLE CREDIT AMOUNT.—For purposes of paragraph (1), the term 'AMT refundable credit amount' means, with respect to any taxable year, the amount (not in excess of the long-term unused minimum tax credit for such taxable year) equal to the greater of—

''(A) 50 percent of the long-term unused minimum tax credit for such taxable year, or

''(B) the amount (if any) of the AMT refundable credit amount determined under this paragraph for the taxpayer's preceding taxable year (determined without regard to subsection (f)(2)).''.

(b) TREATMENT OF CERTAIN UNDERPAYMENTS, INTEREST, AND PENALTIES ATTRIBUTABLE TO THE TREATMENT OF INCENTIVE STOCK OPTIONS.—Section 53 is amended by adding at the end the following new subsection:

''(f) TREATMENT OF CERTAIN UNDERPAYMENTS, INTEREST, AND PENALTIES ATTRIBUTABLE TO THE TREATMENT OF INCENTIVE STOCK OPTIONS.—

''(1) ABATEMENT.—Any underpayment of tax outstanding on the date of the enactment of this subsection which is attributable to the application of section 56(b)(3) for any taxable year ending before January 1, 2008, and any interest or penalty with respect to such underpayment which is outstanding on such date of enactment, is hereby abated. The amount determined under subsection (b)(1) shall not include any tax abated under the preceding sentence.

''(2) INCREASE IN CREDIT FOR CERTAIN INTEREST AND PENALTIES ALREADY PAID.—The AMT refundable credit amount, and the minimum tax credit determined under subsection (b), for the taxpayer's first 2 taxable years beginning after December 31, 2007, shall each be increased by 50 percent of the aggregate amount of the interest and penalties which were paid by the taxpayer before the date of the enactment of this subsection and which would (but for such payment) have been abated under paragraph (1).''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) ABATEMENT.—Section 53(f)(1), as added by subsection (b), shall take effect on the date of the enactment of this Act.

TITLE II—EXTENSION OF INDIVIDUAL TAX PROVISIONS

SEC. 201. DEDUCTION FOR STATE AND LOCAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

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

SEC. 202. DEDUCTION OF QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Subsection (e) of section 222 (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

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

SEC. 203. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) (relating to certain expenses of elementary and secondary school teachers) is amended by striking ''or 2007'' and inserting ''2007, 2008, or 2009''.

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

SEC. 204. ADDITIONAL STANDARD DEDUCTION FOR REAL PROPERTY TAXES FOR NONITEMIZERS.

(a) IN GENERAL.—Subparagraph (C) of section 63(c)(1), as added by the Housing Assistance Tax Act of 2008, is amended by inserting ''or 2009'' after ''2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 205. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

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

SEC. 206. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) INTEREST-RELATED DIVIDENDS.—Subparagraph (C) of section 871(k)(1) (defining interest-related dividend) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) SHORT-TERM CAPITAL GAIN DIVIDENDS.—Subparagraph (C) of section 871(k)(2) (defining short-term capital gain dividend) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to dividends with respect to taxable years of regulated investment companies beginning after December 31, 2007.

SEC. 207. STOCK IN RIC FOR PURPOSES OF DETERMINING ESTATES OF NONRESIDENTS NOT CITIZENS.

(a) IN GENERAL.—Paragraph (3) of section 2105(d) (relating to stock in a RIC) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

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

SEC. 208. QUALIFIED INVESTMENT ENTITIES.

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2008.

TITLE III—EXTENSION OF BUSINESS TAX PROVISIONS

SEC. 301. EXTENSION AND MODIFICATION OF RESEARCH CREDIT.

(a) EXTENSION.—

(1) IN GENERAL.—Section 41(h) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009'' in paragraph (1)(B).

(2) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) (relating to special rule) is amended by striking ''after December 31, 2007'' and inserting ''after December 31, 2009''.

(b) TERMINATION OF ALTERNATIVE INCREMENTAL CREDIT.—Section 41(h) is amended by redesignating paragraph (2) as paragraph (3), and by inserting after paragraph (1) the following new paragraph:

''(2) TERMINATION OF ALTERNATIVE INCREMENTAL CREDIT.—No election under subsection (c)(4) shall apply to taxable years beginning after December 31, 2008.''.

(c) MODIFICATION OF ALTERNATIVE SIMPLIFIED CREDIT.—Paragraph (5)(A) of section 41(c) (relating to election of alternative simplified credit) is amended by striking ''12 percent'' and inserting ''14 percent (12 percent in the case of taxable years ending before January 1, 2009)''.

(d) TECHNICAL CORRECTION.—Paragraph (3) of section 41(h) is amended to read as follows:

''(2) COMPUTATION FOR TAXABLE YEAR IN WHICH CREDIT TERMINATES.—In the case of any taxable year with respect to which this section applies to a number of days which is less than the total number of days in such taxable year—

''(A) the amount determined under subsection (c)(1)(B) with respect to such taxable year shall be the amount which bears the same ratio to such amount (determined without regard to this paragraph) as the number of days in such taxable year to which this section applies bears to the total number of days in such taxable year, and

''(B) for purposes of subsection (c)(5), the average qualified research expenses for the preceding 3 taxable years shall be the amount which bears the same ratio to such average qualified research expenses (determined without regard to this paragraph) as the number of days in such taxable year to which this section applies bears to the total number of days in such taxable year.''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) EXTENSION.—The amendments made by subsection (a) shall apply to amounts paid or incurred after December 31, 2007.

SEC. 302. NEW MARKETS TAX CREDIT.

Subparagraph (D) of section 45D(f)(1) (relating to national limitation on amount of investments designated) is amended by striking ''and 2008'' and inserting ''2008, and 2009''.

SEC. 303. SUBPART F EXCEPTION FOR ACTIVE FINANCING INCOME.

(a) EXEMPT INSURANCE INCOME.—Paragraph (10) of section 953(e) (relating to application) is amended—

(1) by striking ''January 1, 2009'' and inserting ''January 1, 2010'', and

(2) by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) EXCEPTION TO TREATMENT AS FOREIGN PERSONAL HOLDING COMPANY INCOME.—Paragraph (9) of section 954(h) (relating to application) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

SEC. 304. EXTENSION OF LOOK-THRU RULE FOR RELATED CONTROLLED FOREIGN CORPORATIONS.

(a) IN GENERAL.—Subparagraph (C) of section 954(c)(6) (relating to application) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2007, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

SEC. 305. EXTENSION OF 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT IMPROVEMENTS; 15-YEAR STRAIGHT-LINE COST RECOVERY FOR CERTAIN IMPROVEMENTS TO RETAIL SPACE.

(a) EXTENSION OF LEASEHOLD AND RESTAURANT IMPROVEMENTS.—

(1) IN GENERAL.—Clauses (iv) and (v) of section 168(e)(3)(E) (relating to 15-year property) are each amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 2007.

(b) TREATMENT TO INCLUDE NEW CONSTRUCTION.—

(1) IN GENERAL.—Paragraph (7) of section 168(e) (relating to classification of property) is amended to read as follows:

''(7) QUALIFIED RESTAURANT PROPERTY.—

''(A) IN GENERAL.—The term 'qualified restaurant property' means any section 1250 property which is—

''(i) a building, if such building is placed in service after December 31, 2008, and before January 1, 2010, or

''(ii) an improvement to a building,

if more than 50 percent of the building's square footage is devoted to preparation of, and seating for on-premises consumption of, prepared meals.

''(B) EXCLUSION FROM BONUS DEPRECIATION.—Property described in this paragraph shall not be considered qualified property for purposes of subsection (k).''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property placed in service after December 31, 2008.

(c) RECOVERY PERIOD FOR DEPRECIATION OF CERTAIN IMPROVEMENTS TO RETAIL SPACE.—

(1) 15-YEAR RECOVERY PERIOD.—Section 168(e)(3)(E) (relating to 15-year property) is amended by striking ''and'' at the end of clause (vii), by striking the period at the end of clause (viii) and inserting '', and'', and by adding at the end the following new clause:

''(ix) any qualified retail improvement property placed in service after December 31, 2008, and before January 1, 2010.''.

(2) QUALIFIED RETAIL IMPROVEMENT PROPERTY.—Section 168(e) is amended by adding at the end the following new paragraph:

''(8) QUALIFIED RETAIL IMPROVEMENT PROPERTY.—

''(A) IN GENERAL.—The term 'qualified retail improvement property' means any improvement to an interior portion of a building which is nonresidential real property if—

''(i) such portion is open to the general public and is used in the retail trade or business of selling tangible personal property to the general public, and

''(ii) such improvement is placed in service more than 3 years after the date the building was first placed in service.

''(B) IMPROVEMENTS MADE BY OWNER.—In the case of an improvement made by the owner of such improvement, such improvement shall be qualified retail improvement property (if at all) only so long as such improvement is held by such owner. Rules similar to the rules under paragraph (6)(B) shall apply for purposes of the preceding sentence.

''(C) CERTAIN IMPROVEMENTS NOT INCLUDED.—Such term shall not include any improvement for which the expenditure is attributable to—

''(i) the enlargement of the building,

''(ii) any elevator or escalator,

''(iii) any structural component benefitting a common area, or

''(iv) the internal structural framework of the building.

''(D) EXCLUSION FROM BONUS DEPRECIATION.—Property described in this paragraph shall not be considered qualified property for purposes of subsection (k).

''(E) TERMINATION.—Such term shall not include any improvement placed in service after December 31, 2009.''.

(3) REQUIREMENT TO USE STRAIGHT LINE METHOD.—Section 168(b)(3) is amended by adding at the end the following new subparagraph:

''(I) Qualified retail improvement property described in subsection (e)(8).''.

(4) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) is amended by inserting after the item relating to subparagraph (E)(viii) the following new item:

''(E)(ix) ..... 39''.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 2008.

SEC. 306. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2007.

SEC. 307. BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) IN GENERAL.—The last sentence of section 1367(a)(2) (relating to decreases in basis) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

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

SEC. 308. INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAX TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2007.

SEC. 309. EXTENSION OF ECONOMIC DEVELOPMENT CREDIT FOR AMERICAN SAMOA.

(a) IN GENERAL.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking ''first two taxable years'' and inserting ''first 4 taxable years'', and

(2) by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

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

SEC. 310. EXTENSION OF MINE RESCUE TEAM TRAINING CREDIT.

Section 45N(e) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 311. EXTENSION OF ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT.

Section 179E(g) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 312. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) (relating to termination) is amended—

(1) by striking ''first 2 taxable years'' and inserting ''first 4 taxable years'', and

(2) by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

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

SEC. 313. QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

''SEC. 54E. QUALIFIED ZONE ACADEMY BONDS.

''(a) QUALIFIED ZONE ACADEMY BONDS.—For purposes of this subchapter, the term 'qualified zone academy bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for a qualified purpose with respect to a qualified zone academy established by an eligible local education agency,

''(2) the bond is issued by a State or local government within the jurisdiction of which such academy is located, and

''(3) the issuer—

''(A) designates such bond for purposes of this section,

''(B) certifies that it has written assurances that the private business contribution requirement of subsection (b) will be met with respect to such academy, and

''(C) certifies that it has the written approval of the eligible local education agency for such bond issuance.

''(b) PRIVATE BUSINESS CONTRIBUTION REQUIREMENT.—For purposes of subsection (a), the private business contribution requirement of this subsection is met with respect to any issue if the eligible local education agency that established the qualified zone academy has written commitments from private entities to make qualified contributions having a present value (as of the date of issuance of the issue) of not less than 10 percent of the proceeds of the issue.

''(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(1) NATIONAL LIMITATION.—There is a national zone academy bond limitation for each calendar year. Such limitation is $400,000,000 for 2008 and 2009, and, except as provided in paragraph (4), zero thereafter.

''(2) ALLOCATION OF LIMITATION.—The national zone academy bond limitation for a calendar year shall be allocated by the Secretary among the States on the basis of their respective populations of individuals below the poverty line (as defined by the Office of Management and Budget). The limitation amount allocated to a State under the preceding sentence shall be allocated by the State education agency to qualified zone academies within such State.

''(3) DESIGNATION SUBJECT TO LIMITATION AMOUNT.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (a) with respect to any qualified zone academy shall not exceed the limitation amount allocated to such academy under paragraph (2) for such calendar year.

''(4) CARRYOVER OF UNUSED LIMITATION.—

''(A) IN GENERAL.—If for any calendar year—

''(i) the limitation amount for any State, exceeds

''(ii) the amount of bonds issued during such year which are designated under subsection (a) with respect to qualified zone academies within such State,

the limitation amount for such State for the following calendar year shall be increased by the amount of such excess.

''(B) LIMITATION ON CARRYOVER.—Any carryforward of a limitation amount may be carried only to the first 2 years following the unused limitation year. For purposes of the preceding sentence, a limitation amount shall be treated as used on a first-in first-out basis.

''(C) COORDINATION WITH SECTION 1397E.—Any carryover determined under section 1397E(e)(4) (relating to carryover of unused limitation) with respect to any State to calendar year 2008 or 2009 shall be treated for purposes of this section as a carryover with respect to such State for such calendar year under subparagraph (A), and the limitation of subparagraph (B) shall apply to such carryover taking into account the calendar years to which such carryover relates.

''(d) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED ZONE ACADEMY.—The term 'qualified zone academy' means any public school (or academic program within a public school) which is established by and operated under the supervision of an eligible local education agency to provide education or training below the postsecondary level if—

''(A) such public school or program (as the case may be) is designed in cooperation with business to enhance the academic curriculum, increase graduation and employment rates, and better prepare students for the rigors of college and the increasingly complex workforce,

''(B) students in such public school or program (as the case may be) will be subject to the same academic standards and assessments as other students educated by the eligible local education agency,

''(C) the comprehensive education plan of such public school or program is approved by the eligible local education agency, and

''(D)(i) such public school is located in an empowerment zone or enterprise community (including any such zone or community designated after the date of the enactment of this section), or

''(ii) there is a reasonable expectation (as of the date of issuance of the bonds) that at least 35 percent of the students attending such school or participating in such program (as the case may be) will be eligible for free or reduced-cost lunches under the school lunch program established under the National School Lunch Act.

''(2) ELIGIBLE LOCAL EDUCATION AGENCY.—For purposes of this section, the term 'eligible local education agency' means any local educational agency as defined in section 9101 of the Elementary and Secondary Education Act of 1965.

''(3) QUALIFIED PURPOSE.—The term 'qualified purpose' means, with respect to any qualified zone academy—

''(A) rehabilitating or repairing the public school facility in which the academy is established,

''(B) providing equipment for use at such academy,

''(C) developing course materials for education to be provided at such academy, and

''(D) training teachers and other school personnel in such academy.

''(4) QUALIFIED CONTRIBUTIONS.—The term 'qualified contribution' means any contribution (of a type and quality acceptable to the eligible local education agency) of—

''(A) equipment for use in the qualified zone academy (including state-of-the-art technology and vocational equipment),

''(B) technical assistance in developing curriculum or in training teachers in order to promote appropriate market driven technology in the classroom,

''(C) services of employees as volunteer mentors,

''(D) internships, field trips, or other educational opportunities outside the academy for students, or

''(E) any other property or service specified by the eligible local education agency.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d), as amended by this Act, is amended by striking ''or'' at the end of subparagraph (B), by inserting ''or'' at the end of subparagraph (C), and by inserting after subparagraph (C) the following new subparagraph:

''(D) a qualified zone academy bond,''.

(2) Subparagraph (C) of section 54A(d)(2), as amended by this Act, is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) in the case of a qualified zone academy bond, a purpose specified in section 54E(a)(1).''.

(3) Section 1397E is amended by adding at the end the following new subsection:

''(m) TERMINATION.—This section shall not apply to any obligation issued after the date of the enactment of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008.''.

(4) The table of sections for subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 54E. Qualified zone academy bonds.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 314. INDIAN EMPLOYMENT CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45A (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

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

SEC. 315. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATIONS.

(a) IN GENERAL.—Paragraph (8) of section 168(j) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 316. RAILROAD TRACK MAINTENANCE.

(a) IN GENERAL.—Subsection (f) of section 45G (relating to application of section) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4), as amended by this Act, is amended—

(1) by redesignating clauses (v), (vi), and (vii) as clauses (vi), (vii), and (viii), respectively, and

(2) by inserting after clause (iv) the following new clause:

''(v) the credit determined under section 45G,''.

(c) EFFECTIVE DATES.—

(1) The amendment made by subsection (a) shall apply to expenditures paid or incurred during taxable years beginning after December 31, 2007.

(2) The amendments made by subsection (b) shall apply to credits determined under section 45G of the Internal Revenue Code of 1986 in taxable years beginning after December 31, 2007, and to carrybacks of such credits.

SEC. 317. SEVEN-YEAR COST RECOVERY PERIOD FOR MOTORSPORTS RACING TRACK FACILITY.

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 318. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) IN GENERAL.—Subsection (h) of section 198 (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2007.

SEC. 319. EXTENSION OF WORK OPPORTUNITY TAX CREDIT FOR HURRICANE KATRINA EMPLOYEES.

(a) IN GENERAL.—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking ''2-year'' and inserting ''4-year''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals hired after August 27, 2007.

SEC. 320. EXTENSION OF INCREASED REHABILITATION CREDIT FOR STRUCTURES IN THE GULF OPPORTUNITY ZONE.

(a) IN GENERAL.—Subsection (h) of section 1400N is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after the date of the enactment of this Act.

SEC. 321. ENHANCED DEDUCTION FOR QUALIFIED COMPUTER CONTRIBUTIONS.

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

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

SEC. 322. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.

(a) DESIGNATION OF ZONE.—

(1) IN GENERAL.—Subsection (f) of section 1400 is amended by striking ''2007'' both places it appears and inserting ''2009''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to periods beginning after December 31, 2007.

(b) TAX-EXEMPT ECONOMIC DEVELOPMENT BONDS.—

(1) IN GENERAL.—Subsection (b) of section 1400A is amended by striking ''2007'' and inserting ''2009''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to bonds issued after December 31, 2007.

(c) ZERO PERCENT CAPITAL GAINS RATE.—

(1) IN GENERAL.—Subsection (b) of section 1400B is amended by striking ''2008'' each place it appears and inserting ''2010''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1400B(e)(2) is amended—

(i) by striking ''2012'' and inserting ''2014'', and

(ii) by striking ''2012'' in the heading thereof and inserting ''2014''.

(B) Section 1400B(g)(2) is amended by striking ''2012'' and inserting ''2014''.

(C) Section 1400F(d) is amended by striking ''2012'' and inserting ''2014''.

(3) EFFECTIVE DATES.—

(A) EXTENSION.—The amendments made by paragraph (1) shall apply to acquisitions after December 31, 2007.

(B) CONFORMING AMENDMENTS.—The amendments made by paragraph (2) shall take effect on the date of the enactment of this Act.

(d) FIRST-TIME HOMEBUYER CREDIT.—

(1) IN GENERAL.—Subsection (i) of section 1400C is amended by striking ''2008'' and inserting ''2010''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property purchased after December 31, 2007.

SEC. 323. ENHANCED CHARITABLE DEDUCTIONS FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) INCREASED AMOUNT OF DEDUCTION.—

(1) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to contributions made after December 31, 2007.

(b) TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.—

(1) IN GENERAL.—Section 170(b) is amended by adding at the end the following new paragraph:

''(3) TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.—In the case of a qualified farmer or rancher (as defined in paragraph (1)(E)(v)), any charitable contribution of food—

''(A) to which subsection (e)(3)(C) applies (without regard to clause (ii) thereof), and

''(B) which is made during the period beginning on the date of the enactment of this paragraph and before January 1, 2009,

shall be treated for purposes of paragraph (1)(E) or (2)(B), whichever is applicable, as if it were a qualified conservation contribution which is made by a qualified farmer or rancher and which otherwise meets the requirements of such paragraph.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 324. EXTENSION OF ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORY.

(a) EXTENSION.—Clause (iv) of section 170(e)(3)(D) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) CLERICAL AMENDMENT.—Clause (iii) of section 170(e)(3)(D) (relating to certification by donee) is amended by inserting ''of books'' after ''to any contribution''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after December 31, 2007.

SEC. 325. EXTENSION AND MODIFICATION OF DUTY SUSPENSION ON WOOL PRODUCTS; WOOL RESEARCH FUND; WOOL DUTY REFUNDS.

(a) EXTENSION OF TEMPORARY DUTY REDUCTIONS.—Each of the following headings of the Harmonized Tariff Schedule of the United States is amended by striking the date in the effective period column and inserting ''12/31/2014'':

(1) Heading 9902.51.11 (relating to fabrics of worsted wool).

(2) Heading 9902.51.13 (relating to yarn of combed wool).

(3) Heading 9902.51.14 (relating to wool fiber, waste, garnetted stock, combed wool, or wool top).

(4) Heading 9902.51.15 (relating to fabrics of combed wool).

(5) Heading 9902.51.16 (relating to fabrics of combed wool).

(b) EXTENSION OF DUTY REFUNDS AND WOOL RESEARCH TRUST FUND.—

(1) IN GENERAL.—Section 4002(c) of the Wool Suit and Textile Trade Extension Act of 2004 (Public Law 108–429; 118 Stat. 2603) is amended—

(A) in paragraph (3)(C), by striking ''2010'' and inserting ''2015''; and

(B) in paragraph (6)(A), by striking ''through 2009'' and inserting ''through 2014''.

(2) SUNSET.—Section 506(f) of the Trade and Development Act of 2000 (Public 106–200; 114 Stat. 303 (7 U.S.C. 7101 note)) is amended by striking ''2010'' and inserting ''2015''.

TITLE IV—EXTENSION OF TAX ADMINISTRATION PROVISIONS

SEC. 401. PERMANENT AUTHORITY FOR UNDERCOVER OPERATIONS.

(a) IN GENERAL.—Section 7608(c) (relating to rules relating to undercover operations) is amended by striking paragraph (6).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to operations conducted after the date of the enactment of this Act.

SEC. 402. PERMANENT AUTHORITY FOR DISCLOSURE OF INFORMATION RELATING TO TERRORIST ACTIVITIES.

(a) DISCLOSURE OF RETURN INFORMATION TO APPRISE APPROPRIATE OFFICIALS OF TERRORIST ACTIVITIES.—Subparagraph (C) of section 6103(i)(3) is amended by striking clause (iv).

(b) DISCLOSURE UPON REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES.—Paragraph (7) of section 6103(i) is amended by striking subparagraph (E).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures after the date of the enactment of this Act.

TITLE V—ADDITIONAL TAX RELIEF AND OTHER TAX PROVISIONS

Subtitle A—General Provisions

SEC. 501. $8,500 INCOME THRESHOLD USED TO CALCULATE REFUNDABLE PORTION OF CHILD TAX CREDIT.

(a) IN GENERAL.—Section 24(d) is amended by adding at the end the following new paragraph:

''(4) SPECIAL RULE FOR 2008.—Notwithstanding paragraph (3), in the case of any taxable year beginning in 2008, the dollar amount in effect for such taxable year under paragraph (1)(B)(i) shall be $8,500.''.

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

SEC. 502. PROVISIONS RELATED TO FILM AND TELEVISION PRODUCTIONS.

(a) EXTENSION OF EXPENSING RULES FOR QUALIFIED FILM AND TELEVISION PRODUCTIONS.—Section 181(f) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) MODIFICATION OF LIMITATION ON EXPENSING.—Subparagraph (A) of section 181(a)(2) is amended to read as follows:

''(A) IN GENERAL.—Paragraph (1) shall not apply to so much of the aggregate cost of any qualified film or television production as exceeds $15,000,000.''.

(c) MODIFICATIONS TO DEDUCTION FOR DOMESTIC ACTIVITIES.—

(1) DETERMINATION OF W–2 WAGES.—Paragraph (2) of section 199(b) is amended by adding at the end the following new subparagraph:

''(D) SPECIAL RULE FOR QUALIFIED FILM.—In the case of a qualified film, such term shall include compensation for services performed in the United States by actors, production personnel, directors, and producers.''.

(2) DEFINITION OF QUALIFIED FILM.—Paragraph (6) of section 199(c) is amended by adding at the end the following: ''A qualified film shall include any copyrights, trademarks, or other intangibles with respect to such film. The methods and means of distributing a qualified film shall not affect the availability of the deduction under this section.''.

(3) PARTNERSHIPS.—Subparagraph (A) of section 199(d)(1) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) in the case of each partner of a partnership, or shareholder of an S corporation, who owns (directly or indirectly) at least 20 percent of the capital interests in such partnership or of the stock of such S corporation—

''(I) such partner or shareholder shall be treated as having engaged directly in any film produced by such partnership or S corporation, and

''(II) such partnership or S corporation shall be treated as having engaged directly in any film produced by such partner or shareholder.''.

(d) CONFORMING AMENDMENT.—Section 181(d)(3)(A) is amended by striking ''actors'' and all that follows and inserting ''actors, production personnel, directors, and producers.''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to qualified film and television productions commencing after December 31, 2007.

(2) DEDUCTION.—The amendments made by subsection (c) shall apply to taxable years beginning after December 31, 2007.

SEC. 503. EXEMPTION FROM EXCISE TAX FOR CERTAIN WOODEN ARROWS DESIGNED FOR USE BY CHILDREN.

(a) IN GENERAL.—Paragraph (2) of section 4161(b) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) EXEMPTION FOR CERTAIN WOODEN ARROW SHAFTS.—Subparagraph (A) shall not apply to any shaft consisting of all natural wood with no laminations or artificial means of enhancing the spine of such shaft (whether sold separately or incorporated as part of a finished or unfinished product) of a type used in the manufacture of any arrow which after its assembly—

''(i) measures 5/16 of an inch or less in diameter, and

''(ii) is not suitable for use with a bow described in paragraph (1)(A).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to shafts first sold after the date of enactment of this Act.

SEC. 504. INCOME AVERAGING FOR AMOUNTS RECEIVED IN CONNECTION WITH THE EXXON VALDEZ LITIGATION.

(a) INCOME AVERAGING OF AMOUNTS RECEIVED FROM THE EXXON VALDEZ LITIGATION.—For purposes of section 1301 of the Internal Revenue Code of 1986—

(1) any qualified taxpayer who receives any qualified settlement income in any taxable year shall be treated as engaged in a fishing business (determined without regard to the commercial nature of the business), and

(2) such qualified settlement income shall be treated as income attributable to such a fishing business for such taxable year.

(b) CONTRIBUTIONS OF AMOUNTS RECEIVED TO RETIREMENT ACCOUNTS.—

(1) IN GENERAL.—Any qualified taxpayer who receives qualified settlement income during the taxable year may, at any time before the end of the taxable year in which such income was received, make one or more contributions to an eligible retirement plan of which such qualified taxpayer is a beneficiary in an aggregate amount not to exceed the lesser of—

(A) $100,000 (reduced by the amount of qualified settlement income contributed to an eligible retirement plan in prior taxable years pursuant to this subsection), or

(B) the amount of qualified settlement income received by the individual during the taxable year.

(2) TIME WHEN CONTRIBUTIONS DEEMED MADE.—For purposes of paragraph (1), a qualified taxpayer shall be deemed to have made a contribution to an eligible retirement plan on the last day of the taxable year in which such income is received if the contribution is made on account of such taxable year and is made not later than the time prescribed by law for filing the return for such taxable year (not including extensions thereof).

(3) TREATMENT OF CONTRIBUTIONS TO ELIGIBLE RETIREMENT PLANS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to qualified settlement income, then—

(A) except as provided in paragraph (4)—

(i) to the extent of such contribution, the qualified settlement income shall not be included in taxable income, and

(ii) for purposes of section 72 of such Code, such contribution shall not be considered to be investment in the contract,

(B) the qualified taxpayer shall, to the extent of the amount of the contribution, be treated—

(i) as having received the qualified settlement income—

(I) in the case of a contribution to an individual retirement plan (as defined under section 7701(a)(37) of such Code), in a distribution described in section 408(d)(3) of such Code, and

(II) in the case of any other eligible retirement plan, in an eligible rollover distribution (as defined under section 402(f)(2) of such Code), and

(ii) as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution,

(C) section 408(d)(3)(B) of the Internal Revenue Code of 1986 shall not apply with respect to amounts treated as a rollover under this paragraph, and

(D) section 408A(c)(3)(B) of the Internal Revenue Code of 1986 shall not apply with respect to amounts contributed to a Roth IRA (as defined under section 408A(b) of such Code) or a designated Roth contribution to an applicable retirement plan (within the meaning of section 402A of such Code) under this paragraph.

(4) SPECIAL RULE FOR ROTH IRAS AND ROTH 401(k)S.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to qualified settlement income to a Roth IRA (as defined under section 408A(b) of such Code) or as a designated Roth contribution to an applicable retirement plan (within the meaning of section 402A of such Code), then—

(A) the qualified settlement income shall be includible in taxable income, and

(B) for purposes of section 72 of such Code, such contribution shall be considered to be investment in the contract.

(5) ELIGIBLE RETIREMENT PLAN.—For purpose of this subsection, the term ''eligible retirement plan'' has the meaning given such term under section 402(c)(8)(B) of the Internal Revenue Code of 1986.

(c) TREATMENT OF QUALIFIED SETTLEMENT INCOME UNDER EMPLOYMENT TAXES.—

(1) SECA.—For purposes of chapter 2 of the Internal Revenue Code of 1986 and section 211 of the Social Security Act, no portion of qualified settlement income received by a qualified taxpayer shall be treated as self-employment income.

(2) FICA.—For purposes of chapter 21 of the Internal Revenue Code of 1986 and section 209 of the Social Security Act, no portion of qualified settlement income received by a qualified taxpayer shall be treated as wages.

(d) QUALIFIED TAXPAYER.—For purposes of this section, the term ''qualified taxpayer'' means—

(1) any individual who is a plaintiff in the civil action In re Exxon Valdez, No. 89–095–CV (HRH) (Consolidated) (D. Alaska); or

(2) any individual who is a beneficiary of the estate of such a plaintiff who—

(A) acquired the right to receive qualified settlement income from that plaintiff; and

(B) was the spouse or an immediate relative of that plaintiff.

(e) QUALIFIED SETTLEMENT INCOME.—For purposes of this section, the term ''qualified settlement income'' means any interest and punitive damage awards which are—

(1) otherwise includible in taxable income, and

(2) received (whether as lump sums or periodic payments) in connection with the civil action In re Exxon Valdez, No. 89–095–CV (HRH) (Consolidated) (D. Alaska) (whether pre- or post-judgment and whether related to a settlement or judgment).

SEC. 505. CERTAIN FARMING BUSINESS MACHINERY AND EQUIPMENT TREATED AS 5-YEAR PROPERTY.

(a) IN GENERAL.—Section 168(e)(3)(B) (defining 5-year property) is amended by striking ''and'' at the end of clause (v), by striking the period at the end of clause (vi)(III) and inserting '', and'', and by inserting after clause (vi) the following new clause:

''(vii) any machinery or equipment (other than any grain bin, cotton ginning asset, fence, or other land improvement) which is used in a farming business (as defined in section 263A(e)(4)), the original use of which commences with the taxpayer after December 31, 2008, and which is placed in service before January 1, 2010.''.

(b) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) (relating to special rule for certain property assigned to classes) is amended by inserting after the item relating to subparagraph (B)(iii) the following:

(B)(vii) ..... 10''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2008.

SEC. 506. MODIFICATION OF PENALTY ON UNDERSTATEMENT OF TAXPAYER'S LIABILITY BY TAX RETURN PREPARER.

(a) IN GENERAL.—Subsection (a) of section 6694 is amended to read as follows:

''(a) UNDERSTATEMENT DUE TO UNREASONABLE POSITIONS.—

''(1) IN GENERAL.—If a tax return preparer—

''(A) prepares any return or claim of refund with respect to which any part of an understatement of liability is due to a position described in paragraph (2), and

''(B) knew (or reasonably should have known) of the position,

such tax return preparer shall pay a penalty with respect to each such return or claim in an amount equal to the greater of $1,000 or 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

''(2) UNREASONABLE POSITION.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, a position is described in this paragraph unless there is or was substantial authority for the position.

''(B) DISCLOSED POSITIONS.—If the position was disclosed as provided in section 6662(d)(2)(B)(ii)(I) and is not a position to which subparagraph (C) applies, the position is described in this paragraph unless there is a reasonable basis for the position.

''(C) TAX SHELTERS AND REPORTABLE TRANSACTIONS.—If the position is with respect to a tax shelter (as defined in section 6662(d)(2)(C)(ii)) or a reportable transaction to which section 6662A applies, the position is described in this paragraph unless it is reasonable to believe that the position would more likely than not be sustained on its merits.

''(3) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this subsection if it is shown that there is reasonable cause for the understatement and the tax return preparer acted in good faith.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply—

(1) in the case of a position other than a position described in subparagraph (C) of section 6694(a)(2) of the Internal Revenue Code of 1986 (as amended by this section), to returns prepared after May 25, 2007, and

(2) in the case of a position described in such subparagraph (C), to returns prepared for taxable years ending after the date of the enactment of this Act.

Subtitle B—Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008

SEC. 511. SHORT TITLE.

This subtitle may be cited as the ''Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008''.

SEC. 512. MENTAL HEALTH PARITY.

(a) AMENDMENTS TO ERISA.—Section 712 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a) is amended—

(1) in subsection (a), by adding at the end the following:

''(3) FINANCIAL REQUIREMENTS AND TREATMENT LIMITATIONS.—

''(A) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health or substance use disorder benefits, such plan or coverage shall ensure that—

''(i) the financial requirements applicable to such mental health or substance use disorder benefits are no more restrictive than the predominant financial requirements applied to substantially all medical and surgical benefits covered by the plan (or coverage), and there are no separate cost sharing requirements that are applicable only with respect to mental health or substance use disorder benefits; and

''(ii) the treatment limitations applicable to such mental health or substance use disorder benefits are no more restrictive than the predominant treatment limitations applied to substantially all medical and surgical benefits covered by the plan (or coverage) and there are no separate treatment limitations that are applicable only with respect to mental health or substance use disorder benefits.

''(B) DEFINITIONS.—In this paragraph:

''(i) FINANCIAL REQUIREMENT.—The term 'financial requirement' includes deductibles, copayments, coinsurance, and out-of-pocket expenses, but excludes an aggregate lifetime limit and an annual limit subject to paragraphs (1) and (2),

''(ii) PREDOMINANT.—A financial requirement or treatment limit is considered to be predominant if it is the most common or frequent of such type of limit or requirement.

''(iii) TREATMENT LIMITATION.—The term 'treatment limitation' includes limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment.

''(4) AVAILABILITY OF PLAN INFORMATION.—The criteria for medical necessity determinations made under the plan with respect to mental health or substance use disorder benefits (or the health insurance coverage offered in connection with the plan with respect to such benefits) shall be made available by the plan administrator (or the health insurance issuer offering such coverage) in accordance with regulations to any current or potential participant, beneficiary, or contracting provider upon request. The reason for any denial under the plan (or coverage) of reimbursement or payment for services with respect to mental health or substance use disorder benefits in the case of any participant or beneficiary shall, on request or as otherwise required, be made available by the plan administrator (or the health insurance issuer offering such coverage) to the participant or beneficiary in accordance with regulations.

''(5) OUT-OF-NETWORK PROVIDERS.—In the case of a plan or coverage that provides both medical and surgical benefits and mental health or substance use disorder benefits, if the plan or coverage provides coverage for medical or surgical benefits provided by out-of-network providers, the plan or coverage shall provide coverage for mental health or substance use disorder benefits provided by out-of-network providers in a manner that is consistent with the requirements of this section.'';

(2) in subsection (b), by amending paragraph (2) to read as follows:

''(2) in the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides mental health or substance use disorder benefits, as affecting the terms and conditions of the plan or coverage relating to such benefits under the plan or coverage, except as provided in subsection (a).'';

(3) in subsection (c)—

(A) in paragraph (1)(B)—

(i) by inserting ''(or 1 in the case of an employer residing in a State that permits small groups to include a single individual)'' after ''at least 2'' the first place that such appears; and

(ii) by striking ''and who employs at least 2 employees on the first day of the plan year''; and

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

''(2) COST EXEMPTION.—

''(A) IN GENERAL.—With respect to a group health plan (or health insurance coverage offered in connection with such a plan), if the application of this section to such plan (or coverage) results in an increase for the plan year

involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance use disorder benefits under the plan (as determined and certified under subparagraph (C)) by an amount that exceeds the applicable percentage described in subparagraph (B) of the actual total plan costs, the provisions of this section shall not apply to such plan (or coverage) during the following plan year, and such exemption shall apply to the plan (or coverage) for 1 plan year. An employer may elect to continue to apply mental health and substance use disorder parity pursuant to this section with respect to the group health plan (or coverage) involved regardless of any increase in total costs.

''(B) APPLICABLE PERCENTAGE.—With respect to a plan (or coverage), the applicable percentage described in this subparagraph shall be—

''(i) 2 percent in the case of the first plan year in which this section is applied; and

''(ii) 1 percent in the case of each subsequent plan year.

''(C) DETERMINATIONS BY ACTUARIES.—Determinations as to increases in actual costs under a plan (or coverage) for purposes of this section shall be made and certified by a qualified and licensed actuary who is a member in good standing of the American Academy of Actuaries. All such determinations shall be in a written report prepared by the actuary. The report, and all underlying documentation relied upon by the actuary, shall be maintained by the group health plan or health insurance issuer for a period of 6 years following the notification made under subparagraph (E).

''(D) 6-MONTH DETERMINATIONS.—If a group health plan (or a health insurance issuer offering coverage in connection with a group health plan) seeks an exemption under this paragraph, determinations under subparagraph (A) shall be made after such plan (or coverage) has complied with this section for the first 6 months of the plan year involved.

''(E) NOTIFICATION.—

''(i) IN GENERAL.—A group health plan (or a health insurance issuer offering coverage in connection with a group health plan) that, based upon a certification described under subparagraph (C), qualifies for an exemption under this paragraph, and elects to implement the exemption, shall promptly notify the Secretary, the appropriate State agencies, and participants and beneficiaries in the plan of such election.

''(ii) REQUIREMENT.—A notification to the Secretary under clause (i) shall include—

''(I) a description of the number of covered lives under the plan (or coverage) involved at the time of the notification, and as applicable, at the time of any prior election of the cost-exemption under this paragraph by such plan (or coverage);

''(II) for both the plan year upon which a cost exemption is sought and the year prior, a description of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance use disorder benefits under the plan; and

''(III) for both the plan year upon which a cost exemption is sought and the year prior, the actual total costs of coverage with respect to mental health and substance use disorder benefits under the plan.

''(iii) CONFIDENTIALITY.—A notification to the Secretary under clause (i) shall be confidential. The Secretary shall make available, upon request and on not more than an annual basis, an anonymous itemization of such notifications, that includes—

''(I) a breakdown of States by the size and type of employers submitting such notification; and

''(II) a summary of the data received under clause (ii).

''(F) AUDITS BY APPROPRIATE AGENCIES.—To determine compliance with this paragraph, the Secretary may audit the books and records of a group health plan or health insurance issuer relating to an exemption, including any actuarial reports prepared pursuant to subparagraph (C), during the 6 year period following the notification of such exemption under subparagraph (E). A State agency receiving a notification under subparagraph (E) may also conduct such an audit with respect to an exemption covered by such notification.'';

(4) in subsection (e), by striking paragraph (4) and inserting the following:

''(4) MENTAL HEALTH BENEFITS.—The term 'mental health benefits' means benefits with respect to services for mental health conditions, as defined under the terms of the plan and in accordance with applicable Federal and State law.

''(5) SUBSTANCE USE DISORDER BENEFITS.—The term 'substance use disorder benefits' means benefits with respect to services for substance use disorders, as defined under the terms of the plan and in accordance with applicable Federal and State law.'';

(5) by striking subsection (f);

(6) by inserting after subsection (e) the following:

''(f) SECRETARY REPORT.—The Secretary shall, by January 1, 2012, and every two years thereafter, submit to the appropriate committees of Congress a report on compliance of group health plans (and health insurance coverage offered in connection with such plans) with the requirements of this section. Such report shall include the results of any surveys or audits on compliance of group health plans (and health insurance coverage offered in connection with such plans) with such requirements and an analysis of the reasons for any failures to comply.

''(g) NOTICE AND ASSISTANCE.—The Secretary, in cooperation with the Secretaries of Health and Human Services and Treasury, as appropriate, shall publish and widely disseminate guidance and information for group health plans, participants and beneficiaries, applicable State and local regulatory bodies, and the National Association of Insurance Commissioners concerning the requirements of this section and shall provide assistance concerning such requirements and the continued operation of applicable State law. Such guidance and information shall inform participants and beneficiaries of how they may obtain assistance under this section, including, where appropriate, assistance from State consumer and insurance agencies.'';

(7) by striking ''mental health benefits'' and inserting ''mental health and substance use disorder benefits'' each place it appears in subsections (a)(1)(B)(i), (a)(1)(C), (a)(2)(B)(i), and (a)(2)(C); and

(8) by striking ''mental health benefits'' and inserting ''mental health or substance use disorder benefits'' each place it appears (other than in any provision amended by the previous paragraph).

(b) AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.—Section 2705 of the Public Health Service Act (42 U.S.C. 300gg–5) is amended—

(1) in subsection (a), by adding at the end the following:

''(3) FINANCIAL REQUIREMENTS AND TREATMENT LIMITATIONS.—

''(A) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health or substance use disorder benefits, such plan or coverage shall ensure that—

''(i) the financial requirements applicable to such mental health or substance use disorder benefits are no more restrictive than the predominant financial requirements applied to substantially all medical and surgical benefits covered by the plan (or coverage), and there are no separate cost sharing requirements that are applicable only with respect to mental health or substance use disorder benefits; and

''(ii) the treatment limitations applicable to such mental health or substance use disorder benefits are no more restrictive than the predominant treatment limitations applied to substantially all medical and surgical benefits covered by the plan (or coverage) and there are no separate treatment limitations that are applicable only with respect to mental health or substance use disorder benefits.

''(B) DEFINITIONS.—In this paragraph:

''(i) FINANCIAL REQUIREMENT.—The term 'financial requirement' includes deductibles, copayments, coinsurance, and out-of-pocket expenses, but excludes an aggregate lifetime limit and an annual limit subject to paragraphs (1) and (2).

''(ii) PREDOMINANT.—A financial requirement or treatment limit is considered to be predominant if it is the most common or frequent of such type of limit or requirement.

''(iii) TREATMENT LIMITATION.—The term 'treatment limitation' includes limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment.

''(4) AVAILABILITY OF PLAN INFORMATION.—The criteria for medical necessity determinations made under the plan with respect to mental health or substance use disorder benefits (or the health insurance coverage offered in connection with the plan with respect to such benefits) shall be made available by the plan administrator (or the health insurance issuer offering such coverage) in accordance with regulations to any current or potential participant, beneficiary, or contracting provider upon request. The reason for any denial under the plan (or coverage) of reimbursement or payment for services with respect to mental health or substance use disorder benefits in the case of any participant or beneficiary shall, on request or as otherwise required, be made available by the plan administrator (or the health insurance issuer offering such coverage) to the participant or beneficiary in accordance with regulations.

''(5) OUT-OF-NETWORK PROVIDERS.—In the case of a plan or coverage that provides both medical and surgical benefits and mental health or substance use disorder benefits, if the plan or coverage provides coverage for medical or surgical benefits provided by out-of-network providers, the plan or coverage shall provide coverage for mental health or substance use disorder benefits provided by out-of-network providers in a manner that is consistent with the requirements of this section.'';

(2) in subsection (b), by amending paragraph (2) to read as follows:

''(2) in the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides mental health or substance use disorder benefits, as affecting the terms and conditions of the plan or coverage relating to such benefits under the plan or coverage, except as provided in subsection (a).'';

(3) in subsection (c)—

(A) in paragraph (1), by inserting before the period the following: ''(as defined in section 2791(e)(4), except that for purposes of this paragraph such term shall include employers with 1 employee in the case of an employer residing in a State that permits small groups to include a single individual)''; and

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

''(2) COST EXEMPTION.—

''(A) IN GENERAL.—With respect to a group health plan (or health insurance coverage offered in connection with such a plan), if the application of this section to such plan (or coverage) results in an increase for the plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance use disorder benefits under the plan (as determined and certified under subparagraph (C)) by an amount that exceeds the applicable percentage described in subparagraph (B) of the actual total plan costs, the provisions of this section shall not apply to such plan (or coverage) during the following plan year, and such exemption shall

apply to the plan (or coverage) for 1 plan year. An employer may elect to continue to apply mental health and substance use disorder parity pursuant to this section with respect to the group health plan (or coverage) involved regardless of any increase in total costs.

''(B) APPLICABLE PERCENTAGE.—With respect to a plan (or coverage), the applicable percentage described in this subparagraph shall be—

''(i) 2 percent in the case of the first plan year in which this section is applied; and

''(ii) 1 percent in the case of each subsequent plan year.

''(C) DETERMINATIONS BY ACTUARIES.—Determinations as to increases in actual costs under a plan (or coverage) for purposes of this section shall be made and certified by a qualified and licensed actuary who is a member in good standing of the American Academy of Actuaries. All such determinations shall be in a written report prepared by the actuary. The report, and all underlying documentation relied upon by the actuary, shall be maintained by the group health plan or health insurance issuer for a period of 6 years following the notification made under subparagraph (E).

''(D) 6-MONTH DETERMINATIONS.—If a group health plan (or a health insurance issuer offering coverage in connection with a group health plan) seeks an exemption under this paragraph, determinations under subparagraph (A) shall be made after such plan (or coverage) has complied with this section for the first 6 months of the plan year involved.

''(E) NOTIFICATION.—

''(i) IN GENERAL.—A group health plan (or a health insurance issuer offering coverage in connection with a group health plan) that, based upon a certification described under subparagraph (C), qualifies for an exemption under this paragraph, and elects to implement the exemption, shall promptly notify the Secretary, the appropriate State agencies, and participants and beneficiaries in the plan of such election.

''(ii) REQUIREMENT.—A notification to the Secretary under clause (i) shall include—

''(I) a description of the number of covered lives under the plan (or coverage) involved at the time of the notification, and as applicable, at the time of any prior election of the cost-exemption under this paragraph by such plan (or coverage);

''(II) for both the plan year upon which a cost exemption is sought and the year prior, a description of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance use disorder benefits under the plan; and

''(III) for both the plan year upon which a cost exemption is sought and the year prior, the actual total costs of coverage with respect to mental health and substance use disorder benefits under the plan.

''(iii) CONFIDENTIALITY.—A notification to the Secretary under clause (i) shall be confidential. The Secretary shall make available, upon request and on not more than an annual basis, an anonymous itemization of such notifications, that includes—

''(I) a breakdown of States by the size and type of employers submitting such notification; and

''(II) a summary of the data received under clause (ii).

''(F) AUDITS BY APPROPRIATE AGENCIES.—To determine compliance with this paragraph, the Secretary may audit the books and records of a group health plan or health insurance issuer relating to an exemption, including any actuarial reports prepared pursuant to subparagraph (C), during the 6 year period following the notification of such exemption under subparagraph (E). A State agency receiving a notification under subparagraph (E) may also conduct such an audit with respect to an exemption covered by such notification.'';

(4) in subsection (e), by striking paragraph (4) and inserting the following:

''(4) MENTAL HEALTH BENEFITS.—The term 'mental health benefits' means benefits with respect to services for mental health conditions, as defined under the terms of the plan and in accordance with applicable Federal and State law.

''(5) SUBSTANCE USE DISORDER BENEFITS.—The term 'substance use disorder benefits' means benefits with respect to services for substance use disorders, as defined under the terms of the plan and in accordance with applicable Federal and State law.'';

(5) by striking subsection (f);

(6) by striking ''mental health benefits'' and inserting ''mental health and substance use disorder benefits'' each place it appears in subsections (a)(1)(B)(i), (a)(1)(C), (a)(2)(B)(i), and (a)(2)(C); and

(7) by striking ''mental health benefits'' and inserting ''mental health or substance use disorder benefits'' each place it appears (other than in any provision amended by the previous paragraph).

(c) AMENDMENTS TO INTERNAL REVENUE CODE.—Section 9812 of the Internal Revenue Code of 1986 is amended—

(1) in subsection (a), by adding at the end the following:

''(3) FINANCIAL REQUIREMENTS AND TREATMENT LIMITATIONS.—

''(A) IN GENERAL.—In the case of a group health plan that provides both medical and surgical benefits and mental health or substance use disorder benefits, such plan shall ensure that—

''(i) the financial requirements applicable to such mental health or substance use disorder benefits are no more restrictive than the predominant financial requirements applied to substantially all medical and surgical benefits covered by the plan, and there are no separate cost sharing requirements that are applicable only with respect to mental health or substance use disorder benefits; and

''(ii) the treatment limitations applicable to such mental health or substance use disorder benefits are no more restrictive than the predominant treatment limitations applied to substantially all medical and surgical benefits covered by the plan and there are no separate treatment limitations that are applicable only with respect to mental health or substance use disorder benefits.

''(B) DEFINITIONS.—In this paragraph:

''(i) FINANCIAL REQUIREMENT.—The term 'financial requirement' includes deductibles, copayments, coinsurance, and out-of-pocket expenses, but excludes an aggregate lifetime limit and an annual limit subject to paragraphs (1) and (2),

''(ii) PREDOMINANT.—A financial requirement or treatment limit is considered to be predominant if it is the most common or frequent of such type of limit or requirement.

''(iii) TREATMENT LIMITATION.—The term 'treatment limitation' includes limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment.

''(4) AVAILABILITY OF PLAN INFORMATION.—The criteria for medical necessity determinations made under the plan with respect to mental health or substance use disorder benefits shall be made available by the plan administrator in accordance with regulations to any current or potential participant, beneficiary, or contracting provider upon request. The reason for any denial under the plan of reimbursement or payment for services with respect to mental health or substance use disorder benefits in the case of any participant or beneficiary shall, on request or as otherwise required, be made available by the plan administrator to the participant or beneficiary in accordance with regulations.

''(5) OUT-OF-NETWORK PROVIDERS.—In the case of a plan that provides both medical and surgical benefits and mental health or substance use disorder benefits, if the plan provides coverage for medical or surgical benefits provided by out-of-network providers, the plan shall provide coverage for mental health or substance use disorder benefits provided by out-of-network providers in a manner that is consistent with the requirements of this section.'';

(2) in subsection (b), by amending paragraph (2) to read as follows:

''(2) in the case of a group health plan that provides mental health or substance use disorder benefits, as affecting the terms and conditions of the plan relating to such benefits under the plan, except as provided in subsection (a).'';

(3) in subsection (c)—

(A) by amending paragraph (1) to read as follows:

''(1) SMALL EMPLOYER EXEMPTION.—

''(A) IN GENERAL.—This section shall not apply to any group health plan for any plan year of a small employer.

''(B) SMALL EMPLOYER.—For purposes of subparagraph (A), the term 'small employer' means, with respect to a calendar year and a plan year, an employer who employed an average of at least 2 (or 1 in the case of an employer residing in a State that permits small groups to include a single individual) but not more than 50 employees on business days during the preceding calendar year. For purposes of the preceding sentence, all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as 1 employer and rules similar to rules of subparagraphs (B) and (C) of section 4980D(d)(2) shall apply.''; and

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

''(2) COST EXEMPTION.—

''(A) IN GENERAL.—With respect to a group health plan, if the application of this section to such plan results in an increase for the plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance use disorder benefits under the plan (as determined and certified under subparagraph (C)) by an amount that exceeds the applicable percentage described in subparagraph (B) of the actual total plan costs, the provisions of this section shall not apply to such plan during the following plan year, and such exemption shall apply to the plan for 1 plan year. An employer may elect to continue to apply mental health and substance use disorder parity pursuant to this section with respect to the group health plan involved regardless of any increase in total costs.

''(B) APPLICABLE PERCENTAGE.—With respect to a plan, the applicable percentage described in this subparagraph shall be—

''(i) 2 percent in the case of the first plan year in which this section is applied; and

''(ii) 1 percent in the case of each subsequent plan year.

''(C) DETERMINATIONS BY ACTUARIES.—Determinations as to increases in actual costs under a plan for purposes of this section shall be made and certified by a qualified and licensed actuary who is a member in good standing of the American Academy of Actuaries. All such determinations shall be in a written report prepared by the actuary. The report, and all underlying documentation relied upon by the actuary, shall be maintained by the group health plan for a period of 6 years following the notification made under subparagraph (E).

''(D) 6-MONTH DETERMINATIONS.—If a group health plan seeks an exemption under this paragraph, determinations under subparagraph (A) shall be made after such plan has complied with this section for the first 6 months of the plan year involved.

''(E) NOTIFICATION.—

''(i) IN GENERAL.—A group health plan that, based upon a certification described under subparagraph (C), qualifies for an exemption under this paragraph, and elects to implement the exemption, shall promptly notify the Secretary, the appropriate State agencies, and participants and beneficiaries in the plan of such election.

''(ii) REQUIREMENT.—A notification to the Secretary under clause (i) shall include—

''(I) a description of the number of covered lives under the plan involved at the time of the notification, and as applicable, at the time of any prior election of the cost-exemption under this paragraph by such plan;

''(II) for both the plan year upon which a cost exemption is sought and the year prior, a description of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance use disorder benefits under the plan; and

''(III) for both the plan year upon which a cost exemption is sought and the year prior, the actual total costs of coverage with respect to mental health and substance use disorder benefits under the plan.

''(iii) CONFIDENTIALITY.—A notification to the Secretary under clause (i) shall be confidential. The Secretary shall make available, upon request and on not more than an annual basis, an anonymous itemization of such notifications, that includes—

''(I) a breakdown of States by the size and type of employers submitting such notification; and

''(II) a summary of the data received under clause (ii).

''(F) AUDITS BY APPROPRIATE AGENCIES.—To determine compliance with this paragraph, the Secretary may audit the books and records of a group health plan relating to an exemption, including any actuarial reports prepared pursuant to subparagraph (C), during the 6 year period following the notification of such exemption under subparagraph (E). A State agency receiving a notification under subparagraph (E) may also conduct such an audit with respect to an exemption covered by such notification.'';

(4) in subsection (e), by striking paragraph (4) and inserting the following:

''(4) MENTAL HEALTH BENEFITS.—The term 'mental health benefits' means benefits with respect to services for mental health conditions, as defined under the terms of the plan and in accordance with applicable Federal and State law.

''(5) SUBSTANCE USE DISORDER BENEFITS.—The term 'substance use disorder benefits' means benefits with respect to services for substance use disorders, as defined under the terms of the plan and in accordance with applicable Federal and State law.'';

(5) by striking subsection (f);

(6) by striking ''mental health benefits'' and inserting ''mental health and substance use disorder benefits'' each place it appears in subsections (a)(1)(B)(i), (a)(1)(C), (a)(2)(B)(i), and (a)(2)(C); and

(7) by striking ''mental health benefits'' and inserting ''mental health or substance use disorder benefits'' each place it appears (other than in any provision amended by the previous paragraph).

(d) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretaries of Labor, Health and Human Services, and the Treasury shall issue regulations to carry out the amendments made by subsections (a), (b), and (c), respectively.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to group health plans for plan years beginning after the date that is 1 year after the date of enactment of this Act, regardless of whether regulations have been issued to carry out such amendments by such effective date, except that the amendments made by subsections (a)(5), (b)(5), and (c)(5), relating to striking of certain sunset provisions, shall take effect on January 1, 2009.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified before the date of the enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the later of—

(A) the date on which the last of the collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of the enactment of this Act), or

(B) January 1, 2009.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this section shall not be treated as a termination of such collective bargaining agreement.

(f) ASSURING COORDINATION.—The Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury may ensure, through the execution or revision of an interagency memorandum of understanding among such Secretaries, that—

(1) regulations, rulings, and interpretations issued by such Secretaries relating to the same matter over which two or more such Secretaries have responsibility under this section (and the amendments made by this section) are administered so as to have the same effect at all times; and

(2) coordination of policies relating to enforcing the same requirements through such Secretaries in order to have a coordinated enforcement strategy that avoids duplication of enforcement efforts and assigns priorities in enforcement.

(g) CONFORMING CLERICAL AMENDMENTS.—

(1) ERISA HEADING.—

(A) IN GENERAL.—The heading of section 712 of the Employee Retirement Income Security Act of 1974 is amended to read as follows:

''SEC. 712. PARITY IN MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS.''.

(B) CLERICAL AMENDMENT.—The table of contents in section 1 of such Act is amended by striking the item relating to section 712 and inserting the following new item:

''Sec. 712. Parity in mental health and substance use disorder benefits.''.

(2) PHSA HEADING.—The heading of section 2705 of the Public Health Service Act is amended to read as follows:

''SEC. 2705. PARITY IN MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS.''.

(3) IRC HEADING.—

(A) IN GENERAL.—The heading of section 9812 of the Internal Revenue Code of 1986 is amended to read as follows:

''SEC. 9812. PARITY IN MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS.''.

(B) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 100 of such Code is amended by striking the item relating to section 9812 and inserting the following new item:

''Sec. 9812. Parity in mental health and substance use disorder benefits.''.

(h) GAO STUDY ON COVERAGE AND EXCLUSION OF MENTAL HEALTH AND SUBSTANCE USE DISORDER DIAGNOSES.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study that analyzes the specific rates, patterns, and trends in coverage and exclusion of specific mental health and substance use disorder diagnoses by health plans and health insurance. The study shall include an analysis of—

(A) specific coverage rates for all mental health conditions and substance use disorders;

(B) which diagnoses are most commonly covered or excluded;

(C) whether implementation of this Act has affected trends in coverage or exclusion of such diagnoses; and

(D) the impact of covering or excluding specific diagnoses on participants' and enrollees' health, their health care coverage, and the costs of delivering health care.

(2) REPORTS.—Not later than 3 years after the date of the enactment of this Act, and 2 years after the date of submission the first report under this paragraph, the Comptroller General shall submit to Congress a report on the results of the study conducted under paragraph (1).

TITLE VI—OTHER PROVISIONS

SEC. 601. SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION PROGRAM.

(a) REAUTHORIZATION OF THE SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.—The Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393) is amended by striking sections 1 through 403 and inserting the following:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Secure Rural Schools and Community Self-Determination Act of 2000'.

''SEC. 2. PURPOSES.

''The purposes of this Act are—

''(1) to stabilize and transition payments to counties to provide funding for schools and roads that supplements other available funds;

''(2) to make additional investments in, and create additional employment opportunities through, projects that—

''(A)(i) improve the maintenance of existing infrastructure;

''(ii) implement stewardship objectives that enhance forest ecosystems; and

''(iii) restore and improve land health and water quality;

''(B) enjoy broad-based support; and

''(C) have objectives that may include—

''(i) road, trail, and infrastructure maintenance or obliteration;

''(ii) soil productivity improvement;

''(iii) improvements in forest ecosystem health;

''(iv) watershed restoration and maintenance;

''(v) the restoration, maintenance, and improvement of wildlife and fish habitat;

''(vi) the control of noxious and exotic weeds; and

''(vii) the reestablishment of native species; and

''(3) to improve cooperative relationships among—

''(A) the people that use and care for Federal land; and

''(B) the agencies that manage the Federal land.

''SEC. 3. DEFINITIONS.

''In this Act:

''(1) ADJUSTED SHARE.—The term 'adjusted share' means the number equal to the quotient obtained by dividing—

''(A) the number equal to the quotient obtained by dividing—

''(i) the base share for the eligible county; by

''(ii) the income adjustment for the eligible county; by

''(B) the number equal to the sum of the quotients obtained under subparagraph (A) and paragraph (8)(A) for all eligible counties.

''(2) BASE SHARE.—The term 'base share' means the number equal to the average of—

''(A) the quotient obtained by dividing—

''(i) the number of acres of Federal land described in paragraph (7)(A) in each eligible county; by

''(ii) the total number acres of Federal land in all eligible counties in all eligible States; and

''(B) the quotient obtained by dividing—

''(i) the amount equal to the average of the 3 highest 25-percent payments and safety net payments made to each eligible State for each eligible county during the eligibility period; by

''(ii) the amount equal to the sum of the amounts calculated under clause (i) and paragraph (9)(B)(i) for all eligible counties in all eligible States during the eligibility period.

''(3) COUNTY PAYMENT.—The term 'county payment' means the payment for an eligible county calculated under section 101(b).

''(4) ELIGIBLE COUNTY.—The term 'eligible county' means any county that—

''(A) contains Federal land (as defined in paragraph (7)); and

''(B) elects to receive a share of the State payment or the county payment under section 102(b).

''(5) ELIGIBILITY PERIOD.—The term 'eligibility period' means fiscal year 1986 through fiscal year 1999.

''(6) ELIGIBLE STATE.—The term 'eligible State' means a State or territory of the United States that received a 25-percent payment for 1 or more fiscal years of the eligibility period.

''(7) FEDERAL LAND.—The term 'Federal land' means—

''(A) land within the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)) exclusive of the National Grasslands and land utilization projects designated as National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010–1012); and

''(B) such portions of the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant land as are or may hereafter come under the jurisdiction of the Department of the Interior, which have heretofore or may hereafter be classified as timberlands, and power-site land valuable for timber, that shall be managed, except as provided in the former section 3 of the Act of August 28, 1937 (50 Stat. 875; 43 U.S.C. 1181c), for permanent forest production.

''(8) 50-PERCENT ADJUSTED SHARE.—The term '50-percent adjusted share' means the number equal to the quotient obtained by dividing—

''(A) the number equal to the quotient obtained by dividing—

''(i) the 50-percent base share for the eligible county; by

''(ii) the income adjustment for the eligible county; by

''(B) the number equal to the sum of the quotients obtained under subparagraph (A) and paragraph (1)(A) for all eligible counties.

''(9) 50-PERCENT BASE SHARE.—The term '50-percent base share' means the number equal to the average of—

''(A) the quotient obtained by dividing—

''(i) the number of acres of Federal land described in paragraph (7)(B) in each eligible county; by

''(ii) the total number acres of Federal land in all eligible counties in all eligible States; and

''(B) the quotient obtained by dividing—

''(i) the amount equal to the average of the 3 highest 50-percent payments made to each eligible county during the eligibility period; by

''(ii) the amount equal to the sum of the amounts calculated under clause (i) and paragraph (2)(B)(i) for all eligible counties in all eligible States during the eligibility period.

''(10) 50-PERCENT PAYMENT.—The term '50-percent payment' means the payment that is the sum of the 50-percent share otherwise paid to a county pursuant to title II of the Act of August 28, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), and the payment made to a county pursuant to the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f–1 et seq.).

''(11) FULL FUNDING AMOUNT.—The term 'full funding amount' means—

''(A) $500,000,000 for fiscal year 2008; and

''(B) for fiscal year 2009 and each fiscal year thereafter, the amount that is equal to 90 percent of the full funding amount for the preceding fiscal year.

''(12) INCOME ADJUSTMENT.—The term 'income adjustment' means the square of the quotient obtained by dividing—

''(A) the per capita personal income for each eligible county; by

''(B) the median per capita personal income of all eligible counties.

''(13) PER CAPITA PERSONAL INCOME.—The term 'per capita personal income' means the most recent per capita personal income data, as determined by the Bureau of Economic Analysis.

''(14) SAFETY NET PAYMENTS.—The term 'safety net payments' means the special payment amounts paid to States and counties required by section 13982 or 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note).

''(15) SECRETARY CONCERNED.—The term 'Secretary concerned' means—

''(A) the Secretary of Agriculture or the designee of the Secretary of Agriculture with respect to the Federal land described in paragraph (7)(A); and

''(B) the Secretary of the Interior or the designee of the Secretary of the Interior with respect to the Federal land described in paragraph (7)(B).

''(16) STATE PAYMENT.—The term 'State payment' means the payment for an eligible State calculated under section 101(a).

''(17) 25-PERCENT PAYMENT.—The term '25-percent payment' means the payment to States required by the sixth paragraph under the heading of 'FOREST SERVICE' in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

''TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LAND

''SEC. 101. SECURE PAYMENTS FOR STATES CONTAINING FEDERAL LAND.

''(a) STATE PAYMENT.—For each of fiscal years 2008 through 2011, the Secretary of Agriculture shall calculate for each eligible State an amount equal to the sum of the products obtained by multiplying—

''(1) the adjusted share for each eligible county within the eligible State; by

''(2) the full funding amount for the fiscal year.

''(b) COUNTY PAYMENT.—For each of fiscal years 2008 through 2011, the Secretary of the Interior shall calculate for each eligible county that received a 50-percent payment during the eligibility period an amount equal to the product obtained by multiplying—

''(1) the 50-percent adjusted share for the eligible county; by

''(2) the full funding amount for the fiscal year.

''SEC. 102. PAYMENTS TO STATES AND COUNTIES.

''(a) PAYMENT AMOUNTS.—Except as provided in section 103, the Secretary of the Treasury shall pay to—

''(1) a State or territory of the United States an amount equal to the sum of the amounts elected under subsection (b) by each county within the State or territory for—

''(A) if the county is eligible for the 25-percent payment, the share of the 25-percent payment; or

''(B) the share of the State payment of the eligible county; and

''(2) a county an amount equal to the amount elected under subsection (b) by each county for—

''(A) if the county is eligible for the 50-percent payment, the 50-percent payment; or

''(B) the county payment for the eligible county.

''(b) ELECTION TO RECEIVE PAYMENT AMOUNT.—

''(1) ELECTION; SUBMISSION OF RESULTS.—

''(A) IN GENERAL.—The election to receive a share of the State payment, the county payment, a share of the State payment and the county payment, a share of the 25-percent payment, the 50-percent payment, or a share of the 25-percent payment and the 50-percent payment, as applicable, shall be made at the discretion of each affected county by August 1, 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and August 1 of each second fiscal year thereafter, in accordance with paragraph (2), and transmitted to the Secretary concerned by the Governor of each eligible State.

''(B) FAILURE TO TRANSMIT.—If an election for an affected county is not transmitted to the Secretary concerned by the date specified under subparagraph (A), the affected county shall be considered to have elected to receive a share of the State payment, the county payment, or a share of the State payment and the county payment, as applicable.

''(2) DURATION OF ELECTION.—

''(A) IN GENERAL.—A county election to receive a share of the 25-percent payment or 50-percent payment, as applicable, shall be effective for 2 fiscal years.

''(B) FULL FUNDING AMOUNT.—If a county elects to receive a share of the State payment or the county payment, the election shall be effective for all subsequent fiscal years through fiscal year 2011.

''(3) SOURCE OF PAYMENT AMOUNTS.—The payment to an eligible State or eligible county under this section for a fiscal year shall be derived from—

''(A) any amounts that are appropriated to carry out this Act;

''(B) any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, special account, or permanent operating funds, received by the Federal Government from activities by the Bureau of Land Management or the Forest Service on the applicable Federal land; and

''(C) to the extent of any shortfall, out of any amounts in the Treasury of the United States not otherwise appropriated.

''(c) DISTRIBUTION AND EXPENDITURE OF PAYMENTS.—

''(1) DISTRIBUTION METHOD.—A State that receives a payment under subsection (a) for Federal land described in section 3(7)(A) shall distribute the appropriate payment amount among the appropriate counties in the State in accordance with—

''(A) the Act of May 23, 1908 (16 U.S.C. 500); and

''(B) section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

''(2) EXPENDITURE PURPOSES.—Subject to subsection (d), payments received by a State under subsection (a) and distributed to counties in accordance with paragraph (1) shall be expended as required by the laws referred to in paragraph (1).

''(d) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

''(1) ALLOCATIONS.—

''(A) USE OF PORTION IN SAME MANNER AS 25-PERCENT PAYMENT OR 50-PERCENT PAYMENT, AS APPLICABLE.—Except as provided in paragraph (3)(B), if an eligible county elects to receive its share of the State payment or the county payment, not less than 80 percent, but not more than 85 percent, of the funds shall be expended in the same manner in which the 25-percent payments or 50-percent payment, as applicable, are required to be expended.

''(B) ELECTION AS TO USE OF BALANCE.—Except as provided in subparagraph (C), an eligible county shall elect to do 1 or more of the following with the balance of any funds not expended pursuant to subparagraph (A):

''(i) Reserve any portion of the balance for projects in accordance with title II.

''(ii) Reserve not more than 7 percent of the total share for the eligible county of the State payment or the county payment for projects in accordance with title III.

''(iii) Return the portion of the balance not reserved under clauses (i) and (ii) to the Treasury of the United States.

''(C) COUNTIES WITH MODEST DISTRIBUTIONS.—In the case of each eligible county to which more than $100,000, but less than $350,000, is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county, with respect to

the balance of any funds not expended pursuant to subparagraph (A) for that fiscal year, shall—

''(i) reserve any portion of the balance for—

''(I) carrying out projects under title II;

''(II) carrying out projects under title III; or

''(III) a combination of the purposes described in subclauses (I) and (II); or

''(ii) return the portion of the balance not reserved under clause (i) to the Treasury of the United States.

''(2) DISTRIBUTION OF FUNDS.—

''(A) IN GENERAL.—Funds reserved by an eligible county under subparagraph (B)(i) or (C)(i) of paragraph (1) for carrying out projects under title II shall be deposited in a special account in the Treasury of the United States.

''(B) AVAILABILITY.—Amounts deposited under subparagraph (A) shall—

''(i) be available for expenditure by the Secretary concerned, without further appropriation; and

''(ii) remain available until expended in accordance with title II.

''(3) ELECTION.—

''(A) NOTIFICATION.—

''(i) IN GENERAL.—An eligible county shall notify the Secretary concerned of an election by the eligible county under this subsection not later than September 30, 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and each September 30 thereafter for each succeeding fiscal year.

''(ii) FAILURE TO ELECT.—Except as provided in subparagraph (B), if the eligible county fails to make an election by the date specified in clause (i), the eligible county shall—

''(I) be considered to have elected to expend 85 percent of the funds in accordance with paragraph (1)(A); and

''(II) return the balance to the Treasury of the United States.

''(B) COUNTIES WITH MINOR DISTRIBUTIONS.—In the case of each eligible county to which less than $100,000 is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county may elect to expend all the funds in the same manner in which the 25-percent payments or 50-percent payments, as applicable, are required to be expended.

''(e) TIME FOR PAYMENT.—The payments required under this section for a fiscal year shall be made as soon as practicable after the end of that fiscal year.

''SEC. 103. TRANSITION PAYMENTS TO STATES.

''(a) DEFINITIONS.—In this section:

''(1) ADJUSTED AMOUNT.—The term 'adjusted amount' means, with respect to a covered State—

''(A) for fiscal year 2008, 90 percent of—

''(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2008; and

''(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2008;

''(B) for fiscal year 2009, 81 percent of—

''(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2009; and

''(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2009; and

''(C) for fiscal year 2010, 73 percent of—

''(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2010; and

''(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2010.

''(2) COVERED STATE.—The term 'covered State' means each of the States of California, Louisiana, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, and Washington.

''(b) TRANSITION PAYMENTS.—For each of fiscal years 2008 through 2010, in lieu of the payment amounts that otherwise would have been made under paragraphs (1)(B) and (2)(B) of section 102(a), the Secretary of the Treasury shall pay the adjusted amount to each covered State and the eligible counties within the covered State, as applicable.

''(c) DISTRIBUTION OF ADJUSTED AMOUNT.—Except as provided in subsection (d), it is the intent of Congress that the method of distributing the payments under subsection (b) among the counties in the covered States for each of fiscal years 2008 through 2010 be in the same proportion that the payments were distributed to the eligible counties in fiscal year 2006.

''(d) DISTRIBUTION OF PAYMENTS IN CALIFORNIA.—The following payments shall be distributed among the eligible counties in the State of California in the same proportion that payments under section 102(a)(2) (as in effect on September 29, 2006) were distributed to the eligible counties for fiscal year 2006:

''(1) Payments to the State of California under subsection (b).

''(2) The shares of the eligible counties of the State payment for California under section 102 for fiscal year 2011.

''(e) TREATMENT OF PAYMENTS.—For purposes of this Act, any payment made under subsection (b) shall be considered to be a payment made under section 102(a).

''TITLE II—SPECIAL PROJECTS ON FEDERAL LAND

''SEC. 201. DEFINITIONS.

''In this title:

''(1) PARTICIPATING COUNTY.—The term 'participating county' means an eligible county that elects under section 102(d) to expend a portion of the Federal funds received under section 102 in accordance with this title.

''(2) PROJECT FUNDS.—The term 'project funds' means all funds an eligible county elects under section 102(d) to reserve for expenditure in accordance with this title.

''(3) RESOURCE ADVISORY COMMITTEE.—The term 'resource advisory committee' means—

''(A) an advisory committee established by the Secretary concerned under section 205; or

''(B) an advisory committee determined by the Secretary concerned to meet the requirements of section 205.

''(4) RESOURCE MANAGEMENT PLAN.—The term 'resource management plan' means—

''(A) a land use plan prepared by the Bureau of Land Management for units of the Federal land described in section 3(7)(B) pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); or

''(B) a land and resource management plan prepared by the Forest Service for units of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

''SEC. 202. GENERAL LIMITATION ON USE OF PROJECT FUNDS.

''(a) LIMITATION.—Project funds shall be expended solely on projects that meet the requirements of this title.

''(b) AUTHORIZED USES.—Project funds may be used by the Secretary concerned for the purpose of entering into and implementing cooperative agreements with willing Federal agencies, State and local governments, private and nonprofit entities, and landowners for protection, restoration, and enhancement of fish and wildlife habitat, and other resource objectives consistent with the purposes of this Act on Federal land and on non-Federal land where projects would benefit the resources on Federal land.

''SEC. 203. SUBMISSION OF PROJECT PROPOSALS.

''(a) SUBMISSION OF PROJECT PROPOSALS TO SECRETARY CONCERNED.—

''(1) PROJECTS FUNDED USING PROJECT FUNDS.—Not later than September 30 for fiscal year 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and each September 30 thereafter for each succeeding fiscal year through fiscal year 2011, each resource advisory committee shall submit to the Secretary concerned a description of any projects that the resource advisory committee proposes the Secretary undertake using any project funds reserved by eligible counties in the area in which the resource advisory committee has geographic jurisdiction.

''(2) PROJECTS FUNDED USING OTHER FUNDS.—A resource advisory committee may submit to the Secretary concerned a description of any projects that the committee proposes the Secretary undertake using funds from State or local governments, or from the private sector, other than project funds and funds appropriated and otherwise available to do similar work.

''(3) JOINT PROJECTS.—Participating counties or other persons may propose to pool project funds or other funds, described in paragraph (2), and jointly propose a project or group of projects to a resource advisory committee established under section 205.

''(b) REQUIRED DESCRIPTION OF PROJECTS.—In submitting proposed projects to the Secretary concerned under subsection (a), a resource advisory committee shall include in the description of each proposed project the following information:

''(1) The purpose of the project and a description of how the project will meet the purposes of this title.

''(2) The anticipated duration of the project.

''(3) The anticipated cost of the project.

''(4) The proposed source of funding for the project, whether project funds or other funds.

''(5)(A) Expected outcomes, including how the project will meet or exceed desired ecological conditions, maintenance objectives, or stewardship objectives.

''(B) An estimate of the amount of any timber, forage, and other commodities and other economic activity, including jobs generated, if any, anticipated as part of the project.

''(6) A detailed monitoring plan, including funding needs and sources, that—

''(A) tracks and identifies the positive or negative impacts of the project, implementation, and provides for validation monitoring; and

''(B) includes an assessment of the following:

''(i) Whether or not the project met or exceeded desired ecological conditions; created local employment or training opportunities, including summer youth jobs programs such as the Youth Conservation Corps where appropriate.

''(ii) Whether the project improved the use of, or added value to, any products removed from land consistent with the purposes of this title.

''(7) An assessment that the project is to be in the public interest.

''(c) AUTHORIZED PROJECTS.—Projects proposed under subsection (a) shall be consistent with section 2.

''SEC. 204. EVALUATION AND APPROVAL OF PROJECTS BY SECRETARY CONCERNED.

''(a) CONDITIONS FOR APPROVAL OF PROPOSED PROJECT.—The Secretary concerned may make a decision to approve a project submitted by a resource advisory committee under section 203 only if the proposed project satisfies each of the following conditions:

''(1) The project complies with all applicable Federal laws (including regulations).

''(2) The project is consistent with the applicable resource management plan and with any watershed or subsequent plan developed pursuant to the resource management plan and approved by the Secretary concerned.

''(3) The project has been approved by the resource advisory committee in accordance with section 205, including the procedures issued under subsection (e) of that section.

''(4) A project description has been submitted by the resource advisory committee to the Secretary concerned in accordance with section 203.

''(5) The project will improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality.

''(b) ENVIRONMENTAL REVIEWS.—

''(1) REQUEST FOR PAYMENT BY COUNTY.—The Secretary concerned may request the resource advisory committee submitting a proposed project to agree to the use of project funds to pay for any environmental review, consultation, or compliance with applicable environmental laws required in connection with the project.

''(2) CONDUCT OF ENVIRONMENTAL REVIEW.—If a payment is requested under paragraph (1) and the resource advisory committee agrees to the expenditure of funds for this purpose, the Secretary concerned shall conduct environmental review, consultation, or other compliance responsibilities in accordance with Federal laws (including regulations).

''(3) EFFECT OF REFUSAL TO PAY.—

''(A) IN GENERAL.—If a resource advisory committee does not agree to the expenditure of funds under paragraph (1), the project shall be deemed withdrawn from further consideration by the Secretary concerned pursuant to this title.

''(B) EFFECT OF WITHDRAWAL.—A withdrawal under subparagraph (A) shall be deemed to be a rejection of the project for purposes of section 207(c).

''(c) DECISIONS OF SECRETARY CONCERNED.—

''(1) REJECTION OF PROJECTS.—

''(A) IN GENERAL.—A decision by the Secretary concerned to reject a proposed project shall be at the sole discretion of the Secretary concerned.

''(B) NO ADMINISTRATIVE APPEAL OR JUDICIAL REVIEW.—Notwithstanding any other provision of law, a decision by the Secretary concerned to reject a proposed project shall not be subject to administrative appeal or judicial review.

''(C) NOTICE OF REJECTION.—Not later than 30 days after the date on which the Secretary concerned makes the rejection decision, the Secretary concerned shall notify in writing the resource advisory committee that submitted the proposed project of the rejection and the reasons for rejection.

''(2) NOTICE OF PROJECT APPROVAL.—The Secretary concerned shall publish in the Federal Register notice of each project approved under subsection (a) if the notice would be required had the project originated with the Secretary.

''(d) SOURCE AND CONDUCT OF PROJECT.—Once the Secretary concerned accepts a project for review under section 203, the acceptance shall be deemed a Federal action for all purposes.

''(e) IMPLEMENTATION OF APPROVED PROJECTS.—

''(1) COOPERATION.—Notwithstanding chapter 63 of title 31, United States Code, using project funds the Secretary concerned may enter into contracts, grants, and cooperative agreements with States and local governments, private and nonprofit entities, and landowners and other persons to assist the Secretary in carrying out an approved project.

''(2) BEST VALUE CONTRACTING.—

''(A) IN GENERAL.—For any project involving a contract authorized by paragraph (1) the Secretary concerned may elect a source for performance of the contract on a best value basis.

''(B) FACTORS.—The Secretary concerned shall determine best value based on such factors as—

''(i) the technical demands and complexity of the work to be done;

''(ii)(I) the ecological objectives of the project; and

''(II) the sensitivity of the resources being treated;

''(iii) the past experience by the contractor with the type of work being done, using the type of equipment proposed for the project, and meeting or exceeding desired ecological conditions; and

''(iv) the commitment of the contractor to hiring highly qualified workers and local residents.

''(3) MERCHANTABLE TIMBER CONTRACTING PILOT PROGRAM.—

''(A) ESTABLISHMENT.—The Secretary concerned shall establish a pilot program to implement a certain percentage of approved projects involving the sale of merchantable timber using separate contracts for—

''(i) the harvesting or collection of merchantable timber; and

''(ii) the sale of the timber.

''(B) ANNUAL PERCENTAGES.—Under the pilot program, the Secretary concerned shall ensure that, on a nationwide basis, not less than the following percentage of all approved projects involving the sale of merchantable timber are implemented using separate contracts:

''(i) For fiscal year 2008, 35 percent.

''(ii) For fiscal year 2009, 45 percent.

''(iii) For each of fiscal years 2010 and 2011, 50 percent.

''(C) INCLUSION IN PILOT PROGRAM.—The decision whether to use separate contracts to implement a project involving the sale of merchantable timber shall be made by the Secretary concerned after the approval of the project under this title.

''(D) ASSISTANCE.—

''(i) IN GENERAL.—The Secretary concerned may use funds from any appropriated account available to the Secretary for the Federal land to assist in the administration of projects conducted under the pilot program.

''(ii) MAXIMUM AMOUNT OF ASSISTANCE.—The total amount obligated under this subparagraph may not exceed $1,000,000 for any fiscal year during which the pilot program is in effect.

''(E) REVIEW AND REPORT.—

''(i) INITIAL REPORT.—Not later than September 30, 2010, the Comptroller General shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Natural Resources of the House of Representatives a report assessing the pilot program.

''(ii) ANNUAL REPORT.—The Secretary concerned shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Natural Resources of the House of Representatives an annual report describing the results of the pilot program.

''(f) REQUIREMENTS FOR PROJECT FUNDS.—The Secretary shall ensure that at least 50 percent of all project funds be used for projects that are primarily dedicated—

''(1) to road maintenance, decommissioning, or obliteration; or

''(2) to restoration of streams and watersheds.

''SEC. 205. RESOURCE ADVISORY COMMITTEES.

''(a) ESTABLISHMENT AND PURPOSE OF RESOURCE ADVISORY COMMITTEES.—

''(1) ESTABLISHMENT.—The Secretary concerned shall establish and maintain resource advisory committees to perform the duties in subsection (b), except as provided in paragraph (4).

''(2) PURPOSE.—The purpose of a resource advisory committee shall be—

''(A) to improve collaborative relationships; and

''(B) to provide advice and recommendations to the land management agencies consistent with the purposes of this title.

''(3) ACCESS TO RESOURCE ADVISORY COMMITTEES.—To ensure that each unit of Federal land has access to a resource advisory committee, and that there is sufficient interest in participation on a committee to ensure that membership can be balanced in terms of the points of view represented and the functions to be performed, the Secretary concerned may, establish resource advisory committees for part of, or 1 or more, units of Federal land.

''(4) EXISTING ADVISORY COMMITTEES.—

''(A) IN GENERAL.—An advisory committee that meets the requirements of this section, a resource advisory committee established before September 29, 2006, or an advisory committee determined by the Secretary concerned before September 29, 2006, to meet the requirements of this section may be deemed by the Secretary concerned to be a resource advisory committee for the purposes of this title.

''(B) CHARTER.—A charter for a committee described in subparagraph (A) that was filed on or before September 29, 2006, shall be considered to be filed for purposes of this Act.

''(C) BUREAU OF LAND MANAGEMENT ADVISORY COMMITTEES.—The Secretary of the Interior may deem a resource advisory committee meeting the requirements of subpart 1784 of part 1780 of title 43, Code of Federal Regulations, as a resource advisory committee for the purposes of this title.

''(b) DUTIES.—A resource advisory committee shall—

''(1) review projects proposed under this title by participating counties and other persons;

''(2) propose projects and funding to the Secretary concerned under section 203;

''(3) provide early and continuous coordination with appropriate land management agency officials in recommending projects consistent with purposes of this Act under this title;

''(4) provide frequent opportunities for citizens, organizations, tribes, land management agencies, and other interested parties to participate openly and meaningfully, beginning at the early stages of the project development process under this title;

''(5)(A) monitor projects that have been approved under section 204; and

''(B) advise the designated Federal official on the progress of the monitoring efforts under subparagraph (A); and

''(6) make recommendations to the Secretary concerned for any appropriate changes or adjustments to the projects being monitored by the resource advisory committee.

''(c) APPOINTMENT BY THE SECRETARY.—

''(1) APPOINTMENT AND TERM.—

''(A) IN GENERAL.—The Secretary concerned, shall appoint the members of resource advisory committees for a term of 4 years beginning on the date of appointment.

''(B) REAPPOINTMENT.—The Secretary concerned may reappoint members to subsequent 4-year terms.

''(2) BASIC REQUIREMENTS.—The Secretary concerned shall ensure that each resource advisory committee established meets the requirements of subsection (d).

''(3) INITIAL APPOINTMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary concerned shall make initial appointments to the resource advisory committees.

''(4) VACANCIES.—The Secretary concerned shall make appointments to fill vacancies on any resource advisory committee as soon as practicable after the vacancy has occurred.

''(5) COMPENSATION.—Members of the resource advisory committees shall not receive any compensation.

''(d) COMPOSITION OF ADVISORY COMMITTEE.—

''(1) NUMBER.—Each resource advisory committee shall be comprised of 15 members.

''(2) COMMUNITY INTERESTS REPRESENTED.—Committee members shall be representative of the interests of the following 3 categories:

''(A) 5 persons that—

''(i) represent organized labor or non-timber forest product harvester groups;

''(ii) represent developed outdoor recreation, off highway vehicle users, or commercial recreation activities;

''(iii) represent—

''(I) energy and mineral development interests; or

''(II) commercial or recreational fishing interests;

''(iv) represent the commercial timber industry; or

''(v) hold Federal grazing or other land use permits, or represent nonindustrial private forest land owners, within the area for which the committee is organized.

''(B) 5 persons that represent—

''(i) nationally recognized environmental organizations;

''(ii) regionally or locally recognized environmental organizations;

''(iii) dispersed recreational activities;

''(iv) archaeological and historical interests; or

''(v) nationally or regionally recognized wild horse and burro interest groups, wildlife or hunting organizations, or watershed associations.

''(C) 5 persons that—

''(i) hold State elected office (or a designee);

''(ii) hold county or local elected office;

''(iii) represent American Indian tribes within or adjacent to the area for which the committee is organized;

''(iv) are school officials or teachers; or

''(v) represent the affected public at large.

''(3) BALANCED REPRESENTATION.—In appointing committee members from the 3 categories in paragraph (2), the Secretary concerned shall provide for balanced and broad representation from within each category.

''(4) GEOGRAPHIC DISTRIBUTION.—The members of a resource advisory committee shall reside within the State in which the committee has jurisdiction and, to extent practicable, the Secretary concerned shall ensure local representation in each category in paragraph (2).

''(5) CHAIRPERSON.—A majority on each resource advisory committee shall select the chairperson of the committee.

''(e) APPROVAL PROCEDURES.—

''(1) IN GENERAL.—Subject to paragraph (3), each resource advisory committee shall establish procedures for proposing projects to the Secretary concerned under this title.

''(2) QUORUM.—A quorum must be present to constitute an official meeting of the committee.

''(3) APPROVAL BY MAJORITY OF MEMBERS.—A project may be proposed by a resource advisory committee to the Secretary concerned under section 203(a), if the project has been approved by a majority of members of the committee from each of the 3 categories in subsection (d)(2).

''(f) OTHER COMMITTEE AUTHORITIES AND REQUIREMENTS.—

''(1) STAFF ASSISTANCE.—A resource advisory committee may submit to the Secretary concerned a request for periodic staff assistance from Federal employees under the jurisdiction of the Secretary.

''(2) MEETINGS.—All meetings of a resource advisory committee shall be announced at least 1 week in advance in a local newspaper of record and shall be open to the public.

''(3) RECORDS.—A resource advisory committee shall maintain records of the meetings of the committee and make the records available for public inspection.

''SEC. 206. USE OF PROJECT FUNDS.

''(a) AGREEMENT REGARDING SCHEDULE AND COST OF PROJECT.—

''(1) AGREEMENT BETWEEN PARTIES.—The Secretary concerned may carry out a project submitted by a resource advisory committee under section 203(a) using project funds or other funds described in section 203(a)(2), if, as soon as practicable after the issuance of a decision document for the project and the exhaustion of all administrative appeals and judicial review of the project decision, the Secretary concerned and the resource advisory committee enter into an agreement addressing, at a minimum, the following:

''(A) The schedule for completing the project.

''(B) The total cost of the project, including the level of agency overhead to be assessed against the project.

''(C) For a multiyear project, the estimated cost of the project for each of the fiscal years in which it will be carried out.

''(D) The remedies for failure of the Secretary concerned to comply with the terms of the agreement consistent with current Federal law.

''(2) LIMITED USE OF FEDERAL FUNDS.—The Secretary concerned may decide, at the sole discretion of the Secretary concerned, to cover the costs of a portion of an approved project using Federal funds appropriated or otherwise available to the Secretary for the same purposes as the project.

''(b) TRANSFER OF PROJECT FUNDS.—

''(1) INITIAL TRANSFER REQUIRED.—As soon as practicable after the agreement is reached under subsection (a) with regard to a project to be funded in whole or in part using project funds, or other funds described in section 203(a)(2), the Secretary concerned shall transfer to the applicable unit of National Forest System land or Bureau of Land Management District an amount of project funds equal to—

''(A) in the case of a project to be completed in a single fiscal year, the total amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2); or

''(B) in the case of a multiyear project, the amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2) for the first fiscal year.

''(2) CONDITION ON PROJECT COMMENCEMENT.—The unit of National Forest System land or Bureau of Land Management District concerned, shall not commence a project until the project funds, or other funds described in section 203(a)(2) required to be transferred under paragraph (1) for the project, have been made available by the Secretary concerned.

''(3) SUBSEQUENT TRANSFERS FOR MULTIYEAR PROJECTS.—

''(A) IN GENERAL.—For the second and subsequent fiscal years of a multiyear project to be funded in whole or in part using project funds, the unit of National Forest System land or Bureau of Land Management District concerned shall use the amount of project funds required to continue the project in that fiscal year according to the agreement entered into under subsection (a).

''(B) SUSPENSION OF WORK.—The Secretary concerned shall suspend work on the project if the project funds required by the agreement in the second and subsequent fiscal years are not available.

''SEC. 207. AVAILABILITY OF PROJECT FUNDS.

''(a) SUBMISSION OF PROPOSED PROJECTS TO OBLIGATE FUNDS.—By September 30, 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and each September 30 thereafter for each succeeding fiscal year through fiscal year 2011, a resource advisory committee shall submit to the Secretary concerned pursuant to section 203(a)(1) a sufficient number of project proposals that, if approved, would result in the obligation of at least the full amount of the project funds reserved by the participating county in the preceding fiscal year.

''(b) USE OR TRANSFER OF UNOBLIGATED FUNDS.—Subject to section 208, if a resource advisory committee fails to comply with subsection (a) for a fiscal year, any project funds reserved by the participating county in the preceding fiscal year and remaining unobligated shall be available for use as part of the project submissions in the next fiscal year.

''(c) EFFECT OF REJECTION OF PROJECTS.—Subject to section 208, any project funds reserved by a participating county in the preceding fiscal year that are unobligated at the end of a fiscal year because the Secretary concerned has rejected one or more proposed projects shall be available for use as part of the project submissions in the next fiscal year.

''(d) EFFECT OF COURT ORDERS.—

''(1) IN GENERAL.—If an approved project under this Act is enjoined or prohibited by a Federal court, the Secretary concerned shall return the unobligated project funds related to the project to the participating county or counties that reserved the funds.

''(2) EXPENDITURE OF FUNDS.—The returned funds shall be available for the county to expend in the same manner as the funds reserved by the county under subparagraph (B) or (C)(i) of section 102(d)(1).

''SEC. 208. TERMINATION OF AUTHORITY.

''(a) IN GENERAL.—The authority to initiate projects under this title shall terminate on September 30, 2011.

''(b) DEPOSITS IN TREASURY.—Any project funds not obligated by September 30, 2012, shall be deposited in the Treasury of the United States.

''TITLE III—COUNTY FUNDS

''SEC. 301. DEFINITIONS.

''In this title:

''(1) COUNTY FUNDS.—The term 'county funds' means all funds an eligible county elects under section 102(d) to reserve for expenditure in accordance with this title.

''(2) PARTICIPATING COUNTY.—The term 'participating county' means an eligible county that elects under section 102(d) to expend a portion of the Federal funds received under section 102 in accordance with this title.

''SEC. 302. USE.

''(a) AUTHORIZED USES.—A participating county, including any applicable agencies of the participating county, shall use county funds, in accordance with this title, only—

''(1) to carry out activities under the Firewise Communities program to provide to homeowners in fire-sensitive ecosystems education on, and assistance with implementing, techniques in home siting, home construction, and home landscaping that can increase the protection of people and property from wildfires;

''(2) to reimburse the participating county for search and rescue and other emergency services, including firefighting, that are—

''(A) performed on Federal land after the date on which the use was approved under subsection (b);

''(B) paid for by the participating county; and

''(3) to develop community wildfire protection plans in coordination with the appropriate Secretary concerned.

''(b) PROPOSALS.—A participating county shall use county funds for a use described in subsection (a) only after a 45-day public comment period, at the beginning of which the participating county shall—

''(1) publish in any publications of local record a proposal that describes the proposed use of the county funds; and

''(2) submit the proposal to any resource advisory committee established under section 205 for the participating county.

''SEC. 303. CERTIFICATION.

''(a) IN GENERAL.—Not later than February 1 of the year after the year in which any county funds were expended by a participating county, the appropriate official of the participating county shall submit to the Secretary concerned a certification that the county funds expended in the applicable year have been used for the uses authorized under section 302(a), including a description of the amounts expended and the uses for which the amounts were expended.

''(b) REVIEW.—The Secretary concerned shall review the certifications submitted under subsection (a) as the Secretary concerned determines to be appropriate.

"SEC. 304. TERMINATION OF AUTHORITY.

''(a) IN GENERAL.—The authority to initiate projects under this title terminates on September 30, 2011.

''(b) AVAILABILITY.—Any county funds not obligated by September 30, 2012, shall be returned to the Treasury of the United States.

"TITLE IV—MISCELLANEOUS PROVISIONS

"SEC. 401. REGULATIONS.

''The Secretary of Agriculture and the Secretary of the Interior shall issue regulations to carry out the purposes of this Act.

"SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as are necessary to carry out this Act for each of fiscal years 2008 through 2011.

"SEC. 403. TREATMENT OF FUNDS AND REVENUES.

''(a) RELATION TO OTHER APPROPRIATIONS.—Funds made available under section 402 and funds made available to a Secretary concerned under section 206 shall be in addition to any other annual appropriations for the Forest Service and the Bureau of Land Management.

''(b) DEPOSIT OF REVENUES AND OTHER FUNDS.—All revenues generated from projects pursuant to title II, including any interest accrued from the revenues, shall be deposited in the Treasury of the United States.''.

(b) FOREST RECEIPT PAYMENTS TO ELIGIBLE STATES AND COUNTIES.—

(1) ACT OF MAY 23, 1908.—The sixth paragraph under the heading ''FOREST SERVICE'' in the Act of May 23, 1908 (16 U.S.C. 500) is amended in the first sentence by striking ''twenty-five percentum'' and all that follows through ''shall be paid'' and inserting the following: ''an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid''.

(2) WEEKS LAW.—Section 13 of the Act of March 1, 1911 (commonly known as the ''Weeks Law'') (16 U.S.C. 500) is amended in the first sentence by striking ''twenty-five percentum'' and all that follows through ''shall be paid'' and inserting the following: ''an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid''.

(c) PAYMENTS IN LIEU OF TAXES.—

(1) IN GENERAL.—Section 6906 of title 31, United States Code, is amended to read as follows:

"§ 6906. Funding

''For each of fiscal years 2008 through 2012—

''(1) each county or other eligible unit of local government shall be entitled to payment under this chapter; and

''(2) sums shall be made available to the Secretary of the Interior for obligation or expenditure in accordance with this chapter.''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 69 of title 31, United States Code, is amended by striking the item relating to section 6906 and inserting the following:

''6906. Funding.''.

(3) BUDGET SCOREKEEPING.—

(A) IN GENERAL.—Notwithstanding the Budget Scorekeeping Guidelines and the accompanying list of programs and accounts set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217, the section in this title regarding Payments in Lieu of Taxes shall be treated in the baseline for purposes of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002), and by the Chairmen of the House and Senate Budget Committees, as appropriate, for purposes of budget enforcement in the House and Senate, and under the Congressional Budget Act of 1974 as if Payment in Lieu of Taxes (14–1114–0–1–806) were an account designated as Appropriated Entitlements and Mandatories for Fiscal Year 1997 in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217.

(B) EFFECTIVE DATE.—This paragraph shall remain in effect for the fiscal years to which the entitlement in section 6906 of title 31, United States Code (as amended by paragraph (1)), applies.

SEC. 602. TRANSFER TO ABANDONED MINE RECLAMATION FUND.

Subparagraph (C) of section 402(i)(1) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(i)(1)) is amended by striking ''and $9,000,000 on October 1, 2009'' and inserting ''$9,000,000 on October 1, 2009, and $9,000,000 on October 1, 2010''.

TITLE VII—DISASTER RELIEF

Subtitle A—Heartland and Hurricane Ike Disaster Relief

SEC. 701. SHORT TITLE.

This subtitle may be cited as the ''Heartland Disaster Tax Relief Act of 2008''.

SEC. 702. TEMPORARY TAX RELIEF FOR AREAS DAMAGED BY 2008 MIDWESTERN SEVERE STORMS, TORNADOS, AND FLOODING.

(a) IN GENERAL.—Subject to the modifications described in this section, the following provisions of or relating to the Internal Revenue Code of 1986 shall apply to any Midwestern disaster area in addition to the areas to which such provisions otherwise apply:

(1) GO ZONE BENEFITS.—

(A) Section 1400N (relating to tax benefits) other than subsections (b), (d), (e), (i), (j), (m), and (o) thereof.

(B) Section 1400O (relating to education tax benefits).

(C) Section 1400P (relating to housing tax benefits).

(D) Section 1400Q (relating to special rules for use of retirement funds).

(E) Section 1400R(a) (relating to employee retention credit for employers).

(F) Section 1400S (relating to additional tax relief) other than subsection (d) thereof.

(G) Section 1400T (relating to special rules for mortgage revenue bonds).

(2) OTHER BENEFITS INCLUDED IN KATRINA EMERGENCY TAX RELIEF ACT OF 2005.—Sections 302, 303, 304, 401, and 405 of the Katrina Emergency Tax Relief Act of 2005.

(b) MIDWESTERN DISASTER AREA.—

(1) IN GENERAL.—For purposes of this section and for applying the substitutions described in subsections (d) and (e), the term ''Midwestern disaster area'' means an area—

(A) with respect to which a major disaster has been declared by the President on or after May 20, 2008, and before August 1, 2008, under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of severe storms, tornados, or flooding occurring in any of the States of Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, and Wisconsin, and

(B) determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act with respect to damages attributable to such severe storms, tornados, or flooding.

(2) CERTAIN BENEFITS AVAILABLE TO AREAS ELIGIBLE ONLY FOR PUBLIC ASSISTANCE.—For purposes of applying this section to benefits under the following provisions, paragraph (1) shall be applied without regard to subparagraph (B):

(A) Sections 1400Q, 1400S(b), and 1400S(d) of the Internal Revenue Code of 1986.

(B) Sections 302, 401, and 405 of the Katrina Emergency Tax Relief Act of 2005.

(c) REFERENCES.—

(1) AREA.—Any reference in such provisions to the Hurricane Katrina disaster area or the Gulf Opportunity Zone shall be treated as a reference to any Midwestern disaster area and any reference to the Hurricane Katrina disaster area or the Gulf Opportunity Zone within a State shall be treated as a reference to all Midwestern disaster areas within the State.

(2) ITEMS ATTRIBUTABLE TO DISASTER.—Any reference in such provisions to any loss, damage, or other item attributable to Hurricane Katrina shall be treated as a reference to any loss, damage, or other item attributable to the severe storms, tornados, or flooding giving rise to any Presidential declaration described in subsection (b)(1)(A).

(3) APPLICABLE DISASTER DATE.—For purposes of applying the substitutions described in subsections (d) and (e), the term ''applicable disaster date'' means, with respect to any Midwestern disaster area, the date on which the severe storms, tornados, or flooding giving rise to the Presidential declaration described in subsection (b)(1)(A) occurred.

(d) MODIFICATIONS TO 1986 CODE.—The following provisions of the Internal Revenue Code of 1986 shall be applied with the following modifications:

(1) TAX-EXEMPT BOND FINANCING.—Section 1400N(a)—

(A) by substituting ''qualified Midwestern disaster area bond'' for ''qualified Gulf Opportunity Zone Bond'' each place it appears, except that in determining whether a bond is a qualified Midwestern disaster area bond—

(i) paragraph (2)(A)(i) shall be applied by only treating costs as qualified project costs if—

(I) in the case of a project involving a private business use (as defined in section 141(b)(6)), either the person using the property suffered a loss in a trade or business attributable to the severe storms, tornados, or flooding giving rise to any Presidential declaration described in subsection (b)(1)(A) or is a person designated for purposes of this section by the Governor of the State in which the project is located as a person carrying on a trade or business replacing a trade or business with respect to which another person suffered such a loss, and

(II) in the case of a project relating to public utility property, the project involves repair or reconstruction of public utility property damaged by such severe storms, tornados, or flooding, and

(ii) paragraph (2)(A)(ii) shall be applied by treating an issue as a qualified mortgage issue only if 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of the issue are to be used to provide financing for mortgagors who suffered damages to their principal residences attributable to such severe storms, tornados, or flooding.

(B) by substituting ''any State in which a Midwestern disaster area is located'' for ''the State of Alabama, Louisiana, or Mississippi'' in paragraph (2)(B),

(C) by substituting ''designated for purposes of this section (on the basis of providing assistance to areas in the order in which such assistance is most needed)'' for ''designated for purposes of this section'' in paragraph (2)(C),

(D) by substituting ''January 1, 2013'' for ''January 1, 2011'' in paragraph (2)(D),

(E) in paragraph (3)(A)—

(i) by substituting ''$1,000'' for ''$2,500'', and

(ii) by substituting ''before the earliest applicable disaster date for Midwestern disaster areas within the State'' for ''before August 28, 2005'',

(F) by substituting ''qualified Midwestern disaster area repair or construction'' for ''qualified GO Zone repair or construction'' each place it appears,

(G) by substituting ''after the date of the enactment of the Heartland Disaster Tax Relief Act of 2008 and before January 1, 2013'' for ''after the date of the enactment of this paragraph and before January 1, 2011'' in paragraph (7)(C), and

(H) by disregarding paragraph (8) thereof.

(2) LOW-INCOME HOUSING CREDIT.—Section 1400N(c)—

(A) only with respect to calendar years 2008, 2009, and 2010,

(B) by substituting ''Disaster Recovery Assistance housing amount'' for ''Gulf Opportunity housing amount'' each place it appears,

(C) in paragraph (1)(B)—

(i) by substituting ''$8.00'' for ''$18.00'', and

(ii) by substituting ''before the earliest applicable disaster date for Midwestern disaster areas within the State'' for ''before August 28, 2005'', and

(D) determined without regard to paragraphs (2), (3), (4), (5), and (6) thereof.

(3) EXPENSING FOR CERTAIN DEMOLITION AND CLEAN-UP COSTS.—Section 1400N(f)—

(A) by substituting ''qualified Disaster Recovery Assistance clean-up cost'' for ''qualified Gulf Opportunity Zone clean-up cost'' each place it appears,

(B) by substituting ''beginning on the applicable disaster date and ending on December 31, 2010'' for ''beginning on August 28, 2005, and ending on December 31, 2007'' in paragraph (2), and

(C) by treating costs as qualified Disaster Recovery Assistance clean-up costs only if the removal of debris or demolition of any structure was necessary due to damage attributable to the severe storms, tornados, or flooding giving rise to any Presidential declaration described in subsection (b)(1)(A).

(4) EXTENSION OF EXPENSING FOR ENVIRONMENTAL REMEDIATION COSTS.—Section 1400N(g)—

(A) by substituting ''the applicable disaster date'' for ''August 28, 2005'' each place it appears,

(B) by substituting ''January 1, 2011'' for ''January 1, 2008'' in paragraph (1),

(C) by substituting ''December 31, 2010'' for ''December 31, 2007'' in paragraph (1), and

(D) by treating a site as a qualified contaminated site only if the release (or threat of release) or disposal of a hazardous substance at the site was attributable to the severe storms, tornados, or flooding giving rise to any Presidential declaration described in subsection (b)(1)(A).

(5) INCREASE IN REHABILITATION CREDIT.—Section 1400N(h), as amended by this Act—

(A) by substituting ''the applicable disaster date'' for ''August 28, 2005'',

(B) by substituting ''December 31, 2011'' for ''December 31, 2009'' in paragraph (1), and

(C) by only applying such subsection to qualified rehabilitation expenditures with respect to any building or structure which was damaged or destroyed as a result of the severe storms, tornados, or flooding giving rise to any Presidential declaration described in subsection (b)(1)(A).

(6) TREATMENT OF NET OPERATING LOSSES ATTRIBUTABLE TO DISASTER LOSSES.—Section 1400N(k)—

(A) by substituting ''qualified Disaster Recovery Assistance loss'' for ''qualified Gulf Opportunity Zone loss'' each place it appears,

(B) by substituting ''after the day before the applicable disaster date, and before January 1, 2011'' for ''after August 27, 2005, and before January 1, 2008'' each place it appears,

(C) by substituting ''the applicable disaster date'' for ''August 28, 2005'' in paragraph (2)(B)(ii)(I),

(D) by substituting ''qualified Disaster Recovery Assistance property'' for ''qualified Gulf Opportunity Zone property'' in paragraph (2)(B)(iv), and

(E) by substituting ''qualified Disaster Recovery Assistance casualty loss'' for ''qualified Gulf Opportunity Zone casualty loss'' each place it appears.

(7) CREDIT TO HOLDERS OF TAX CREDIT BONDS.—Section 1400N(l)—

(A) by substituting ''Midwestern tax credit bond'' for ''Gulf tax credit bond'' each place it appears,

(B) by substituting ''any State in which a Midwestern disaster area is located or any instrumentality of the State'' for ''the State of Alabama, Louisiana, or Mississippi'' in paragraph (4)(A)(i),

(C) by substituting ''after December 31, 2008 and before January 1, 2010'' for ''after December 31, 2005, and before January 1, 2007'',

(D) by substituting ''shall not exceed $100,000,000 for any State with an aggregate population located in all Midwestern disaster areas within the State of at least 2,000,000, $50,000,000 for any State with an aggregate population located in all Midwestern disaster areas within the State of at least 1,000,000 but less than 2,000,000, and zero for any other State. The population of a State within any area shall be determined on the basis of the most recent census estimate of resident population released by the Bureau of Census before the earliest applicable disaster date for Midwestern disaster areas within the State.'' for ''shall not exceed'' and all that follows in paragraph (4)(C), and

(E) by substituting ''the earliest applicable disaster date for Midwestern disaster areas within the State'' for ''August 28, 2005'' in paragraph (5)(A).

(8) EDUCATION TAX BENEFITS.—Section 1400O, by substituting ''2008 or 2009'' for ''2005 or 2006''.

(9) HOUSING TAX BENEFITS.—Section 1400P, by substituting ''the applicable disaster date'' for ''August 28, 2005'' in subsection (c)(1).

(10) SPECIAL RULES FOR USE OF RETIREMENT FUNDS.—Section 1400Q—

(A) by substituting ''qualified Disaster Recovery Assistance distribution'' for ''qualified hurricane distribution'' each place it appears,

(B) by substituting ''on or after the applicable disaster date and before January 1, 2010'' for ''on or after August 25, 2005, and before January 1, 2007'' in subsection (a)(4)(A)(i),

(C) by substituting ''the applicable disaster date'' for ''August 28, 2005'' in subsections (a)(4)(A)(i) and (c)(3)(B),

(D) by disregarding clauses (ii) and (iii) of subsection (a)(4)(A) thereof,

(E) by substituting ''qualified storm damage distribution'' for ''qualified Katrina distribution'' each place it appears,

(F) by substituting ''after the date which is 6 months before the applicable disaster date and before the date which is the day after the applicable disaster date'' for ''after February 28, 2005, and before August 29, 2005'' in subsection (b)(2)(B)(ii),

(G) by substituting ''the Midwestern disaster area, but not so purchased or constructed on account of severe storms, tornados, or flooding giving rise to the designation of the area as a disaster area'' for ''the Hurricane Katrina disaster area, but not so purchased or constructed on account of Hurricane Katrina'' in subsection (b)(2)(B)(iii),

(H) by substituting ''beginning on the applicable disaster date and ending on the date which is 5 months after the date of the enactment of the Heartland Disaster Tax Relief Act of 2008'' for ''beginning on August 25, 2005, and ending on February 28, 2006'' in subsection (b)(3)(A),

(I) by substituting ''qualified storm damage individual'' for ''qualified Hurricane Katrina individual'' each place it appears,

(J) by substituting ''December 31, 2009'' for ''December 31, 2006'' in subsection (c)(2)(A),

(K) by disregarding subparagraphs (C) and (D) of subsection (c)(3) thereof,

(L) by substituting ''beginning on the date of the enactment of the Heartland Disaster Tax Relief Act of 2008 and ending on December 31, 2009'' for ''beginning on September 24, 2005, and ending on December 31, 2006'' in subsection (c)(4)(A)(i),

(M) by substituting ''the applicable disaster date'' for ''August 25, 2005'' in subsection (c)(4)(A)(ii), and

(N) by substituting ''January 1, 2010'' for ''January 1, 2007'' in subsection (d)(2)(A)(ii).

(11) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY SEVERE STORMS, TORNADOS, AND FLOODING.—Section 1400R(a)—

(A) by substituting ''the applicable disaster date'' for ''August 28, 2005'' each place it appears,

(B) by substituting ''January 1, 2009'' for ''January 1, 2006'' both places it appears, and

(C) only with respect to eligible employers who employed an average of not more than 200 employees on business days during the taxable year before the applicable disaster date.

(12) TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.—Section 1400S(a), by substituting the following paragraph for paragraph (4) thereof:

''(4) QUALIFIED CONTRIBUTIONS.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'qualified contribution' means any charitable contribution (as defined in section 170(c)) if—

''(i) such contribution—

''(I) is paid during the period beginning on the earliest applicable disaster date for all States and ending on December 31, 2008, in cash to an organization described in section 170(b)(1)(A), and

''(II) is made for relief efforts in 1 or more Midwestern disaster areas,

''(ii) the taxpayer obtains from such organization contemporaneous written acknowledgment (within the meaning of section 170(f)(8)) that such contribution was used (or is to be used) for relief efforts in 1 or more Midwestern disaster areas, and

''(iii) the taxpayer has elected the application of this subsection with respect to such contribution.

''(B) EXCEPTION.—Such term shall not include a contribution by a donor if the contribution is—

''(i) to an organization described in section 509(a)(3), or

''(ii) for establishment of a new, or maintenance of an existing, donor advised fund (as defined in section 4966(d)(2)).

''(C) APPLICATION OF ELECTION TO PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation, the election under subparagraph (A)(iii) shall be made separately by each partner or shareholder.''.

(13) SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.—Section 1400S(b)(1), by substituting ''the applicable disaster date'' for ''August 25, 2005''.

(14) SPECIAL RULE FOR DETERMINING EARNED INCOME.—Section 1400S(d)—

(A) by treating an individual as a qualified individual if such individual's principal place of abode on the applicable disaster date was located in a Midwestern disaster area,

(B) by treating the applicable disaster date with respect to any such individual as the applicable date for purposes of such subsection, and

(C) by treating an area as described in paragraph (2)(B)(ii) thereof if the area is a Midwestern disaster area only by reason of subsection (b)(2) of this section (relating to areas eligible only for public assistance).

(15) ADJUSTMENTS REGARDING TAXPAYER AND DEPENDENCY STATUS.—Section 1400S(e), by substituting ''2008 or 2009'' for ''2005 or 2006''.

(e) MODIFICATIONS TO KATRINA EMERGENCY TAX RELIEF ACT OF 2005.—The following provisions of the Katrina Emergency Tax Relief Act of 2005 shall be applied with the following modifications:

(1) ADDITIONAL EXEMPTION FOR HOUSING DISPLACED INDIVIDUAL.—Section 302—

(A) by substituting ''2008 or 2009'' for ''2005 or 2006'' in subsection (a) thereof,

(B) by substituting ''Midwestern displaced individual'' for ''Hurricane Katrina displaced individual'' each place it appears, and

(C) by treating an area as a core disaster area for purposes of applying subsection (c) thereof if the area is a Midwestern disaster area without regard to subsection (b)(2) of this section (relating to areas eligible only for public assistance).

(2) INCREASE IN STANDARD MILEAGE RATE.—Section 303, by substituting ''beginning on the applicable disaster date and ending on December 31, 2008'' for ''beginning on August 25, 2005, and ending on December 31, 2006''.

(3) MILEAGE REIMBURSEMENTS FOR CHARITABLE VOLUNTEERS.—Section 304—

(A) by substituting ''beginning on the applicable disaster date and ending on December 31, 2008'' for ''beginning on August 25, 2005, and ending on December 31, 2006'' in subsection (a), and

(B) by substituting ''the applicable disaster date'' for ''August 25, 2005'' in subsection (a).

(4) EXCLUSION OF CERTAIN CANCELLATION OF INDEBTEDNESS INCOME.—Section 401—

(A) by treating an individual whose principal place of abode on the applicable disaster date was in a Midwestern disaster area (determined without regard to subsection (b)(2) of this section) as an individual described in subsection (b)(1) thereof, and by treating an individual whose principal place of abode on the applicable disaster date was in a Midwestern disaster area solely by reason of subsection (b)(2) of this section as an individual described in subsection (b)(2) thereof,

(B) by substituting ''the applicable disaster date'' for ''August 28, 2005'' both places it appears, and

(C) by substituting ''January 1, 2010'' for ''January 1, 2007'' in subsection (e).

(5) EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN.—Section 405, by substituting ''on or after the applicable disaster date'' for ''on or after August 25, 2005''.

SEC. 703. REPORTING REQUIREMENTS RELATING TO DISASTER RELIEF CONTRIBUTIONS.

(a) IN GENERAL.—Section 6033(b) (relating to returns of certain organizations described in section 501(c)(3)) is amended by striking ''and'' at the end of paragraph (13), by redesignating paragraph (14) as paragraph (15), and by adding after paragraph (13) the following new paragraph:

''(14) such information as the Secretary may require with respect to disaster relief activities, including the amount and use of qualified contributions to which section 1400S(a) applies, and''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to returns the due date for which (determined without regard to any extension) occurs after December 31, 2008.

SEC. 704. TEMPORARY TAX-EXEMPT BOND FINANCING AND LOW-INCOME HOUSING TAX RELIEF FOR AREAS DAMAGED BY HURRICANE IKE.

(a) TAX-EXEMPT BOND FINANCING.—Section 1400N(a) of the Internal Revenue Code of 1986 shall apply to any Hurricane Ike disaster area in addition to any other area referenced in such section, but with the following modifications:

(1) By substituting ''qualified Hurricane Ike disaster area bond'' for ''qualified Gulf Opportunity Zone Bond'' each place it appears, except that in determining whether a bond is a qualified Hurricane Ike disaster area bond—

(A) paragraph (2)(A)(i) shall be applied by only treating costs as qualified project costs if—

(i) in the case of a project involving a private business use (as defined in section 141(b)(6)), either the person using the property suffered a loss in a trade or business attributable to Hurricane Ike or is a person designated for purposes of this section by the Governor of the State in which the project is located as a person carrying on a trade or business replacing a trade or business with respect to which another person suffered such a loss, and

(ii) in the case of a project relating to public utility property, the project involves repair or reconstruction of public utility property damaged by Hurricane Ike, and

(B) paragraph (2)(A)(ii) shall be applied by treating an issue as a qualified mortgage issue only if 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of the issue are to be used to provide financing for mortgagors who suffered damages to their principal residences attributable to Hurricane Ike.

(2) By substituting ''any State in which any Hurricane Ike disaster area is located'' for ''the State of Alabama, Louisiana, or Mississippi'' in paragraph (2)(B).

(3) By substituting ''designated for purposes of this section (on the basis of providing assistance to areas in the order in which such assistance is most needed)'' for ''designated for purposes of this section'' in paragraph (2)(C).

(4) By substituting ''January 1, 2013'' for ''January 1, 2011'' in paragraph (2)(D).

(5) By substituting the following for subparagraph (A) of paragraph (3):

''(A) AGGREGATE AMOUNT DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under this subsection with respect to any State shall not exceed the product of $2,000 multiplied by the portion of the State population which is in—

''(i) in the case of Texas, the counties of Brazoria, Chambers, Galveston, Jefferson, and Orange, and

''(ii) in the case of Louisiana, the parishes of Calcasieu and Cameron,

(as determined on the basis of the most recent census estimate of resident population released by the Bureau of Census before September 13, 2008).''.

(6) By substituting ''qualified Hurricane Ike disaster area repair or construction'' for ''qualified GO Zone repair or construction'' each place it appears.

(7) By substituting ''after the date of the enactment of the Heartland Disaster Tax Relief Act of 2008 and before January 1, 2013'' for ''after the date of the enactment of this paragraph and before January 1, 2011'' in paragraph (7)(C).

(8) By disregarding paragraph (8) thereof.

(9) By substituting ''any Hurricane Ike disaster area'' for ''the Gulf Opportunity Zone'' each place it appears.

(b) LOW-INCOME HOUSING CREDIT.—Section 1400N(c) of the Internal Revenue Code of 1986 shall apply to any Hurricane Ike disaster area in addition to any other area referenced in such section, but with the following modifications:

(1) Only with respect to calendar years 2008, 2009, and 2010.

(2) By substituting ''any Hurricane Ike disaster area'' for ''the Gulf Opportunity Zone'' each place it appears.

(3) By substituting ''Hurricane Ike Recovery Assistance housing amount'' for ''Gulf Opportunity housing amount'' each place it appears.

(4) By substituting the following for subparagraph (B) of paragraph (1):

''(B) HURRICANE IKE HOUSING AMOUNT.—For purposes of subparagraph (A), the term 'Hurricane Ike housing amount' means, for any calendar year, the amount equal to the product of $16.00 multiplied by the portion of the State population which is in—

''(i) in the case of Texas, the counties of Brazoria, Chambers, Galveston, Jefferson, and Orange, and

''(ii) in the case of Louisiana, the parishes of Calcasieu and Cameron,

(as determined on the basis of the most recent census estimate of resident population released by the Bureau of Census before September 13, 2008).''.

(5) Determined without regard to paragraphs (2), (3), (4), (5), and (6) thereof.

(c) HURRICANE IKE DISASTER AREA.—For purposes of this section and for applying the substitutions described in subsections (a) and (b), the term ''Hurricane Ike disaster area'' means an area in the State of Texas or Louisiana—

(1) with respect to which a major disaster has been declared by the President on September 13, 2008, under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Ike, and

(2) determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act with respect to damages attributable to Hurricane Ike.

Subtitle B—National Disaster Relief

SEC. 706. LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.

(a) WAIVER OF ADJUSTED GROSS INCOME LIMITATION.—

(1) IN GENERAL.—Subsection (h) of section 165 is amended by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and by inserting after paragraph (2) the following new paragraph:

''(3) SPECIAL RULE FOR LOSSES IN FEDERALLY DECLARED DISASTERS.—

''(A) IN GENERAL.—If an individual has a net disaster loss for any taxable year, the amount determined under paragraph (2)(A)(ii) shall be the sum of—

''(i) such net disaster loss, and

''(ii) so much of the excess referred to in the matter preceding clause (i) of paragraph (2)(A) (reduced by the amount in clause (i) of this subparagraph) as exceeds 10 percent of the adjusted gross income of the individual.

''(B) NET DISASTER LOSS.—For purposes of subparagraph (A), the term 'net disaster loss' means the excess of—

''(i) the personal casualty losses—

''(I) attributable to a federally declared disaster occurring before January 1, 2010, and

''(II) occurring in a disaster area, over

''(ii) personal casualty gains.

''(C) FEDERALLY DECLARED DISASTER.—For purposes of this paragraph—

''(i) FEDERALLY DECLARED DISASTER.—The term 'federally declared disaster' means any disaster subsequently determined by the President of the United States to warrant assistance by the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

''(ii) DISASTER AREA.—The term 'disaster area' means the area so determined to warrant such assistance.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 165(h)(4)(B) (as so redesignated) is amended by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''.

(B) Section 165(i)(1) is amended by striking ''loss'' and all that follows through ''Act'' and inserting ''loss occurring in a disaster area (as defined by clause (ii) of subsection (h)(3)(C)) and attributable to a federally declared disaster (as defined by clause (i) of such subsection)''.

(C) Section 165(i)(4) is amended by striking ''Presidentially declared disaster (as defined by section 1033(h)(3))'' and inserting ''federally declared disaster (as defined by subsection (h)(3)(C)(i)''.

(D)(i) So much of subsection (h) of section 1033 as precedes subparagraph (A) of paragraph (1) thereof is amended to read as follows:

''(h) SPECIAL RULES FOR PROPERTY DAMAGED BY FEDERALLY DECLARED DISASTERS.—

''(1) PRINCIPAL RESIDENCES.—If the taxpayer's principal residence or any of its contents is located in a disaster area and is compulsorily or involuntarily converted as a result of a federally declared disaster—''.

(ii) Paragraph (2) of section 1033(h) is amended by striking ''investment'' and all that follows through ''disaster'' and inserting ''investment located in a disaster area and compulsorily or involuntarily converted as a result of a federally declared disaster''.

(iii) Paragraph (3) of section 1033(h) is amended to read as follows:

''(3) FEDERALLY DECLARED DISASTER; DISASTER AREA.—The terms ''federally declared disaster'' and ''disaster area'' shall have the respective meaning given such terms by section 165(h)(3)(C).''.

(iv) Section 139(c)(2) is amended to read as follows:

''(2) federally declared disaster (as defined by section 165(h)(3)(C)(i)),''.

(v) Subclause (II) of section 172(b)(1)(F)(ii) is amended by striking ''Presidentially declared disasters (as defined in section 1033(h)(3))'' and inserting ''federally declared disasters (as defined by subsection (h)(3)(C)(i))''.

(vi) Subclause (III) of section 172(b)(1)(F)(ii) is amended by striking ''Presidentially declared disasters'' and inserting ''federally declared disasters''.

(vii) Subsection (a) of section 7508A is amended by striking ''Presidentially declared disaster (as defined in section 1033(h)(3))'' and inserting ''federally declared disaster (as defined by section 165(h)(3)(C)(i))''.

(b) INCREASE IN STANDARD DEDUCTION BY DISASTER CASUALTY LOSS.—

(1) IN GENERAL.—Paragraph (1) of section 63(c), as amended by the Housing Assistance Tax Act of 2008, is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting '', and'', and by adding at the end the following new subparagraph:

''(D) the disaster loss deduction.''.

(2) DISASTER LOSS DEDUCTION.—Subsection (c) of section 63, as amended by the Housing Assistance Tax Act of 2008, is amended by adding at the end the following new paragraph:

''(8) DISASTER LOSS DEDUCTION.—For the purposes of paragraph (1), the term 'disaster loss deduction' means the net disaster loss (as defined in section 165(h)(3)(B)).''.

(3) ALLOWANCE IN COMPUTING ALTERNATIVE MINIMUM TAXABLE INCOME.—Subparagraph (E) of section 56(b)(1) is amended by adding at the end the following new sentence: ''The preceding sentence shall not apply to so much of the standard deduction as is determined under section 63(c)(1)(D).''.

(c) INCREASE IN LIMITATION ON INDIVIDUAL LOSS PER CASUALTY.—Paragraph (1) of section 165(h) is amended by striking ''$100'' and inserting ''$500 ($100 for taxable years beginning after December 31, 2009)''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided by paragraph (2), the amendments made by this section shall apply to disasters declared in taxable years beginning after December 31, 2007.

(2) INCREASE IN LIMITATION ON INDIVIDUAL LOSS PER CASUALTY.—The amendment made by subsection (c) shall apply to taxable years beginning after December 31, 2008.

SEC. 707. EXPENSING OF QUALIFIED DISASTER EXPENSES.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 is amended by inserting after section 198 the following new section:

''SEC. 198A. EXPENSING OF QUALIFIED DISASTER EXPENSES.

''(a) IN GENERAL.—A taxpayer may elect to treat any qualified disaster expenses which are paid or incurred by the taxpayer as an expense which is not chargeable to capital account. Any expense which is so treated shall be allowed as a deduction for the taxable year in which it is paid or incurred.

''(b) QUALIFIED DISASTER EXPENSE.—For purposes of this section, the term 'qualified disaster expense' means any expenditure—

''(1) which is paid or incurred in connection with a trade or business or with business-related property,

''(2) which is—

''(A) for the abatement or control of hazardous substances that were released on account of a federally declared disaster occurring before January 1, 2010,

''(B) for the removal of debris from, or the demolition of structures on, real property which is business-related property damaged or destroyed as a result of a federally declared disaster occurring before such date, or

''(C) for the repair of business-related property damaged as a result of a federally declared disaster occurring before such date, and

''(3) which is otherwise chargeable to capital account.

''(c) OTHER DEFINITIONS.—For purposes of this section—

''(1) BUSINESS-RELATED PROPERTY.—The term 'business-related property' means property—

''(A) held by the taxpayer for use in a trade or business or for the production of income, or

''(B) described in section 1221(a)(1) in the hands of the taxpayer.

''(2) FEDERALLY DECLARED DISASTER.—The term 'federally declared disaster' has the meaning given such term by section 165(h)(3)(C)(i).

''(d) DEDUCTION RECAPTURED AS ORDINARY INCOME ON SALE, ETC.—Solely for purposes of section 1245, in the case of property to which a qualified disaster expense would have been capitalized but for this section—

''(1) the deduction allowed by this section for such expense shall be treated as a deduction for depreciation, and

''(2) such property (if not otherwise section 1245 property) shall be treated as section 1245 property solely for purposes of applying section 1245 to such deduction.

''(e) COORDINATION WITH OTHER PROVISIONS.—Sections 198, 280B, and 468 shall not apply to amounts which are treated as expenses under this section.

''(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 is amended by inserting after the item relating to section 198 the following new item:

''Sec. 198A. Expensing of Qualified Disaster Expenses.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2007 in connection with disaster declared after such date.

SEC. 708. NET OPERATING LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.

(a) IN GENERAL.—Paragraph (1) of section 172(b) is amended by adding at the end the following new subparagraph:

''(J) CERTAIN LOSSES ATTRIBUTABLE FEDERALLY DECLARED DISASTERS.—In the case of a taxpayer who has a qualified disaster loss (as defined in subsection (j)), such loss shall be a net operating loss carryback to each of the 5 taxable years preceding the taxable year of such loss.''.

(b) QUALIFIED DISASTER LOSS.—Section 172 is amended by redesignating subsections (j) and (k) as subsections (k) and (l), respectively, and by inserting after subsection (i) the following new subsection:

''(j) RULES RELATING TO QUALIFIED DISASTER LOSSES.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified disaster loss' means the lesser of—

''(A) the sum of—

''(i) the losses allowable under section 165 for the taxable year—

''(I) attributable to a federally declared disaster (as defined in section 165(h)(3)(C)(i)) occurring before January 1, 2010, and

''(II) occurring in a disaster area (as defined in section 165(h)(3)(C)(ii)), and

''(ii) the deduction for the taxable year for qualified disaster expenses which is allowable under section 198A(a) or which would be so allowable if not otherwise treated as an expense, or

''(B) the net operating loss for such taxable year.

''(2) COORDINATION WITH SUBSECTION (b)(2).—For purposes of applying subsection (b)(2), a qualified disaster loss for any taxable year shall be treated in a manner similar to the manner in which a specified liability loss is treated.

''(3) ELECTION.—Any taxpayer entitled to a 5-year carryback under subsection (b)(1)(J) from any loss year may elect to have the carryback period with respect to such loss year determined without regard to subsection (b)(1)(J). Such election shall be made in such manner as may be prescribed by the Secretary and shall be made by the due date (including extensions of time) for filing the taxpayer's return for the taxable year of the net operating loss. Such election, once made for any taxable year, shall be irrevocable for such taxable year.

''(4) EXCLUSION.—The term 'qualified disaster loss' shall not include any loss with respect to any property described in section 1400N(p)(3).''.

(c) LOSS DEDUCTION ALLOWED IN COMPUTING ALTERNATIVE MINIMUM TAXABLE INCOME.—Subsection (d) of section 56 is amended by adding at the end the following new paragraph:

''(3) NET OPERATING LOSS ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.—In the case of a taxpayer which has a qualified disaster loss (as defined by section 172(b)(1)(J)) for the taxable year, paragraph (1) shall be applied by increasing the amount determined under subparagraph (A)(ii)(I) thereof by the sum of the carrybacks and carryovers of such loss.''.

(d) CONFORMING AMENDMENTS.—

(1) Clause (ii) of section 172(b)(1)(F) is amended by inserting ''or qualified disaster loss (as defined in subsection (j))'' before the period at the end of the last sentence.

(2) Paragraph (1) of section 172(i) is amended by adding at the end the following new flush sentence:

''Such term shall not include any qualified disaster loss (as defined in subsection (j)).''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to losses arising in taxable years beginning after December 31, 2007, in connection with disasters declared after such date.

SEC. 709. WAIVER OF CERTAIN MORTGAGE REVENUE BOND REQUIREMENTS FOLLOWING FEDERALLY DECLARED DISASTERS.

(a) IN GENERAL.—Subsection (k) of section 143 is amended by adding at the end the following new paragraph:

''(12) SPECIAL RULES FOR RESIDENCES DESTROYED IN FEDERALLY DECLARED DISASTERS.—

''(A) PRINCIPAL RESIDENCE DESTROYED.—At the election of the taxpayer, if the principal residence (within the meaning of section 121) of such taxpayer is—

''(i) rendered unsafe for use as a residence by reason of a federally declared disaster occurring before January 1, 2010, or

''(ii) demolished or relocated by reason of an order of the government of a State or political subdivision thereof on account of a federally declared disaster occurring before such date,

then, for the 2-year period beginning on the date of the disaster declaration, subsection (d)(1) shall not apply with respect to such taxpayer and subsection (e) shall be applied by substituting '110' for '90' in paragraph (1) thereof.

''(B) PRINCIPAL RESIDENCE DAMAGED.—

''(i) IN GENERAL.—At the election of the taxpayer, if the principal residence (within the meaning of section 121) of such taxpayer was damaged as the result of a federally declared disaster occurring before January 1, 2010, any owner-financing provided in connection with the repair or reconstruction of such residence shall be treated as a qualified rehabilitation loan.

''(ii) LIMITATION.—The aggregate owner-financing to which clause (i) applies shall not exceed the lesser of—

''(I) the cost of such repair or reconstruction, or

''(II) $150,000.

''(C) FEDERALLY DECLARED DISASTER.—For purposes of this paragraph, the term 'federally declared disaster' has the meaning given such term by section 165(h)(3)(C)(i).

''(D) ELECTION; DENIAL OF DOUBLE BENEFIT.—

''(i) ELECTION.—An election under this paragraph may not be revoked except with the consent of the Secretary.

''(ii) DENIAL OF DOUBLE BENEFIT.—If a taxpayer elects the application of this paragraph, paragraph (11) shall not apply with respect to the purchase or financing of any residence by such taxpayer.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to disasters occurring after December 31, 2007.

SEC. 710. SPECIAL DEPRECIATION ALLOWANCE FOR QUALIFIED DISASTER PROPERTY.

(a) IN GENERAL.—Section 168, as amended by this Act, is amended by adding at the end the following new subsection:

''(n) SPECIAL ALLOWANCE FOR QUALIFIED DISASTER ASSISTANCE PROPERTY.—

''(1) IN GENERAL.—In the case of any qualified disaster assistance property—

''(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 50 percent of the adjusted basis of the qualified disaster assistance property, and

''(B) the adjusted basis of the qualified disaster assistance property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

''(2) QUALIFIED DISASTER ASSISTANCE PROPERTY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified disaster assistance property' means any property—

''(i)(I) which is described in subsection (k)(2)(A)(i), or

''(II) which is nonresidential real property or residential rental property,

''(ii) substantially all of the use of which is—

''(I) in a disaster area with respect to a federally declared disaster occurring before January 1, 2010, and

''(II) in the active conduct of a trade or business by the taxpayer in such disaster area,

''(iii) which—

''(I) rehabilitates property damaged, or replaces property destroyed or condemned, as a result of such federally declared disaster, except that, for purposes of this clause, property shall be treated as replacing property destroyed or condemned if, as part of an integrated plan, such property replaces property which is included in a continuous area which includes real property destroyed or condemned, and

''(II) is similar in nature to, and located in the same county as, the property being rehabilitated or replaced,

''(iv) the original use of which in such disaster area commences with an eligible taxpayer on or after the applicable disaster date,

''(v) which is acquired by such eligible taxpayer by purchase (as defined in section 179(d)) on or after the applicable disaster date, but only if no written binding contract for the acquisition was in effect before such date, and

''(vi) which is placed in service by such eligible taxpayer on or before the date which is the last day of the third calendar year following the applicable disaster date (the fourth calendar year in the case of nonresidential real property and residential rental property).

''(B) EXCEPTIONS.—

''(i) OTHER BONUS DEPRECIATION PROPERTY.—The term 'qualified disaster assistance property' shall not include—

''(I) any property to which subsection (k) (determined without regard to paragraph (4)), (l), or (m) applies,

''(II) any property to which section 1400N(d) applies, and

''(III) any property described in section 1400N(p)(3).

''(ii) ALTERNATIVE DEPRECIATION PROPERTY.—The term 'qualified disaster assistance property' shall not include any property to which the alternative depreciation system under subsection (g) applies, determined without regard to paragraph (7) of subsection (g) (relating to election to have system apply).

''(iii) TAX-EXEMPT BOND FINANCED PROPERTY.—Such term shall not include any property any portion of which is financed with the proceeds of any obligation the interest on which is exempt from tax under section 103.

''(iv) QUALIFIED REVITALIZATION BUILDINGS.—Such term shall not include any qualified revitalization building with respect to which the taxpayer has elected the application of paragraph (1) or (2) of section 1400I(a).

''(v) ELECTION OUT.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

''(C) SPECIAL RULES.—For purposes of this subsection, rules similar to the rules of subparagraph (E) of subsection (k)(2) shall apply, except that such subparagraph shall be applied—

''(i) by substituting 'the applicable disaster date' for 'December 31, 2007' each place it appears therein,

''(ii) without regard to 'and before January 1, 2009' in clause (i) thereof, and

''(iii) by substituting 'qualified disaster assistance property' for 'qualified property' in clause (iv) thereof.

''(D) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—For purposes of this subsection, rules similar to the rules of subsection (k)(2)(G) shall apply.

''(3) OTHER DEFINITIONS.—For purposes of this subsection—

''(A) APPLICABLE DISASTER DATE.—The term 'applicable disaster date' means, with respect to any federally declared disaster, the date on which such federally declared disaster occurs.

''(B) FEDERALLY DECLARED DISASTER.—The term 'federally declared disaster' has the meaning given such term under section 165(h)(3)(C)(i).

''(C) DISASTER AREA.—The term 'disaster area' has the meaning given such term under section 165(h)(3)(C)(ii).

''(D) ELIGIBLE TAXPAYER.—The term 'eligible taxpayer' means a taxpayer who has suffered an economic loss attributable to a federally declared disaster.

''(4) RECAPTURE.—For purposes of this subsection, rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified disaster assistance property which ceases to be qualified disaster assistance property.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007, with respect disasters declared after such date.

SEC. 711. INCREASED EXPENSING FOR QUALIFIED DISASTER ASSISTANCE PROPERTY.

(a) IN GENERAL.—Section 179 is amended by adding at the end the following new subsection:

''(e) SPECIAL RULES FOR QUALIFIED DISASTER ASSISTANCE PROPERTY.—

''(1) IN GENERAL.—For purposes of this section—

''(A) the dollar amount in effect under subsection (b)(1) for the taxable year shall be increased by the lesser of—

''(i) $100,000, or

''(ii) the cost of qualified section 179 disaster assistance property placed in service during the taxable year, and

''(B) the dollar amount in effect under subsection (b)(2) for the taxable year shall be increased by the lesser of—

''(i) $600,000, or

''(ii) the cost of qualified section 179 disaster assistance property placed in service during the taxable year.

''(2) QUALIFIED SECTION 179 DISASTER ASSISTANCE PROPERTY.—For purposes of this subsection, the term 'qualified section 179 disaster assistance property' means section 179 property (as defined in subsection (d)) which is qualified disaster assistance property (as defined in section 168(n)(2)).

''(3) COORDINATION WITH EMPOWERMENT ZONES AND RENEWAL COMMUNITIES.—For purposes of sections 1397A and 1400J, qualified section 179 disaster assistance property shall not be treated as qualified zone property or qualified renewal property, unless the taxpayer elects not to take such qualified section 179 disaster assistance property into account for purposes of this subsection.

''(4) RECAPTURE.—For purposes of this subsection, rules similar to the rules under subsection (d)(10) shall apply with respect to any qualified section 179 disaster assistance property which ceases to be qualified section 179 disaster assistance property.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007, with respect disasters declared after such date.

SEC. 712. COORDINATION WITH HEARTLAND DISASTER RELIEF.

The amendments made by this subtitle, other than the amendments made by sections 706(a)(2), 710, and 711, shall not apply to any disaster described in section 702(c)(1)(A), or to any expenditure or loss resulting from such disaster.

TITLE VIII—SPENDING REDUCTIONS AND APPROPRIATE REVENUE RAISERS FOR NEW TAX RELIEF POLICY

SEC. 801. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.

(a) IN GENERAL.—Subpart B of part II of subchapter E of chapter 1 is amended by inserting after section 457 the following new section:

''SEC. 457A. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.

''(a) IN GENERAL.—Any compensation which is deferred under a nonqualified deferred compensation plan of a nonqualified entity shall be includible in gross income when there is no substantial risk of forfeiture of the rights to such compensation.

''(b) NONQUALIFIED ENTITY.—For purposes of this section, the term 'nonqualified entity' means—

''(1) any foreign corporation unless substantially all of its income is—

''(A) effectively connected with the conduct of a trade or business in the United States, or

''(B) subject to a comprehensive foreign income tax, and

''(2) any partnership unless substantially all of its income is allocated to persons other than—

''(A) foreign persons with respect to whom such income is not subject to a comprehensive foreign income tax, and

''(B) organizations which are exempt from tax under this title.

''(c) DETERMINABILITY OF AMOUNTS OF COMPENSATION.—

''(1) IN GENERAL.—If the amount of any compensation is not determinable at the time that such compensation is otherwise includible in gross income under subsection (a)—

''(A) such amount shall be so includible in gross income when determinable, and

''(B) the tax imposed under this chapter for the taxable year in which such compensation is includible in gross income shall be increased by the sum of—

''(i) the amount of interest determined under paragraph (2), and

''(ii) an amount equal to 20 percent of the amount of such compensation.

''(2) INTEREST.—For purposes of paragraph (1)(B)(i), the interest determined under this paragraph for any taxable year is the amount of interest at the underpayment rate under section 6621 plus 1 percentage point on the underpayments that would have occurred had the deferred compensation been includible in gross income for the taxable year in which first deferred or, if later, the first taxable year in which such deferred compensation is not subject to a substantial risk of forfeiture.

''(d) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) SUBSTANTIAL RISK OF FORFEITURE.—

''(A) IN GENERAL.—The rights of a person to compensation shall be treated as subject to a substantial risk of forfeiture only if such person's rights to such compensation are conditioned upon the future performance of substantial services by any individual.

''(B) EXCEPTION FOR COMPENSATION BASED ON GAIN RECOGNIZED ON AN INVESTMENT ASSET.—

''(i) IN GENERAL.—To the extent provided in regulations prescribed by the Secretary, if compensation is determined solely by reference to the amount of gain recognized on the disposition of an investment asset, such compensation shall be treated as subject to a substantial risk of forfeiture until the date of such disposition.

''(ii) INVESTMENT ASSET.—For purposes of clause (i), the term 'investment asset' means any single asset (other than an investment fund or similar entity)—

''(I) acquired directly by an investment fund or similar entity,

''(II) with respect to which such entity does not (nor does any person related to such entity) participate in the active management of such asset (or if such asset is an interest in an entity, in the active management of the activities of such entity), and

''(III) substantially all of any gain on the disposition of which (other than such deferred compensation) is allocated to investors in such entity.

''(iii) COORDINATION WITH SPECIAL RULE.—Paragraph (3)(B) shall not apply to any compensation to which clause (i) applies.

''(2) COMPREHENSIVE FOREIGN INCOME TAX.—The term 'comprehensive foreign income tax' means, with respect to any foreign person, the income tax of a foreign country if—

''(A) such person is eligible for the benefits of a comprehensive income tax treaty between such foreign country and the United States, or

''(B) such person demonstrates to the satisfaction of the Secretary that such foreign country has a comprehensive income tax.

''(3) NONQUALIFIED DEFERRED COMPENSATION PLAN.—

''(A) IN GENERAL.—The term 'nonqualified deferred compensation plan' has the meaning given such term under section 409A(d), except that such term shall include any plan that provides a right to compensation based on the appreciation in value of a specified number of equity units of the service recipient.

''(B) EXCEPTION.—Compensation shall not be treated as deferred for purposes of this section if the service provider receives payment of such compensation not later than 12 months after the end of the taxable year of the service recipient during which the right to the payment of such compensation is no longer subject to a substantial risk of forfeiture.

''(4) EXCEPTION FOR CERTAIN COMPENSATION WITH RESPECT TO EFFECTIVELY CONNECTED INCOME.—In the case a foreign corporation with income which is taxable under section 882, this section shall not apply to compensation which, had such compensation had been paid in cash on the date that such compensation ceased to be subject to a substantial risk of forfeiture, would have been deductible by such foreign corporation against such income.

''(5) APPLICATION OF RULES.—Rules similar to the rules of paragraphs (5) and (6) of section 409A(d) shall apply.

''(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations disregarding a substantial risk of forfeiture in cases where necessary to carry out the purposes of this section.''.

(b) CONFORMING AMENDMENT.—Section 26(b)(2), as amended by the Housing Assistance Tax Act of 2008, is amended by striking ''and'' at the end of subparagraph (V), by striking the period at the end of subparagraph (W) and inserting '', and'', and by adding at the end the following new subparagraph:

''(X) section 457A(c)(1)(B) (relating to determinability of amounts of compensation).''.

(c) CLERICAL AMENDMENT.—The table of sections of subpart B of part II of subchapter E of chapter 1 is amended by inserting after the item relating to section 457 the following new item:

''Sec. 457A. Nonqualified deferred compensation from certain tax indifferent parties.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to amounts deferred which are attributable to services performed after December 31, 2008.

(2) APPLICATION TO EXISTING DEFERRALS.—In the case of any amount deferred to which the amendments made by this section do not apply solely by reason of the fact that the amount is attributable to services performed before January 1, 2009, to the extent such amount is not includible in gross income in a taxable year beginning before 2018, such amounts shall be includible in gross income in the later of—

(A) the last taxable year beginning before 2018, or

(B) the taxable year in which there is no substantial risk of forfeiture of the rights to such compensation (determined in the same manner as determined for purposes of section 457A of the Internal Revenue Code of 1986, as added by this section).

(3) ACCELERATED PAYMENTS.—No later than 120 days after the date of the enactment of this Act, the Secretary shall issue guidance providing a limited period of time during which a nonqualified deferred compensation arrangement attributable to services performed on or before December 31, 2008, may, without violating the requirements of section 409A(a) of the Internal Revenue Code of 1986, be amended to conform the date of distribution to the date the amounts are required to be included in income.

(4) CERTAIN BACK-TO-BACK ARRANGEMENTS.—If the taxpayer is also a service recipient and maintains one or more nonqualified deferred compensation arrangements for its service providers under which any amount is attributable to services performed on or before December 31, 2008, the guidance issued under paragraph (4) shall permit such arrangements to be amended to conform the dates of distribution under such arrangement to the date amounts are required to be included in the income of such taxpayer under this subsection.

(5) ACCELERATED PAYMENT NOT TREATED AS MATERIAL MODIFICATION.—Any amendment to a nonqualified deferred compensation arrangement made pursuant to paragraph (4) or (5) shall not be treated as a material modification of the arrangement for purposes of section 409A of the Internal Revenue Code of 1986.

ORDERS FOR TUESDAY, SEPTEMBER 30, 2008

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. on Tuesday, September 30; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 2095.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WHITEHOUSE. Madam President, tomorrow the Senate will resume consideration of the rail safety/Amtrak legislation postcloture. There will be no rollcall votes during Tuesday's session.

RECESS UNTIL 10 A.M. TOMORROW

Mr. WHITEHOUSE. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it stand in recess under the previous order.

There being no objection, the Senate, at 5:06 p.m., recessed until Tuesday, September 30, 2008, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

ENVIRONMENTAL PROTECTION AGENCY

G. DAVID BANKS, OF MISSOURI, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE JUDITH ELIZABETH AYRES, RESIGNED.

DEPARTMENT OF TRANSPORTATION

DAVID KELLY, OF NEW YORK, TO BE ADMINISTRATOR OF THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, VICE NICOLE R. NASON, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN C. KOZIOL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. STEPHEN L. HOOG

EXTENSIONS OF REMARKS

HONORING DEL MARTIN

HON. NANCY PELOSI
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 2008

Ms. PELOSI. Madam Speaker, on behalf of my colleagues in Congress, and with great personal sadness, I rise to pay tribute to a highly esteemed and loved community leader who died on August 27th. Del Martin was a remarkable woman, an eloquent organizer for civil rights and human dignity. Del helped create and shape the modem lesbian, gay, bisexual, and transgender and feminist movements. She was endowed with extraordinary courage, persistence, intelligence, humor, and grace. She refused to be silenced by fear and never stopped fighting for equality.

Del Martin and her beloved partner, in work as in life, of 50 years, Phyllis Lyon were married at San Francisco City Hall on June 16, 2008. They were the first same-sex couple to wed in San Francisco after the California Superior Court's landmark decision to affirm marriage equality. This was Del Martin's, last public political act, and we would not have won marriage equality in California without their leadership and example.

I have proudly talked about Del and Phyllis on two occasions on this House floor—first in 1996 as I spoke in strong opposition to the ill-named Defense of Marriage Act, then 10 years later against the constitutional amendment to prohibit same-sex marriage. I told my colleagues about their love, happiness and commitment to each other which continue to be a source of strength and inspiration to all who know them. I asked my colleagues to explain how their relationship was a threat to anyone's marriage and why Del and Phyllis should not be treated equally under the law. I am grateful that they allowed me to share their personal history to show that these malicious and discriminatory measures were counter to the ideals of liberty, freedom, and equality for which this Nation stands.

Del and Phyllis were pioneering activists for lesbian and gay rights and women's rights. They fought and triumphed in many battles and made history for the LGBT community in our city, our State and our Nation. In the 1950s, they cofounded the first national lesbian rights organization in the United States, the ''Daughters of Bilitis,'' long before the gay rights movement took hold. They published a monthly newsletter, The Ladder, and the book Lesbian/Woman which generated new media visibility and political engagement for the nascent gay rights movement. They co-founded the Alice B. Toklas Democratic Club, the first gay political club in the United States.

Del Martin's publication of Battered Wives in 1976 was a watershed moment in the movement against domestic violence. She cofounded the Coalition for Justice for Battered Women, La Casa de las Madres, and the California Coalition against Domestic Violence. Lyon-Martin Health Services, the San Francisco clinic named for Del and Phyllis that provides quality health care to women and transgender people, will stand as a testament to their generous spirit and pioneering commitment.

In 1995 Senator DIANNE FEINSTEIN and I named Del and Phyllis to the White House Conference on Aging where they advocated for LGBT people to be included explicitly in aging policies.

I hope it is a comfort to Phyllis, their daughter Kendra Mon, and their grandchildren and vast extended family of friends that so many people mourn her loss and will hold Del in their hearts forever.

STATEMENT ON GAS PRICES AND ENERGY IN THE 14TH DISTRICT

HON. BILL FOSTER
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 2008

Mr. FOSTER. Madam Speaker, I am submitting this statement to record my strong and enthusiastic support for achieving independence from foreign oil, continuing our work in moving forward on comprehensive energy policy reform, and finding new alternatives to develop cheap, clean, and renewable energy. Recently, the House of Representatives passed a bipartisan, comprehensive energy bill, which I had the honor of supporting. But when it comes to providing more solutions to overcome our energy crisis, there is still much more to be done.

Earlier this month, on Labor Day, I met with constituents from Illinois' 14th District at the DeKalb Oasis on Ronald Reagan Memorial Tollway to hear what they had to say about how gas prices and our current energy policy affected them.

While passing the Passing the Comprehensive American Energy Security and Consumer Protection Act was an excellent first step, I firmly believe that we need more relief from high gas prices, and we need a comprehensive energy policy overhaul that provides solutions for the short, medium, and long term. As statements from my constituents show, I am not alone in this concern.

Much of what I heard was familiar. They told me gas prices are too much and are spiraling out of control. They told me they are forced to make new, tough choices as consumers on groceries, transportation, and the other costs of daily life. They told me while they try to cut their spending, there is almost nothing left to cut. They told me that because of gas prices they have to work more at a second job, or the business that employs them can no longer do so because business costs are increasing as well.

I am entering some of what I heard on Labor Day into the CONGRESSIONAL RECORD not because the testimony I heard is a surprise, but because it is a wake-up call. We need more bipartisan solutions, and need them now. We cannot afford to wait. I have repeatedly shown my support for solutions that increase supply, and decrease demand while also pursuing research and development of clean, affordable, alternative energy sources that would make our Nation energy independent. These are solutions I supported when I voted for the Comprehensive American Energy Security and Consumer Protection Act, and these are solutions I firmly believe we should continue to pursue.

Here are some things I heard from constituent about how gas and energy prices are affecting them.

''How are gas prices affecting my family? Well, first of all I am an educator who could not afford to have a family, not even years ago . . . I have a full-time job, and I now have three part-time jobs so I can pay all my bills. I cut back on travel expenses, which is one expense I could control. I am working more hours at one of my part-time jobs. I never forgot lesson taught by President Carter—I keep my house in the 60s during the winter and 80 degrees in the summer. I do everything I can to keep the house insulated in the summer and winter. I cut back on eating out and on food expenses in general, but not to the point of knowingly putting my health at risk by eating cheaper, but fatty foods.''—Kay, DeKalb, IL

''I actually have a car at home, well kind of I paid for half of the vehicle. My sister was driving it while I was here at school, and now that my sister has gone away to college my parents are just taking us off the insurance. They're just keeping the car in the garage,'' Amanda, of DeKalb, IL, explained to me.

I asked her why she left her car unused. She said it was an expense she could not afford.

''My parents don't think I'd be able to maintain working and paying for the high prices of gas, but you know everything with having to maintain repairs, whatever need be but that gets really expensive so we just thought it would be better off not doing anything.''

Amanda was not alone in finding that gas prices and college-related costs very limiting. Gas prices restricted her roommate's options in commuting as well as compounding other expenses like the cost of school and raising a family.

''It's just shopping and whatever, I would like to go home. NIU is nicknamed the suitcase school because so many kids just come for the week and then they go home, but I don't have the ability to do that, I can't go back and work all the time because everything is expensive,'' Hillary, DeKalb, IL, said.

Hillary pointed out another common sentiment is not just the cost increase of gas prices, but also the speed at which they increased.

''It's kind of a gradual thing of course; our economy being in the status that it is right now and with gas prices rising. It's like everything is happening at once,'' Hillary continued. ''My tuition has gone up and Northern was actually the only school I could afford, even though I'm

a veteran. This is the only school that I could afford, and then on top of that, it's like tuition is rising. My mom is a single mom with a bunch of kids, with gas prices and everything—it's hard.''

I am proud to submit the concerns of my constituents into the CONGRESSIONAL RECORD for all to see, hear, and recognize.

RECOGNIZING THE RIEGELSVILLE FIRE DEPARTMENT

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 2008

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor the Riegelsville Fire Company for 110 years of distinguished service to the Riegelsville, Durham and Nockamixon communities. On September 27, 2008, they will not only be celebrating this anniversary, but also welcoming their newest fire engine, Engine 42–1.

In 1898 the Phoenix Fire Company formed as a bucket brigade, named after the first piece of equipment they bought—a Phoenix Steam Pumper. Later in 1918 they changed the name and became incorporated as Community Fire Company #1.

Today, 90 years later, they are still protecting the families in this community with the same honor and selfless service.

Madam Speaker, I ask that you join me in recognizing the Riegelsville Fire Department for their 110 years of service to communities in Bucks County. I am honored to serve as their Congressman.

IN HONOR OF JIM MANGIA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 2008

Mr. KUCINICH. Madam Speaker, I rise today in honor of Jim Mangia, distinguished philanthropist and entrepreneur, whose health centers have provided free medical, dental and mental health services to thousands of children and adults in Los Angeles for over forty years.

Jim Mangia is the President and CEO of St. John's Well Child and Family Center (SJWCFC) and a leading expert on environmental health issues faced by economically disadvantaged communities in Los Angeles, California. He recently opened his eleventh non-profit health care clinic in downtown Los Angeles, forty years after opening his first clinic. St. John's Well Child and Family Centers have grown to a family of eleven non-profit health centers providing free health services to children and adults. Since the founding of the first St. John's Well Child and Family Center, his clinics have served over sixty-thousand patients a year. According to statistics provided by St. John's, more than ninety-seven percent of the patients who have visited the clinics live below the poverty level and almost half of all residents have no health insurance. Mr. Mangia has led the effort on discourse regarding environmental health and has co-authored an article outlining the effects of slum housing on children's health.

Mr. Mangia's dedication to treating and raising awareness of environmental health issues reaches far beyond his leadership in SJWCFC. He has testified before Congress numerous times and works intimately with a number of local school boards to ensure that the health needs of children from economically disadvantaged communities are being met.

Madam Speaker and colleagues, please join me in honor of Jim Mangia, and in recognition of his tireless efforts on behalf of communities of need. May his inspiration and genius be an example for all of us to follow.

COMPREHENSIVE IRAN SANCTIONS, ACCOUNTABILITY, AND DIVESTMENT ACT OF 2008

SPEECH OF

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, September 26, 2008

Mr. BLUMENAUER. Mr. Speaker, I would like the record to show that I oppose this bill. I am concerned that this bill is a continuation of the lopsided ''sanctions-only'' approach to Iran that only undermines the potential for constructive engagement through diplomacy.

Iran poses a particular challenge because as much as we are horrified by the regime's support for terrorism, threatened by its nuclear adventurism, and troubled by the lack of democracy and human rights, we also know that the Iranian people are as opposed to foreign manipulation as they are to authoritarian rule and that both the Iranian and American people want to avoid war.

The steps that the Iranian regime should take are clear. They should stop their support for terrorism, end their development of nuclear weapons capability, and begin the process of free, fair, and open elections. But it is naïve to think that the United States can merely tell them what to do, sanction them for not doing it, and expect success. We need, instead, to develop a smart, strong and constructive plan to deny Iran nuclear weapons and halt its support for terrorists, to help keep us and our allies secure.

The first place to look for lessons is our success with Libya, where a unified international front convinced one of the world's most dangerous state-sponsors of terror to give up its nuclear weapons program in exchange for the benefits of membership in the international community. Iran must be given a similar choice and we must provide both credible incentives for negotiations to work and muscular sanctions if they fail.

This bill offers a piecemeal approach: sanctions without credible negotiations. I oppose it and other short-sighted efforts in our approach to Iran.

EARMARK DECLARATION

HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 2008

Mr. HASTINGS of Washington. Madam Speaker, to provide open disclosure, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding a project that I support for inclusion in the National Defense Authorization Act for FY 2009.

I believe funding to clean up the Hanford site in Washington State, and the Department of Energy's other Environmental Management sites across the country, is a fundamental federal obligation, not an earmark as it is labeled in this bill. However, because it has been so labeled in the Committee report, I voluntarily submit to the House an explanation and justification of this funding in an effort to provide as much public disclosure as possible on congressionally directed funding and earmarks. The $10 million programmatic increase provided for in the bill will be used for the Department of Energy's Environmental Management program at the Hanford Site in Fiscal Year 2009. The entity to receive the funding is the U.S. Department of Energy located at 1000 Independence Avenue, S.W., Washington, DC 20585. The Federal Government has a legal and moral obligation to clean up the massive wastes and contamination it created at Hanford during the Manhattan Project, World War II and the Cold War. Funding to clean up Hanford is not a luxury sought by myself or my constituents, it is an essential responsibility of the United States government. The over 500-square-mile Hanford site is the world's largest and most complex environmental cleanup project, and the Federal Government must keep its commitment to clean it up. No matching funds are required.

EARMARK DECLARATION

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 2008

Mr. ROHRABACHER. Madam Speaker, pursuant to the Republican leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the House amendment to H.R. 2638, the ''Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.''

Requesting Member: DANA ROHRABACHER.

Bill Number: H.R. 2638.

Account: RDTE, Army.

Legal Name of Requesting Entity: The Boeing Company.

Address of Requesting Entity: PO Box 516, St. Louis, MO 63166.

Description of Request: I requested $2,320,000 to allow the Department of Defense to test and certify the Precision Container Aerial Delivery System (PCADS). PCADS is a tool to apply existing military airdrop capabilities to extinguish wildfires. It consists of containerized water bladders that are compatible with all U.S. military cargo aircraft, thereby enabling all military cargo aircraft to serve as firefighters. This will vastly increase the number of aerial firefighting aircraft available to State and Federal fire fighting agencies. The water bladders are delivered at a safe altitude above the fire, and ripped open prior to striking the ground, thus delivering water, gel, or agent with maximum effect. This request is for the testing of the program and will be the last time funds are needed for testing.

HONORING DEKLAN LOUIS KENNEDY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Deklan Louis Kennedy of Blue Springs, Missouri. Deklan is 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 1362, and earning the most prestigious award of Eagle Scout.

Deklan has been very active with his troop, participating in many scout activities. Over the many years Deklan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Deklan Louis Kennedy for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING THE VALUABLE CONTRIBUTIONS OF NICARAGUAN-AMERICANS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 2008

Ms. ROS-LEHTINEN. Madam Speaker, I rise to recognize and celebrate the contributions of our Nation's Nicaraguan-American population. The South Florida community that I represent is blessed to have many of these hard-working and talented individuals. Their contributions to our community's success and growth are a testament to their dedication and service.

It is fitting that this recognition occurs in the month of September. The rapid growth of Nicaraguan immigrants started in September 1972 following a devastating earthquake. The largest group of refugees arrived on our shores in September 1979 as they escaped the communist Sandinista regime.

Out of this tragedy came the triumph of a people who were determined not be victims of circumstance. They took charge of their life and decided to make a better life for themselves and their children in our great country. They have contributed to the fabric of American society and helped strengthen the ties between both our nations.

During the next Congressional session, I will be introducing a resolution to designate September as Nicaraguan-American Heritage month. It is a fitting tribute for a people who have truly realized their own American dream.

HONORING VARTKESS BALIAN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 2008

Mr. PALLONE. Madam Speaker, I rise today to honor the life of Vartkess Balian. Mr. Balian epitomized the life of a community leader. His contributions enriched the lives of countless Armenians and Armenian Americans. He will be remembered for his graciousness, compassion, and ingenuity.

Vartkess Balian grew up in Beirut, Lebanon, in a family that taught him to value his Armenian ancestry. When he moved to the United States, he brought his love of being Armenian to his new home. Championing Armenian issues, Mr. Balian served in various leadership positions at the Armenian General Benevolent Union. Through his generosity and interest in enhancing the lives of Armenian youth, he and his wife, Rita Balian, spearheaded the AGBU's successful New York Summer Intern Program, giving hundreds of Armenian college students the opportunity for professional development and international experience in the United States.

Mr. Balian also served as president of the Tekeyan Cultural Association. During this time he established the Vartkess and Rita Balian Press Award to foster excellence in the field of journalism by giving grants to promising correspondents. Dedicating himself to education, Mr. Balian helped found the Friends of Yerevan State University. This organization has raised millions of dollars to improve university facilities and provide for scholarship endowment funds.

Madam Speaker, I sincerely hope that my colleagues will join me in celebrating the life of Vartkess Balian, and extending our sincere condolences and deep appreciation to Mrs. Rita Balian. Mr. Balian's efforts will continue to benefit and inspire Armenian youth and his many international colleagues and friends for years to come.

PERSONAL EXPLANATION

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 2008

Mr. LANGEVIN. Madam Speaker, on the evening of September 28, 2008, I was unable to vote due to illness and missed three Rollcall Votes. Had I been present, I would have voted ''yea'' on Rollcall number 666, on ordering the previous question on H. Res. 1514; ''yea'' on Rollcall number 667, on agreeing to H. Res. 1514; and ''yea'' on Rollcall number 668, on passage of S. 2840.

Additionally, due to illness, I missed five Rollcall Votes on September 29, 2008. Had I been present, I would have voted ''yea'' on Rollcall 669, passage of S. 906; ''yea'' on Rollcall number 670, on ordering the previous question on H. Res. 1517; ''yea'' on Rollcall number 671 on agreeing to H. Res. 1517; ''yea'' on Rollcall number 672 on agreeing to H. Con. Res. 440; and ''nay'' on Rollcall number 673 on the motion to adjourn.

TRIBUTE TO MR. LARRY M. WADE, SR.

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 2008

Mr. MURTHA. Madam Speaker, I rise today in honor of Mr. Larry M. Wade, Sr., a distinguished individual who recently became the State Commander for the Veterans of Foreign Wars, VFW, Department of Pennsylvania. As State Commander, he is responsible for Pennsylvania's 29 districts and over 550 posts. He works with Pennsylvania's line officers to ensure the operations and programs of the Veterans of Foreign Wars Department of Pennsylvania. He also represents Pennsylvania's V.F.W. on a national level and serves on a number of commissions working tirelessly on behalf of our Nation's veterans. Mr. Wade has also served his country honorably in the United States Navy, where he served three tours of duty in Vietnam.

Madam Speaker, Mr. Wade started working in the V.F.W. Post 7377 in Sankertown, Pennsylvania, where he still lives with his wife Debra. As Post Commander, he was honored as an All-State Commander for five consecutive years. Furthermore, he was previously honored as the Cambria County Veteran of the Year. In addition to holding positions at the post level, Mr. Wade has also held office at the county, district, and State levels. Before being named the State Commander, he held the positions of Department Senior Vice Commander, Department Junior Vice Commander, and Community Activities Chairman.

Madam Speaker, the Veterans of Foreign Wars is a strong advocate on behalf of our Nation's veterans and is particularly strong in Pennsylvania. Mr. Wade's leadership will help to ensure that the V.F.W. will continue in its central mission. I wish to conclude my remarks by congratulating Mr. Wade on his outstanding accomplishment.

HONORING THE 11TH ANNIVERSARY OF THE INSTITUTE FOR BEHAVIOR CHANGE

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 2008

Mr. GERLACH. Madam Speaker, I rise today to recognize the 11th Anniversary of a professional organization dedicated to improving the lives of adolescents in Southeastern Pennsylvania with autism and other developmental disabilities.

The Institute for Behavior Change of Coatesville, Chester County was founded in 1997 by Dr. Steven Kosor, a licensed psychologist and certified school psychologist. Dr. Kosor's vision was an Institute that would recruit and train those providing quality in-school and in-home psychological treatment and behavioral support to children.

Since the Institute's inception, its dedicated staff has served more than 500 children throughout Philadelphia and the surrounding Chester, Delaware and Montgomery Counties.

The Institute will commemorate its 11th Anniversary during a conference at the Eden Resort in Lancaster, Pennsylvania on November 21, 2008.

Madam Speaker, I ask that my colleagues join me today in celebrating this special milestone for The Institute for Behavior Change and thanking the staff for its outstanding professionalism and commitment to helping youth with developmental disabilities fulfill their maximum potential.

UNITED STATES-INDIA NUCLEAR COOPERATION APPROVAL AND NONPROLIFERATION ENHANCEMENT ACT

SPEECH OF

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 26, 2008

Mr. SCHIFF. Mr. Speaker, my friend and colleague from California, Chairman BERMAN, has work tirelessly over the last year to make this deal better. He has been a great champion of nonproliferation in this House, and he has led many efforts to prod and question the Bush administration on the negotiations with India—pressing for a deal that would enhance our relationship with the world's largest democracy while protecting the global nonproliferation regime and our interests around world. Unfortunately, the administration resisted many of his efforts, and those of others, and I am forced to oppose the final package.

I believe that our relationship with India is one of our most important. Our interests are inextricably linked, and our economies draw ever closer. In the past, that relationship has been strained by the issue of nuclear proliferation—India never signed the Nuclear Nonproliferation Treaty, and continues to build nuclear weapons. The agreement we vote on today began as a valiant attempt to bring India into the nuclear mainstream, while binding our business communities closer together. Unfortunately, it has ended with an agreement that falls short of either goal: the safeguards are not strong enough, the incentive for other nations to proliferate is too great, and while opening India's nuclear market to the world, it places American companies at a competitive disadvantage compared to French and Russian firms.

Even worse, the ''deal'' is not really a deal at all. The Indian government and the Administration have been issuing contradictory statements about it for the past year. This is not a problem of each side interpreting the treaty differently—the two sides have apparently signed two different treaties. The next time India has a new government, which could be as early as this winter, it may withdraw from the agreement, and the net result of all of this negotiation will be to allow foreign companies to sell nuclear technology to India. No nonproliferation goals would be accomplished, no new business would be generated for American companies, and no new relationship with India would be achieved.

So, I have a few questions for the administration, which have not been answered, and I think they're important questions to consider as we vote on this proposal.

When the administration realized that the Indians would not accept a deal that punished them if they decided to test a nuclear weapon, a requirement of the Hyde Act, why did they continue to negotiate?

When it became clear that the real winners in this deal were the Russians and other nuclear powers that indiscriminately and irresponsibly sell nuclear technology around the world, why didn't we pull out?

When the administration realized that this deal might undermine the Nuclear Nonproliferation Treaty, a treaty that has succeeded in dramatically limiting the number of nuclear nations, why did they not take steps to strengthen other nonproliferation efforts?

When it became clear that we couldn't get the assurances we needed to stem proliferation, why didn't we shift gears and produce a deal in renewable energy, information technology, or another area that would bring actual benefits to the American economy without harming our national security?

Some proponents of the deal have said that it brings India into the nonproliferation mainstream. But in fact, India remains free to test nuclear weapons, has not agreed to abide by the Nonproliferation Treaty, has not signed the Comprehensive Test Ban Treaty, and will only allow international inspectors access to a few of their civilian power plants. That is not the mainstream.

India has become a vital partner in a world that has grown dangerous and unpredictable. But tragically, an agreement in any other field would have brought us more, without seriously weakening our efforts to prevent a nuclear arms race in the Middle East and South Asia.

As a strong supporter of improving our relationship with India, but a firm advocate of nonproliferation, I cannot support this agreement, and I must urge my colleagues to oppose it as well.

RECOGNIZING COUNTY SUPERVISOR TIM SMITH OF SONOMA COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 2008

Mr. THOMPSON of California. Madam Speaker, I rise today along with my colleague, Congresswoman LYNN WOOLSEY, to recognize and honor Tim Smith, who is retiring after serving for 20 years on the Sonoma County Board of Supervisors. Upon his retirement, Supervisor Smith will have earned the distinction of being the longest continuously serving supervisor in the county's history.

Supervisor Smith began his service to our country as a Navy radioman in Vietnam. When he returned from Vietnam, he attended Sonoma State University, where he graduated with a B.A. in Political Science in 1976.

Shortly thereafter, he joined the staff of State Assemblyman Doug Bosco and continued as his district director when the Assemblyman was elected to the U.S. House of Representatives.

Supervisor Smith was elected to the Board in 1988. As Supervisor, he provided constituent services to 95,000 people in the Third District. The Board also sets the policy direction for the $700 million annual budget and 3,500 county employees, works extensively with the legislative delegation on legislative and regulatory issues and serves on many regional and local agencies, commissions and boards.

Just a few of these agencies, commissions and boards include the Sonoma County Agricultural Preservation and Open Space District, the National Association of Counties, the California Association of Counties, the Association of Bay Area Governments, the Sonoma County Community Development Commission and the Bay Area Air Quality Management District.

In his spare time, he has been a volunteer, advocate or fundraiser for many non-profit organizations, including the Volunteer Center, United Way, Day of Caring, the Hate Free Community Project, the Valley of the Moon Children's Home, the Heart Association and the Sonoma County Climate Protection Campaign.

Supervisor Smith intends to spend his well earned leisure time traveling with his wife, Suzanne, enjoying his hobbies of golf and fly fishing, and spending more time with his 3 children and 5 grandchildren.

Madam Speaker, Supervisor Smith leaves a distinguished record of public service and a lasting reputation as a problem solver who always had the best interests of the people of Sonoma County in mind as he worked on their behalf. We will miss our partnership with him but know he will continue to be a strong advocate for his community. It is appropriate that we honor and acknowledge him today for his lifetime of public service.

HONORING GARRETT ELLSWORTH MOORE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Garrett Ellsworth Moore of Kansas City, Missouri. Garrett is 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 1378, and earning the most prestigious award of Eagle Scout.

Garrett has been very active with his troop, participating in many scout activities. Over the many years Garrett has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Garrett Ellsworth Moore for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE NELSON FAMILY OF COMPANIES

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 2008

Ms. WOOLSEY. Madam Speaker, I rise today along with my colleague, Congressman MIKE THOMPSON to recognize and honor the Nelson Family of Companies, which has been selected as the Business of the Year by the Sonoma Valley Chamber of Commerce.

The Nelson Family of Companies is an independently owned group of businesses that provide a wide variety of full-time and contract-staffing services as well as software and support services designed to facilitate workforce management.

The first of the ''Nelson Companies'' opened in 1970 in San Rafael. In 1989 a corporate office was established in Sonoma. The companies currently employ more than 300 people in 25 offices throughout northern California.

In addition to being a major employer itself in Sonoma and providing support services to other local businesses, the Nelson family has been an active participant in community organizations and events. Primary beneficiaries have been the Hanna Boys Center and Sonoma Valley Hospital. The companies have also been sponsors or supporters of the Sonoma Jazz Festival, the Charles Schwab Cup Champion's Tour event at Sonoma Golf Club, the Sonoma Wine Harvest Auction and Festival, the American Red Cross, the American Heart Association annual walk, the Blood Bank of the Redwoods annual blood drive, the Valley of the Moon Boys & Girls Club and the Valley of the Moon Teen Center and the Sonoma Valley Mentoring Alliance.

Madam Speaker, local businesses in the small communities throughout our two Congressional districts are much more than employers. They are the backbone of a support system for projects, non-profit organizations and civic events that would not be successful without their involvement. No organization better exemplifies this commitment than the Nelson Family of Companies. It is therefore appropriate for us to honor Chairman Gary D. Nelson and his leadership team and employees, both past and present, for their great work throughout the years.

HONORING RICHARD LACOSSE ON HIS INDUCTION INTO THE UPPER PENINSULA LABOR HALL OF FAME

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 2008

Mr. STUPAK. Madam Speaker, I rise to recognize Richard (Dick) LaCosse on his induction into Upper Peninsula Labor Hall of Fame. A resident of Escanaba, Michigan, Mr. LaCosse will be honored at the U.P. Labor Hall of Fame Induction Banquet on October 11, 2008. I ask that you, Madam Speaker, and the entire U.S. House of Representatives, join me in honoring Mr. LaCosse on this momentous occasion.

Richard LaCosse began his career in 1969 when he went to work at Mead Paper in Escanaba, Michigan. He joined United Paperworkers International Union, UPIU, Local 110, which is now United Steelworkers, USW, Local 2–21. Dick LaCosse quickly became actively involved in his local union and soon became a shop steward. He was appointed to the position of Chief Steward and vice president in June 1978 and was elected president of the local union in January 1981. In August 1983, he was appointed to the position of international representative.

During his 25 years with the International Union he served at one time or another as: a member of the Delta County Trades and Labor Council; member of the Board of Directors of the Upper Peninsula Labor/Management Council, including a term as its president; chairman of the Niagara of Wisconsin Jointly Trusted Pension Plan; trustee of PACE International Union's Pension Plan; member of the Board of Directors of the Upper Peninsula Private Industry Council; treasurer of the Upper Peninsula Safety Council; member of the Governor's Task Force on Education; member of Michigan's School to Work Committee; member of the Delta/Schoolcraft Education Advisory Development Board; member of the UPIU/Scott Paper Joint Advisory Committee; steward of the Representatives and Organizers Union; member of the Advisory Planning Committee of Northern Michigan University's Labor Education Division; planning commissioner for the city of Escanaba; member of the Delta County Economic Development Alliance Board; member of the USW/SCA Joint Advisory Committee; executive board member of the Michigan and Wisconsin State AFL–CIO. Mr. LaCosse has also been a guest instructor on labor issues at Northern Michigan University, Bay de Noc Community College and several area high schools.

In 2003, at the first convention of PACE International Union, Mr. LaCosse was elected vice president and regional director of Region 10, which was the largest region in PACE. In 2005, PACE International Union merged with the United Steelworkers of America to become the USW International Union, the largest industrial union in the nation. On March 1, 2006, he was installed as international vice president with responsibility for national paper bargaining in the newly merged union. Mr. LaCosse retired from the USW on March 1, 2008.

Madam Speaker, Richard LaCosse has spent a career advocating for the rights of his colleagues. Dick's years of service have no doubt made an impact on countless workers across the country. I ask that you and the entire U.S. House of Representatives join me in honoring and thanking Richard LaCosse as he received a well-deserved induction into the Upper Peninsula Labor Hall of Fame.

ECONOMIC INTEGRATION OF THE MAGHREB

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 2008

Mr. SHERMAN. Madam Speaker, I am placing in the record today the summary of an exceptionally important study on improving the global and regional economic immigration of the Maghreb.

This study was a collaborative effort of Ambassador Start Eizenstat and Dr. Cary Clyde Hufbauer. It highlights the critical importance of U.S. involvement in building a prosperous and stable Maghreb.

A draft of the full report is posted on-line by the Peterson Institute for International Economics at www.iie.com.

PROSPECTS FOR GREATER GLOBAL AND REGIONAL INTEGRATION IN THE MAGHREB: RECOMMENDATIONS FROM THE PETERSON INSTITUTE, IFPRI, AND IEMED

On May 29, 2008, the Peterson Institute for International Economics held an event to announce the results of a number of studies that examine, from both a macroeconomic and sectoral perspective, the barriers to and potential benefits of economic integration among the countries of the Maghreb, as well as between the region and the broader world economy. The two macroeconomic studies were performed by the Peterson Institute and the International Food Policy Research Institute (''IFPRI''). The sectoral studies were performed by the European Institute for the Mediterranean (''IEMED''). A final Report will be published in October 2008.

The studies generally show that integration among the countries of the region would yield increased trade and investment. Greater increases in trade and investment, however, would come from such regional integration combined with stronger links between the region and the global economy. The studies also demonstrate the importance of reducing non-tariff barriers to trade and investment, as well as the pursuit of regulatory harmonization to create a more positive investment climate. Finally, the experts from the three institutes who presented their findings offered specific policy recommendations for the United States and European Union, as well as sector-specific recommendations for the regional economy.

RECOMMENDATIONS FOR THE UNITED STATES AND THE EUROPEAN UNION

The core objective of closer ties between the United States, European Union, and the Maghreb is to transform the Maghreb economies, including by encouraging new industries and services, new jobs, and increased rates of growth. The United States and European Union should work with the Maghreb countries to enhance integration through bilateral trade or investment agreements or in companion agreements.

Aid for Technical Assistance and Capacity Building: The United States and European Union can help improve the business climate in the Maghreb by assisting with the acceleration of reforms. Such aid could encourage the harmonization of investment and regulatory regimes throughout the region to the highest standards provided for in bilateral trade agreements, promote sector-specific investment and regulatory reforms, assist in the development of transnational networks for transportation and energy infrastructure, and provide the best technology for ensuring that cross-border shipments can be processed efficiently and securely.

Tariffs: The United States and European Union could work with their Maghreb partners to negotiate lower tariffs, or no tariffs, on selected products imported from other Maghreb countries.

Rules of Origin: In the European Union's Euro-Med Partnership, Algeria, Morocco, and Tunisia apply full cumulation between themselves and diagonal cumulation with the other pan-European countries. This approach could be extended to Libya and Mauritania. The United States and its Maghreb partners, building on the U.S.-Morocco free trade agreement, could negotiate agreements similar to the Qualified Industrial Zone (''QIZ'') program with Jordan and Egypt or allow for the cumulation of inputs across the Maghreb.

Encouraging Sectoral Cooperation: The United States and the European Union could focus on how they can best stimulate regional cooperation at the sectoral level. Possible areas for collaboration with the countries of the Maghreb are highlighted below.

SECTORAL RECOMMENDATIONS

The countries of the region, with the support of the United States and European Union, should work together to increase intraregional integration in the major sectors of the regional economy, which include energy, banking, transportation, and agriculture and food.

Energy: It is not clear whether each Maghreb country will be able to mobilize, on its own, the necessary means to meet increased energy demands that will accompany increased regional population and economic growth. Consequently, a regional response is necessary. First, the flow of energy through

the region is critical. For example, electricity constraints could be dealt with by optimizing the exploitation of electric interconnections that already exist between countries. Second, sustainable development should be favored to limit environmental constraints and to strengthen energy supply, for example by implementing renewable energy industries such as wind and solar. Finally, a global action plan could seek collaborative efforts on power generation, refining, transportation and distribution, and chemical manufacturing by creating global companies to gain access to European, U.S., and other markets.

Banking: The regional banking sector presents notable contrasts, with some countries possessing modern banking systems, while those of others have regressed since the 1960s. Regional banks are not necessarily relied upon to properly manage assets, which results in a loss of capital from the region. Banks are over-liquid, and credit is not readily available. In short, capital is not mobilized for development. A regional financial institution could transform unused liquidity into long-term financial instruments for saving and investment. Such an institution could build upon the future privatization of the Algerian banking system to create two regional banks with shareholding in all countries of the region, a mandate to encourage intraregional transactions, and a mandate to ensure currency convertibility.

Transportation: The countries of the region inherited an institutional framework that regulated transportation infrastructure based on the French model that de-emphasized competition. The failures of that model became apparent in the 1980s. Although Maghreb countries were slow to treat logistics as a strategic means of competitive leverage, monopolies have now been dismantled, and competition prevails. Morocco has an open skies agreement with Europe, and Royal Air Moroc has a strong network in West Africa. The first harbor ready to receive ultra-large carriers opened in Tangiers in 2007. Because the value of transportation infrastructure, including these projects, depends on the extent of the network, the Morocco-Algeria border desperately needs to be reopened. National networks currently end in cul de sacs, and duplicate infrastructure—for example the ports of Nador and Ghazaouet on either side of the border Morocco-Algeria border—has been developed. Both are examples of substantial inefficiency.

Agriculture and Food: The countries of the Maghreb are close in distance, are close in agricultural production, share similar patterns of consumption, and share problems including aridity, water scarcity, and volatility in agricultural GDP. Despite these similarities, there are substantial differences among the countries in agricultural and food policies, in terms of subsidies, norms, and enforcement.. Regional similarities in this sector allow for economies of scale, the potential for vertical integration, risk-sharing for ''discovering'' new markets and new products, regulatory harmonization to increase quality and decrease smuggling, and collective responses to the need for resource conservation.

HONORING MARIAN LONNING

HON. KENNY C. HULSHOF

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 2008

Mr. HULSHOF. Madam Speaker, I rise today to honor Marian Lonning, a special woman who has devoted her time, talents, and life to individuals with developmental disabilities. Mrs. Lonning, a proud parent, grandparent, and great-grandparent, will soon be recognized by Community Living for her tireless efforts to improve services for people with disabilities. I want to associate myself with the recognition provided by Community Living.

Community Living, a not-for-profit agency in St. Charles County providing life-enriching services for people with disabilities, will present the award to Mrs. Lonning on October 18, 2008, at the organization's annual Legacy Ball. The Legacy Award is presented to an individual whose outstanding service to people with disabilities and the community as a whole leaves a lasting legacy for generations to come.

Before coming to Missouri, Mrs. Lonning worked with people with developmental disabilities as a nurse and teacher. She and her husband, James, moved to St. Charles County in July 1968 from Kalamazoo, MI, and we are lucky to have her.

In February 1969, Mrs. Lonning opened a Day Activity Center for children with developmental disabilities in the basement of Boonslick Christian Church in St. Charles. She had been approached by Jane Crider about starting a day program for children with severe developmental disabilities who were unable to pass the test for Boonslick State School. With the help of an assistant, Mrs. Lonning ran the center 3 days per week, serving 8 to 10 children.

In 1974, the Day Activity Center transitioned to providing services for adults after Section 504 of the Rehabilitation Act of 1973 passed and children at the center were able to go to school. Additionally, Mrs. Lonning started the Day Activity Center Auxiliary, a support group for the parents of the center's participants, which still exists today.

Mrs. Lonning served on the Senate Bill 40 Committee to help approve a countrywide property tax to provide and fund services for people with development disabilities. In 1977, the committee's efforts proved successful when the tax passed. Because of the Senate Bill 40's passage, the Day Activity Center was able to expand and was later taken under the wings of Community Living, Inc., when it was incorporated in 1978.

The center eventually began providing service 5 days per week and hired more staff, including special education teachers. In 1980, a second center was opened in O'Fallon.

Mrs. Lonning served as Director of the Day Activity Centers, now known as Support Services for Adults (SSA), until her retirement in 1989.

In her retirement, Mrs. Lonning has remained active in championing those with disabilities, serving for 3 years on the Handicapped Facilities Board, now the Developmental Disabilities Resource Board, the entity that was created as a result of the Senate Bill 40 tax. She also served for three terms on Community Living's Board of Directors, serving as president, vice president, secretary, and as an executive committee member.

Today I want to shine a spotlight on not only Mrs. Lonning's great and many achievements, but also on the vital role that we all play in ensuring that all children and particularly those with disabilities receive the best education possible.

Mrs. Lonning believes firmly in providing quality services to people with disabilities throughout their lives, and today her vision has become a reality. Mrs. Lonning has said that she has always felt that God put her where he needed her to be. Furthermore, the motto from her alma mater, Pine Rest Nursing School, has guided her work throughout the years: ''It's only one life, it will soon be passed, only what's done for Christ will last.''

For these reasons, I am privileged to stand before this body and congratulate Mrs. Lonning on her receipt of this prestigious award.

HONORING THE WORK OF THE SONOMA COUNTY MEDICAL ASSOCIATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 2008

Ms. WOOLSEY. Madam Speaker, I rise today along with my colleague, Congressman MIKE THOMPSON, to honor and acknowledge the Sonoma County Medical Association, SCMA. The SCMA will celebrate its 150th anniversary on November 11, 2008.

Recently discovered documents place the first call to organize the forerunner to the SCMA on April 10, 1858, with the creation of a constitution and by-laws. The group went through at least two subsequent reorganizations, the latter being in 1888, which had long been considered by medical historians to be the original founding date of the organization.

From 1888 to 1910 the Sonoma County Medical Society, as it was then called, held monthly meetings around such topics as ''The Emotions in Their Relationship to Disease'' and ''Bubonic Plague: Keeping it Out of Sonoma County.'' In 1906, the association elected its first woman president, Dr. Anabel Stuart. During both World Wars, 29 percent of the medical society's membership served our country in uniform.

Since 1951, the SCMA has had only 5 full-time administrators or executive directors. Josephine Quayle served as ''general helper'' until her retirement in 1963. She was succeeded by Norman Brown, who served from 1960 to 1982. Roger Brown served from 1983 to 1989, followed by Tom Wagner from 1989 to 2000 and Cynthia Melody from 2000 to the present.

Over the years, the SCMA has made numerous contributions to the health of Sonoma County. In 1962, the SCMA coordinated a ''Knock Out Polio'' campaign that resulted in 92.3 percent of the county's population being immunized. From the mid-1970s to the late 1990s, the SCMA created several other affiliated companies that helped increase medical services to county residents, including the Specialty Physicians Association and the Children's Health Network. And, in 2000, the SCMA returned to its roots as a selfsustaining, non-profit county medical association supporting physicians and their efforts to enhance the health of the community.

Madam Speaker, the SMCA has a long history of assisting physicians practicing in Sonoma County and of preserving the well being of county residents. It is appropriate that we honor this distinguished organization and its members for their past accomplishments and wish them well as they continue to work

on behalf of the physicians and residents of Sonoma County.

COMPREHENSIVE IRAN SANCTIONS, ACCOUNTABILITY, AND DIVESTMENT ACT OF 2008

SPEECH OF

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 26, 2008

Mr. GARRETT of New Jersey. Madam Speaker, I am pleased that the House recently considered and passed H.R. 7112, a bill that expands the Iran Sanctions Act and authorizes state and local governments to divest from certain companies that hold Iranian assets.

The timing of this legislation could not be more appropriate. This past week, the president of Iran visited the United Nations in New York City and gave two addresses. Not surprisingly, he took advantage of the platform and condemned ''a small but deceitful number of people called Zionists'' for using their influence in Europe and the U.S. in ''a deceitful, complex, and furtive manner.'' He also referred to ''Zionist murders'' and accused Jews of having an ''underhanded'' role in the crisis in Georgia.

But President Ahmadinejad didn't limit his attacks to Israelis. He boasted that ''the American empire. . . is reaching the end of the road.'' Clearly, Tehran has malicious intentions and especially detests the United States and Israel. That's why H.R. 7112 is critical to improving our national security and stability. While Iran points out alleged flaws in American and Israeli policy, it continues to defy the Nuclear Non Proliferation Treaty, numerous U.N. Security Council resolutions, and International Atomic Energy Agency inspections.

Of course, Iran claims to be enriching uranium for energy use, but U.N. inspectors have found elements that are constructive only in weapons. If Iran did indeed develop a nuclear bomb, the repercussions would be felt throughout the region, including in Iraq, India, Pakistan, Turkey, and Israel, as well as in the U.S. Since Iran is already supplying weapons to terrorist organizations like Hezbollah and Hamas, it is important that we act now to prevent the sale of sensitive material to Tehran.

Finally, I would also like to mention another bill that recently passed the House: H. Res. 1361. While this Resolution rightly condemns the anti-Semitic language of the 2001 Durban Conference (Durban I), I urge my fellow Members to take the next step and support my legislation, H.R. 5847 or the United Nations Durban Review Conference (Durban II) Funding Prohibition Act.

COMMENDING THE GALVESTON DAILY NEWS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 2008

Mr. PAUL. Madam Speaker, I would like to commend a very determined newspaper in my district, the unsinkable Galveston Daily News. The stories of Hurricane Ike continue to be told as the area begins to recover, but the Galveston Daily News never stopped their reporting in the midst of this deadly storm. I am told the entire roof of their building was blown away, flooding the interior, leaving them with no equipment except a single working cell phone, and still, they missed not one single issue. With cooperation from other area papers, the Herald Zeitung in New Braunfels for layout and the Victoria Advocate for printing, every single issue promised readers will be available to them, even if some homes have been impossible to deliver to. I am also told that many reporters and employees of the paper endured heavy personal losses. They obviously consider their roles as communicators within and for the community of Galveston not as a mere job, but as a personal calling. It is devoted Texans and Americans like those at the Galveston Daily News that make this country work, and I applaud them.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 30, 2008 may be found in the Daily Digest of today's RECORD.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S10025–S10114

Measures Introduced: Seven bills were introduced, as follows: S. 3648–3654. **Page S10069**

Measures Passed:

Food, Conservation, and Energy Act: Senate passed H.R. 6849, 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, after agreeing to the following amendment proposed thereto: **Page S10039**

Cardin (for Harkin) Amendment No. 5679, in the nature of a substitute. **Page S10039**

Measures Considered:

Federal Railroad Safety Improvement Act: Senate resumed consideration of the motion to concur in the amendment of the House of Representatives to the amendment of the Senate to H.R. 2095, to amend title 49, United States Code, to prevent railroad fatalities, injuries, and hazardous materials releases, to authorize the Federal Railroad Safety Administration, taking action on the following motion and amendments proposed thereto:

Pages S10031–37, S10039–52

Pending:

Reid Motion to Concur in the amendment of the House of Representatives to the amendment of the Senate to the bill. **Page S10031**

Reid Amendment No. 5677 (to the motion to concur in the amendment of the House of Representatives to the amendment of the Senate to the bill), to establish the enactment date. **Page S10031**

Reid Amendment No. 5678 (to Amendment No. 5677), of a perfecting nature. **Page S10031**

During consideration of this measure today, Senate also took the following action:

By 69 yeas to 17 nays (Vote No. 209), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the motion to concur in the amendment of the House of Representatives to the amendment of the Senate to the bill. **Page S10037**

A unanimous-consent agreement was reached providing for further consideration of the motion to concur in the amendment of the House of Representatives to the amendment of the Senate to the bill at approximately 10 a.m., on Tuesday, September 30, 2008. **Page S10114**

Nominations Received: Senate received the following nominations:

G. David Banks, of Missouri, to be an Assistant Administrator of the Environmental Protection Agency.

David Kelly, of New York, to be Administrator of the National Highway Traffic Safety Administration.

2 Air Force nominations in the rank of general. **Page S10114**

Messages from the House: **Page S10064**

Enrolled Bills Presented: **Pages S10064–66**

Executive Communications: **Page S10066**

Petitions and Memorials: **Pages S10066–69**

Additional Cosponsors: **Page S10069**

Statements on Introduced Bills/Resolutions: **Pages S10069–78**

Additional Statements: **Pages S10059–64**

Amendments Submitted: **Pages S10078–81**

Notices of Intent: **Pages S10081–82**

Privileges of the Floor: **Page S10082**

Text of H.R. 6049 as Previously Passed: **Pages S10082–S10114**

Record Votes: One record vote was taken today. (Total—209) **Page S10037**

Recess: Senate convened at 11 a.m. and recessed at 5:06 p.m., until 10 a.m. on Tuesday, September 30, 2008. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S10114.)

Committee Meetings

(Committees not listed did not meet)

No committee meetings were held.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 24 public bills, H.R. 7216–7239; and 5 resolutions, H. Con. Res. 440–441 ; and H. Res. 1520–1522 were introduced. **Pages H10641–42**

Additional Cosponsors: **Pages H10642–43**

Report Filed: A report was filed today as follows:

H.R. 2701, to strengthen our Nation's energy security and mitigate the effects of climate change by promoting energy efficient transportation and public buildings, creating incentives for the use of alternative fuel vehicles and renewable energy, and ensuring sound water resource and natural disaster preparedness planning, with an amendment (H. Rept. 110–904). **Page H10641**

Speaker: Read a letter from the Speaker wherein she appointed Representative McNulty to act as Speaker Pro Tempore for today. **Page H10333**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Saturday, September 27th:

Mercury Export Ban Act of 2008: S. 906, to prohibit the sale, distribution, transfer, and export of elemental mercury, by a ⅔ yea-and-nay vote of 393 yeas to 5 nays with 6 voting ''present'', Roll No. 669—clearing the measure for the President and **Pages H10333–34**

Small Business Financing Improvements Act of 2008: H.R. 7175, to amend the Small Business Act to improve the section 7(a) lending program, by a ⅔ yea-and-nay vote of 374 yeas to 6 nays, Roll No. 675—clearing the measure for the President. **Pages H10411–12**

Adjournment Resolution: The House agreed to H. Con. Res. 440, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate, by a yea-and-nay vote of 213 yeas to 211 nays, Roll No. 672. **Pages H10335–36**

Motion to Adjourn: Rejected the Gohmert motion to adjourn by a yea-and-nay vote of 8 yeas to 394 nays, Roll No. 673. **Pages H10336–37**

Emergency Economic Stabilization Act of 2008: The House failed to agree to the Senate amendment to the House amendment to the Senate amendment with an amendment made in order by the rule and printed in H. Rept. 110–903, to H.R. 3997, to amend the Internal Revenue Code of 1986 to provide earnings assistance and tax relief to members of the uniformed services, volunteer firefighters, and Peace Corps volunteers, by a recorded vote of 205 ayes to 228 noes, Roll No. 674. **Pages H10334–35, H10337–H10411**

H. Res. 1517, the rule providing for consideration of the Senate amendment, was agreed to by a recorded vote of 220 ayes to 198 noes, Roll No. 671, after agreeing to order the previous question by a yea-and-nay vote of 217 yeas to 196 nays, Roll No. 670. **Pages H10334–35**

Committee on Transportation and Infrastructure—Communication: Read a letter from Chairman Oberstar wherein he transmitted copies of 28 resolutions for the U.S. Army Corps of Engineers adopted by the Committee on Transportation and Infrastructure on September 24, 2008. **Pages H10412–14**

Committee on Transportation and Infrastructure—Communication: Read a letter from Chairman Oberstar wherein he transmitted copies of 35 resolutions to authorize appropriations for the General Services Administrations's FY 2009 Capital Investment and Leasing Program adopted by the Committee on Transportation and Infrastructure on September 24, 2008. **Pages H10414–H10609**

John W. Warner Rapids Designation Act: The House agreed to discharge from committee and pass S. 3550, to designate a portion of the Rappahannock River in the Commonwealth of Virginia as the ''John W. Warner Rapids''—clearing the measure for the President. **Page H10609**

White Mountain Apache Tribe Rural Water System Loan Authorization Act: The House agreed to discharge from committee and pass S. 3128, to direct the Secretary of the Interior to provide a loan to the White Mountain Apache Tribe for use in planning, engineering, and designing a certain water system project—clearing the measure for the President. **Page H10609**

Pechanga Band of Luiseno Mission Indians Land Transfer Act of 2008: The House agreed by unanimous consent to agree to the Senate amendments to H.R. 2963, to transfer certain land in Riverside County, California, and San Diego County, California, from the Bureau of Land Management to the United States to be held in trust for the Pechanga Band of Luiseno Mission Indians—clearing the measure for the President. **Pages H10609–10**

Albuquerque Indian School Act: The House agreed to discharge from committee and pass S.

1193, as amended, to direct the Secretary of the Interior to take into trust 2 parcels of Federal land for the benefit of certain Indian Pueblos in the State of New Mexico. **Pages H10610–12**

Agreed to amend the title so as to read: "To direct the Secretary of the Interior to take into trust 2 parcels of Federal land for the benefit of certain Indian Pueblos in the State of New Mexico, and for other purposes.". **Page H10612**

National Sea Grant College Program Amendments Act of 2008: The House agreed by unanimous consent to agree to the Senate amendment to H.R. 5618, to reauthorize and amend the National Sea Grant College Program Act—clearing the measure for the President. **Pages H10612–13**

Hydrographic Services Improvement Act Amendments of 2008: The House agreed by unanimous consent to pass S. 1582, to reauthorize and amend the Hydrographic Services Improvement Act—clearing the measure for the President. **Pages H10613–15**

Authorizing the Secretary of Commerce to sell or exchange certain National Oceanic and Atmospheric Administration property located in Norfolk, Virginia: The House agreed by unanimous consent to agree to the Senate amendment to H.R. 5350, to authorize the Secretary of Commerce to sell or exchange certain National Oceanic and Atmospheric Administration property located in Norfolk, Virginia—clearing the measure for the President. **Page H10615**

Recognizing the 50th anniversary of the first vertical ascent of the face of El Capitan in Yosemite National Park and honoring the historic climbing feat of the original climbing team: The House agreed to discharge from committee and agree to H. Res. 1474, to recognize the 50th anniversary of the first vertical ascent of the face of El Capitan in Yosemite National Park and to honor the historic climbing feat of the original climbing team. **Page H10615**

Amending Public Law 100–573 to extend the authorization of the Delaware Water Gap National Recreation Area Citizen Advisory Commission: The House agreed to discharge from committee and pass, as amended, H.R. 7017, to amend Public Law 100–573 to extend the authorization of the Delaware Water Gap National Recreation Area Citizen Advisory Commission. **Page H10615**

FEMA Accountability Act of 2008: The House agreed to discharge from committee and pass S. 2382, as amended, to require the Administrator of the Federal Emergency Management Agency to quickly and fairly address the abundance of surplus manufactured housing units stored by the Federal Government around the country at taxpayer expense. **Pages H10615–18**

Honoring the heritage of the Coast Guard: The House agreed by unanimous consent to agree to H. Res. 1382, to honor the heritage of the Coast Guard. **Page H10618**

Broadband Data Improvement Act: The House agreed to discharge from committee and pass S. 1492, as amended, to improve the quality of federal and state data regarding the availability and quality of broadband services and to promote the deployment of affordable broadband services to all parts of the Nation. **Pages H10618–21**

Methamphetamine Production Prevention Act of 2008: The House agreed to discharge from committee and pass S. 1276, to facilitate the creation of methamphetamine precursor electronic logbook systems—clearing the measure for the President. **Pages H10621–22**

Amending the commodity provisions of the Food, Conservation, and Energy Act of 2008: The House agreed by unanimous consent to agree to the Senate amendment to H.R. 6849, 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, countercyclical payments, or average crop revenue election payments when the sum of the base acres of a farm is 10 acres or less—clearing the measure for the President. **Pages H10623–25**

Personnel Reimbursement for Intelligence Cooperation and Enhancement of Homeland Security Act of 2008: The House agreed by unanimous consent to agree to the Senate amendment to H.R. 6098, to amend the Homeland Security Act of 2002 to improve the financial assistance provided to State, local, and tribal governments for information sharing activities—clearing the measure for the President. **Page H10625**

Amending section 3328 of title 5, United States Code, relating to Selective Service registration: The House agreed to discharge from committee and pass H.R. 7216, to amend section 3328 of title 5, United States Code, relating to Selective Service registration. **Pages H10625–26**

Federal Real Property Disposal Enhancement Act of 2008: The House agreed to discharge from committee and pass H.R. 7217, to amend title 40, United States Code, to enhance authorities with regard to real property that has yet to be reported excess. **Pages H10626–29**

Establishing the Stephanie Tubbs Jones Gift of Life Medal for organ donors and the family of organ donors: The House agreed to discharge from committee and pass H.R. 7198, to establish the Stephanie Tubbs Jones Gift of Life Medal for organ donors and the family of organ donors. **Page H10629**

Extending the Andean Trade Preference Act: The House agreed to discharge from committee and pass H.R. 7222, to extend the Andean Trade Preference Act. **Pages H10629–31**

Order of Procedure: The House agreed by unanimous consent that the motions to suspend the rules relating to the following measures be considered as adopted in the form considered by the House on Saturday, September 27th:

Commending the Tennessee Valley Authority on its 75th anniversary: H. Res. 1224, to commend the Tennessee Valley Authority on its 75th anniversary; **Page H10631**

Juanita Millender-McDonald Highway Designation Act: H.R. 4131, to designate a portion of California State Route 91 located in Los Angeles County, California, as the "Juanita Millender-McDonald Highway"; **Page H10631**

Medicare Identity Theft Prevention Act of 2008: H.R. 6600, amended, to amend title II of the Social Security Act to prohibit the inclusion of Social Security account numbers on Medicare cards; **Page H10631**

Providing that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances: H.R. 6669, to provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances; **Page H10631**

Air Carriage of International Mail Act: S. 3536, to amend section 5402 of title 39, United States Code and to modify the authority relating to United States Postal Service air transportation contracts—clearing the measure for the President; **Page H10631**

Drug Trafficking Vessel Interdiction Act of 2008: S. 3598, to amend titles 46 and 18, United States Code, with respect to the operation of submersible vessels and semi-submersible vessels without nationality—clearing the measure for the President; **Page H10631**

Extending the authority of the United States Supreme Court Police to protect court officials off the Supreme Court Grounds and change the title of the Administrative Assistant to the Chief Justice: S. 3296, to extend the authority of the United States Supreme Court Police to protect court officials off the Supreme Court Grounds and change the title of the Administrative Assistant to the Chief Justice—clearing the measure for the President; and **Page H10631**

Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008: S. 2304, to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants for the improved mental health treatment and services provided to offenders with mental illnesses—clearing the measure for the President. **Page H10631**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at noon on Thursday, October 2nd. **Page H10641**

Senate Messages: Messages received from the Senate today appear on page H10609.

Quorum Calls—Votes: Five yea-and-nay votes and two recorded votes developed during the proceedings of today and appear on pages H10333–34, H10334–35, H10335, H10336, H10336–37, H10410–11 and H10411. There were no quorum calls.

Adjournment: The House met at 8 a.m. and adjourned at 4:07 p.m.

Committee Meetings

No committee meetings were held.

COMMITTEE MEETINGS FOR TUESDAY, SEPTEMBER 30, 2008

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No committee meetings are scheduled.

Next Meeting of the SENATE

10 a.m., Tuesday, September 30

Senate Chamber

Program for Tuesday: Senate will continue consideration of the motion to concur in the amendment of the House of Representatives to the amendment of the Senate to H.R. 2095, Federal Railroad Safety Improvement Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

12 p.m., Thursday, October 2

House Chamber

Program for Thursday: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE

Congressional Record

The *Congressional Record* (USPS 087–390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶Public access to the *Congressional Record* is available online through *GPO Access*, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the *Congressional Record* is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through *GPO Access* at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at 202–512–1661. Questions or comments regarding this database or *GPO Access* can be directed to the *GPO Access* User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1–888–293–6498 (toll-free), 202–512–1530 (D.C. area); Fax: 202–512–1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶The *Congressional Record* paper and 24x microfiche edition will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $252.00 for six months, $503.00 per year, or purchased as follows: less than 200 pages, $10.50; between 200 and 400 pages, $21.00; greater than 400 pages, $31.50, payable in advance; microfiche edition, $146.00 per year, or purchased for $3.00 per issue payable in advance. The semimonthly *Congressional Record Index* may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954, or phone orders to 866–512–1800 (toll free), 202–512–1800 (D.C. area), or fax to 202–512–2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily *Congressional Record* is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the *Congressional Record*.

POSTMASTER: Send address changes to the Superintendent of Documents, *Congressional Record*, U.S. Government Printing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.